

PLANNING COMMITTEE

6 March 2012

RECOMMENDATIONS OF HEAD OF PLANNING
ON APPLICATIONS FOR DETERMINATION BY
THE PLANNING COMMITTEE

BACKGROUND PAPERS

Background papers used in the preparation of these reports are filed in the relevant application files, unless otherwise stated

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Item: 01
Reference: 12/00075/FUL
Applicant: Emmaus Community Leicestershire & Rutland
Location: Elm Lea Ashby Road Hinckley
Proposal: CHANGE OF USE FROM A HOTEL TO AN EMMAUS COMMUNITY
Target Date: 23 March 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as 5 or more objections from different addresses have been received.

Application Proposal

This application seeks change of use of the Elm Lea Hotel from a hotel to an Emmaus Community. Emmaus describes itself as a charity that offers homeless people a home, work and the chance to rebuild their lives in a supportive environment. No alterations or extensions are proposed as part of the application.

Planning permission is required because the proposed use of the building does not fall within any existing Use Class as defined by the Town and Country Planning (Use Classes) Order 1987, and, therefore, there is a change of use constituting development. Should permission for the change of use be granted and should the approved use subsequently cease and an alternative use be proposed then planning permission would be required. Additionally should the approved use materially change in any way, then planning permission would also be required.

The change of use would provide accommodation for 14 residents and 1 member of staff. The home would operate with a communal eating and living room with each resident having an en-suite room and the staff member occupying the current caretakers flat.

The Site and Surrounding Area

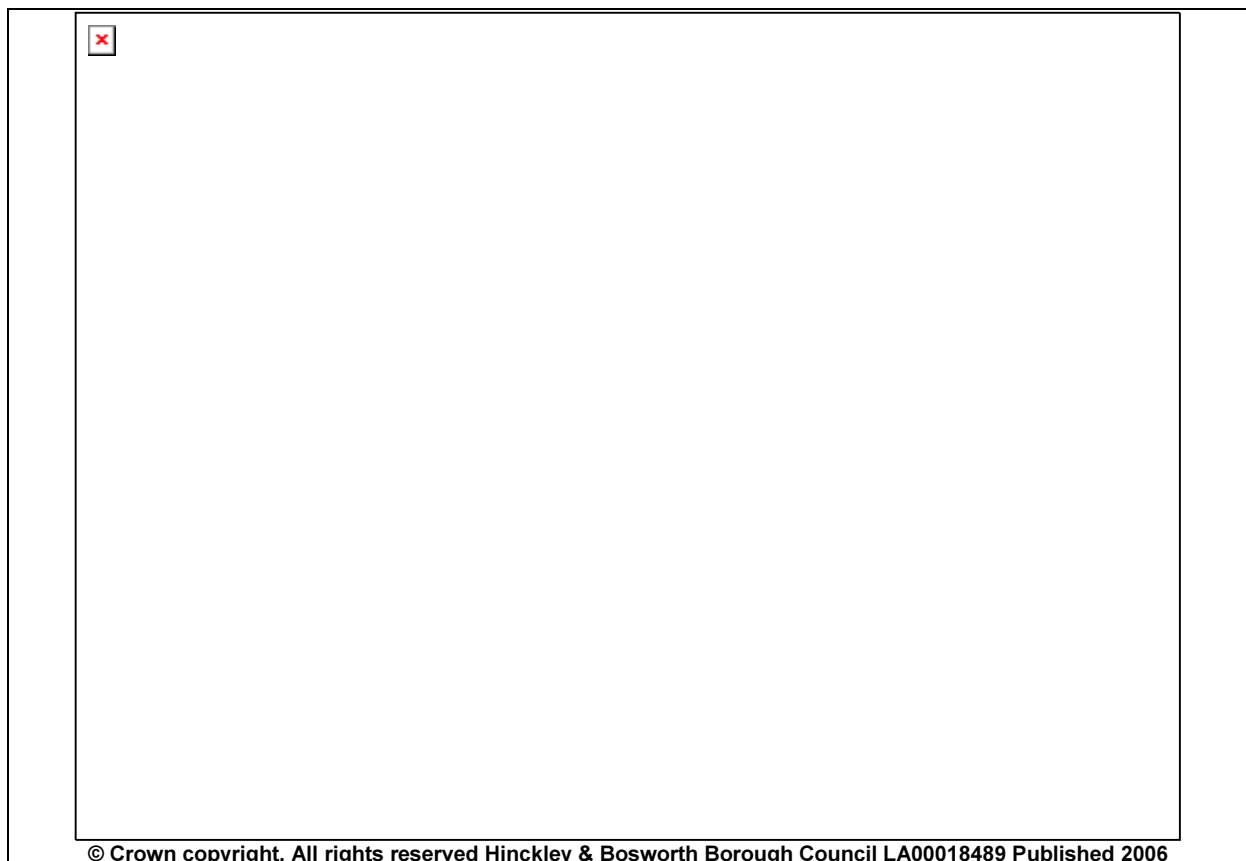
Elm Lea is located at the junction between the Ashby Road and Middlefield Lane. It is a three storey large detached traditional brick and tile building located in a prominent position on a road junction. The hotel sits within its own grounds that contain several trees subject to a Tree Preservation Order. Vehicular access is from Ashby Road and leads to a parking area of 13 spaces.

Technical Document submitted with application

Planning, parking and landscaping statements have been submitted in support of the application.

Relevant Planning History:-

10/00834/EXT	Extension of time for extant planning permission APP/K2420/A/07/2056151 Demolition of existing hotel and 2 no flats and erection of 24 no residential apartments including vehicular access and car parking.	Approved	30.03.11
07/00620/FUL	Proposed demolition of existing hotel and 2 no flats and erection of 24 no residential apartments including vehicular access and parking	Allowed at appeal	05.09.07
06/00668/FUL	Demolition of existing hotel and 2 no flats and erection of 31 apartments including parking and access	Refused	08.03.07
00/00568/FUL	Change of use to guest house including single storey extension and creation of one residential unit for staff occupancy	Approved	08.11.00



Consultations:-

No objection has been received from Director of Environment and Transport (Highways).

David Tredinnick writing as the local MP objects to the proposal due to the following reasons:-

- a) Elm Lea is a property of some character near the heart of Hinckley and was sold in controversial circumstances by the Borough Council in the 1990's
- b) residents have concerns about quality of life issues and fear this proposal is likely to lead to a significant loss of well-established community amenity for local people
- c) residents have expressed significant misgivings in respect of community safety and antisocial behaviour especially given the number of children and young people walking to and from school
- d) the Borough Council will be aware of its obligations with regard to public safety under the Local Government Act (2000)
- e) residents believe property value to be a legitimate concern and no doubt one which the councillors who will make this decision should reflect upon
- f) none of the residents who have contacted me are against the aims of the organisation however many residents simply believe Elm Lea is a wholly inappropriate location for a facility of this type.

Site notice was displayed and neighbours notified.

15 letters of objection and 1 petition with 18 signatures have been received raising the following concerns:-

- a) detrimental impact on quality of life due to the housing of ex-alcoholics and ex-offenders
- b) primarily a residential area; future residents will bring some problems issues with them which will have a huge impact on local residents
- c) Coventry Emmaus is set in acres of ground away from local residents and it is understood that community residents there have been banned from local pubs and clubs
- d) how is it known that residents will not revert to their old ways
- e) loss of property value
- f) will lower the tone of their community
- g) what about the safety of school children?
- h) will become a magnet for drug dealers
- i) beautiful building inside and out and it will become run down
- j) where will the commercial side to Emmaus be located?
- k) safety concerns
- l) hard to sell properties without this across the road
- m) should be located out of town
- n) loss of privacy and security
- o) there are lots of elderly people living alone in the area
- p) the proposal is in close proximity to the Limes, Dorothy Goodman School and Ashby Road Nursery
- q) Elm Lea has been left to the people of Hinckley and should be used for Hinckley people
- r) it was the choice of the individual to do whatever they did and put themselves in this situation
- s) too close to people living in the area
- t) increase in traffic.

Two letters of support have been received raising the following points:-

- a) sick of letters saying we must object to this proposal
- b) people should be given a chance
- c) no evidence that any addicts will be housed.
- d) should not judge people before they even get here.
- e) building and location is completely appropriate
- f) link between employment and accommodation is particularly valuable.

At the time of writing the report comments have not been received from The Borough Council's Arboricultural Consultant.

Policy:-

National Policy Guidance

Planning Policy Statement 1: Delivering Sustainable Development, Paragraph 5 seeks to ensure that the development seeks to support existing communities and contributes to the creation of safe and sustainable mixed communities. Paragraph 14 promotes community cohesion and meeting the diverse needs of all people in existing and future communities. On of the aims within paragraph 16 seeks to reduce social inequalities.

Planning Policy Statement 3: Housing, aims to ensure that everyone has the opportunity of living in a decent home.

The National Planning Policy Framework (Draft)

The draft National Planning Policy Framework was published for consultation on 25 July 2011. The Government's intention is to reduce the current 1,000 pages of national planning policy [some of which are referred to above] into a 'clearer, simpler, more coherent framework, easier to understand and easier to put into practice'. The Inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report. The current national policies therefore continue to apply with significant weight. Officers will continue to advise on the progress of this consultation and update members on that progress.

Regional Policy Guidance

The Localism Act received the Royal Assent on 15 November 2011 and part 6 is the key section referring to regional strategies. In so far as Hinckley and Bosworth Borough Council is concerned, it should be noted that the Secretary of State has power by Order to revoke existing regional strategies, in Hinckley's case, the East Midlands Regional Plan 2009. That power is effective from the date of Royal Assent, but the specific proposals and timing of a revocation order are not yet known.

Until that revocation the East Midlands Regional Plan remains a material planning consideration but the weight to be given to its provisions is as always a matter for the committee. However, the coming into force of the Act, the power given to the Secretary of State to revoke the Plan, and the Government's 'Environmental report on the revocation of the East Midlands Regional Plan' published in October 2011 obviously have an impact on the weight to be given to the Plan.

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

These are the following:-

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

East Midlands Regional Plan 2009

None relevant.

Local Development Framework Core Strategy 2009

Whilst there are no relevant policies Spatial Objective 4 and 5 seek social inclusion and housing for everyone respectively.

Hinckley and Bosworth Local Plan 2001

Policy BE1 - Design and Siting of Development, protects the amenities of neighbouring residents and has regard to safety and security of individuals and property.

Appraisal:-

The main considerations with regards to this application are the impact of the proposal on highway safety and amenities of neighbouring residents with regard to noise generated by any comings and goings.

Principle of development

The site is located within the settlement boundary of Hinckley where there is a presumption in favour of development. Therefore the principle of the change of use of the building is acceptable providing other relevant policies of the local plan are adhered to.

Highway Safety

There are no proposed changes to the access and parking arrangements. The proposed use would generate less vehicle movements than the existing hotel. The Director of Environment and Transport (Highways) has no comment on the proposal. The proposal would not affect highway safety and therefore complies with Policy T5 of the Hinckley and Bosworth Local Plan.

Amenities

The nature of comings and goings of the community is considered not to be dissimilar to a hotel with people checking out in the morning and arriving in the evening. Residents of the hotel had the opportunity to use the grounds in the evening or during the day. This is considered no different to the use now proposed.

An objection has been received on the basis of loss of privacy. There are no external changes proposed and it is understood that internal changes will be kept to a minimum; therefore the proposal would not result in an increase in overlooking from the site.

It is not considered that the proposal would result in any loss of amenity to nearby or adjoining residents and is considered to comply with Policy BE1 (i).

Neighbour Concerns

Concerns have been raised by local residents as to how the home will be run. Within the submitted planning statement details of how the community would operate.

- The residents are homeless individuals who want to help themselves to get back on track. To be accepted in to the Emmaus community all residents will have to demonstrate that they have been free of alcohol or drugs for a certain period. Once within the community the residents will have to abide by the rules they have signed up to. If the rules are broken, there will be consequences for the residents, including being asked to leave.
- Emmaus works by restoring self esteem and worth through work. All residents will have to do a full working week to the best of their ability. This could be around Elm Lea maintaining the grounds or within the social commercial enterprise that accompanies an Emmaus community. This usually involves re-selling and re-cycling second hand furniture, or other goods and generates an income to finance the running of the community. This enterprise would be located elsewhere within Hinckley.
- Residents can stay as long as they like, making the community different from a hostel.
- Emmaus hopes to provide the structured support some individuals need to enable them to get off the streets permanently.

Concerns have been raised regarding future occupants being ex-convicts, paedophiles and recovering drug and alcohol addicts and the fear of crime and anti social behaviour that has been associated with the background of these people. It should be noted that not all homeless people are drug or alcohol dependant or are ex-convicts. The background of future occupiers in any development is not a material planning consideration. Whilst crime can be a material planning consideration it has been held in the courts that fear of crime where there is no evidence to support the perceived outcomes can not be given weight when determining a planning application. Indeed where an authority has refused an application on these issues they have lost appeals and an award of costs has been made against them.

Other representations have stated that this use should not be located within a residential area. The application, however, has to be judged on its merits in this location.

The issue of property values raised by local residents is not a material planning consideration.

Letters from residents have commented that the Coventry Emmaus community is located within extensive grounds away from nearby residential dwellings. Whilst Coventry Emmaus is set back from the road it is still located within a residential area and adjacent to the Parish Hall. The number of noise and anti-social complaints, associated with this Emmaus community that have been recorded by Coventry City Council has been requested. This will be reported as a late item.

Conclusion

It is considered that the proposal would not result in a highway safety issue, or have a detrimental impact on the amenities of neighbouring residents in terms of noise and disturbance and overlooking. Whilst objections have been received these centre around the type of person to be housed and the effect this would have on property value. These are non-material planning considerations that can not influence the determination of this application.

Recommendation: Permit subject to no significant material objections being received prior to the expiry of the consultation period on 2 March 2012 and to the following conditions:

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of no detrimental affect on highway safety, and minimal impact of the use on the amenities of neighbouring residents the proposal is considered to comply with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

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

- 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: Elm Lea, Site Location Plan, Elm Lea Block plan, drawing number 2305-06 rev. c, and planning statement, received 27 January 2012.

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.

Notes to Applicant:-

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

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

Contact Officer:- Sarah Fryer Ext 5682

Item: 02

Reference: 11/00815/FUL

Applicant: Mr John Price

Location: Pinehollow Barn Stoke Lane Higham On The Hill

Proposal: USE OF LAND AS A RESIDENTIAL CARAVAN SITE FOR FOUR GYPSY FAMILIES WITH 8 CARAVANS INCLUDING LAYING AND ADDITIONAL HARD STANDING

Target Date: 21 December 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as objections have been received from more than 5 addresses.

Application Proposal

This application is for the change of use of land to a residential caravan site for four Gypsy families with 4 pitches and 8 caravans. For clarity, the site will also store a touring caravan, however this does not form part of the accommodation applied for. Seven of the caravans will be sited adjacent to the north western boundary of the site. The remaining caravan will be sited immediately north of the access, adjacent to the eastern boundary. Two parking spaces are proposed for each pitch.

For the avoidance of doubt the existing outbuilding does not form part of this application.

The majority of the site is finished in a light coloured stone gravel, however to accommodate the caravans to be sited along the north western boundary, an existing area of vegetation will be removed and additional hardsurfacing will be added.

This application comprises a re-submission of a previously withdrawn application. This application sought to vary condition 12 of planning permission 08/00891/FUL. This application was for the change of use of land to the keeping of horses and a residential caravan site for one Gypsy family with two caravans and formation of an access. This condition restricted occupation of the site as outlined above.

Application 08/00891/FUL was approved by Planning Committee on the 21 October 2008.

The Site and Surrounding Area

The application site comprises a narrow strip of land along the western side of Stoke Lane, Higham on the Hill. The site has an area of approximately 2,576 square metres. A close boarded timber fence encloses the site. There is landscaping to the front of this along the

front boundary. Towards the southern end of the front boundary is the site access, which has been enclosed by wrought iron gates. This has been constructed in accordance with the conditions on application 08/00891/FUL. Along the front boundary is a close boarded timber fence, with landscaping to the front. The majority of the site has been laid with stone. There is a small vegetated area in the southern corner of the site and an unmaintained strip of vegetation parallel to the north western boundary. At the northern end of the site is the existing mobile home with adjacent lawn area. Opposite the mobile home is the existing amenity building and to the south of the mobile home is the vehicular turning head, as required by the previous application. The land slopes to the south east.

To the north, south and west, the site bounds agricultural land. Public footpath T47 crosses the land to the west of the site in a south westerly direction. The village of Higham is further south west of the site.

The site extends parallel to Stoke Lane to the north east. On the opposite side of the road is Vale Farm and its outbuildings which provide bed and breakfast facilities. Further north of this is a residential barn conversion, Elm Barn.

Technical Document submitted with application

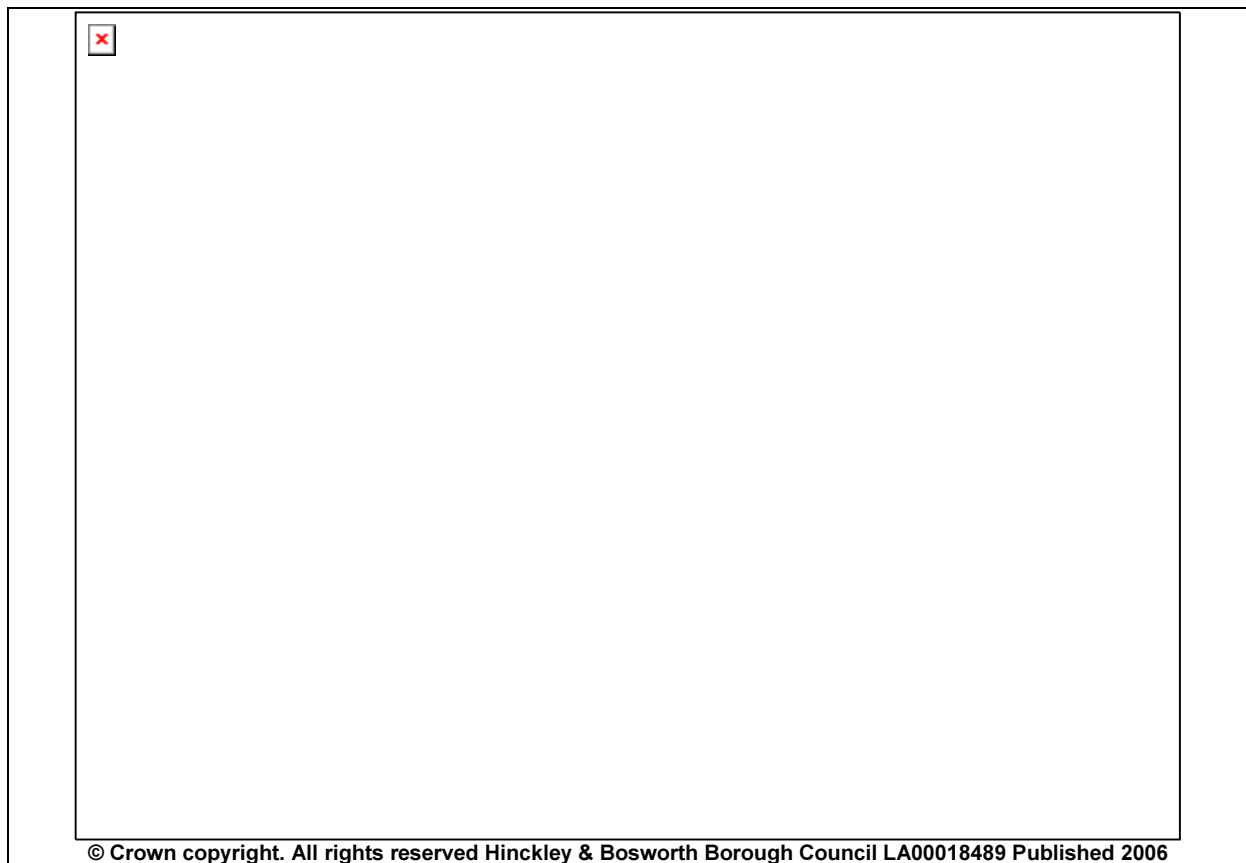
The application has been accompanied by a planning statement. This makes reference to the fact that the site already has planning permission as a residential caravan site for one Gypsy family with two caravans and that essentially, the use of the land as a residential caravan site would remain the lawful use of the land, and this application only seeks to increase the intensity of that use. The site will accommodate 3 additional households related to the applicant. The application is justified in line with local planning policy 18. It states that the Council has already accepted that the site is within a reasonable distance from local services and facilities, has met highway requirements and provides sufficient screening. It goes on to state that the site does not have an unacceptably harmful impact on the character or appearance of the surrounding area. The statement goes on to identify that there is an unmet need to provide an additional 28 residential pitches in the borough. The final paragraph states that amenity facilities for the residents of the site are to be provided in the existing barn and that this building would not require a change of use, nor would comprise a material change to the external appearance of the building, and thus the changes proposed can be undertaken without planning approval.

Following further requests from the Local Planning Authority an Ecology Survey has been conducted, and additional personal information on the proposed occupants of the site has been provided.

Relevant Planning History:-

11/00475/CONDIT	Variation of condition No. 12 of Planning Permission 08/00891/FUL to allow Occupation of the site with 8 caravans of which no more than 4 would be Static Caravans	Withdrawn	09.08.11
08/00891/FUL	Change of use of land to the keeping of horses and a residential caravan site for one gypsy family with two caravans	Approved	23.10.08

08/00117/COU	Change of use of land to the keeping of horses and a residential caravan site for one gypsy family with two caravans	Refused	12.03.08
06/00326/FUL	Change of use of land from agriculture to the keeping of horses, creation of a ménage and erection of stables	Approved	11.07.06
05/01029/FUL	Change of use of land from agriculture to the keeping of horses and erection of stables	Withdrawn	06.01.06



Consultations:-

No objection has been received from:-

- Director of Corporate Resources (Gypsy and Traveller multi-agency co-ordinator)
- Director of Environment and Transport (Rights of Way)
- Head of Community Services (Land Drainage)
- Head of Community Services (Pollution).

No objection subject to conditions have been received from Director of Environment and Transport (Highways).

The Council for the Protection of Rural England object to the application on the following grounds:-

- a) overdevelopment of the site
- b) further hard standing would urbanise the site
- c) no consideration given to the sites proximity to the Conservation Area
- d) little concern given to the rural area and will not enhance the area.

David Tredinnick MP has objected to the application on the following grounds:- over intensive use of the site, out of character in the rural setting, detrimental to nearby businesses, contrary to aims to boost tourism and the economy in rural areas, contrary to the interests of highway safety, impact of significant additional traffic at this site and as a result of the proposed expansion of the nearby MIRA site. Over reliance on car use, unsustainable location for additional dwellings, harmful impact on community cohesion.

Stoke Golding Parish Council has objected to the application on the grounds that the original condition attached to the 08/00891/FUL restricting the use of the site to one gypsy family should be retained. Further development of this site is not appropriate and would create an unacceptable precedent and open the way for even more development.

Site notice was displayed and neighbours notified.

14 letters of representation have been received, these raise the following issues:-

- a) intrusion into the countryside which does not enhance the area – harm to its character and appearance
- b) too many travellers in the Higham area
- c) over-intensive use of site
- d) non-compliance with conditions on historic applications relating to the site
- e) e) road safety concerns, in respect of the access, additional pressures on the highway network and turning facilities – mitigation solution, upgrade of footpath T47 is not an appropriate solution
- f) detrimental impact on local wildlife
- g) will encourage further applications for similar developments
- h) detrimental to nearby B&B and aims to boost tourism in area
- i) adverse impacts on nearby Conservation Area and is out of character in the area
- j) development of Green Belt land, Brownfield sites should be developed first
- k) insufficient space for associated vehicles to park
- l) once the site is established it may grow out of proportion
- m) the old cart hovel (barn) is of single brick construction and would not be habitable without major construction work, planning permission for this should not be considered without detailed plans
- n) impacts on horses and cyclists which use the local roads
- o) unfair process – policies more favourable for gypsies. Council housing policy prohibits non gypsies from building new homes in the countryside.
- p) discrepancies with the planning statement, namely that the applicants children do not attend the local schools and there are no horses on site
- q) preferential treatment towards Gypsy and Travellers
- r) light pollution from the existing caravans/mobile home
- s) inadequate landscaping
- t) statement that site allocation DPD, and all Gypsy and Traveller allocations have been withdrawn
- u) loss and damage to the trees and hedges
- v) discrepancies within the Ecology Survey
- w) site too small for scale of development proposed.

Two letters of objection have been received from Marrons who are instructed by three residents

The first letter raised the following issues:-

- a) the lawfulness of the existing stable block
- b) inadequacy of the submitted plans
- c) ecology issues and requirements of the EC Habitats Directive
- d) impact on the Conservation Area
- e) lack of lighting assessment
- f) lack of structural survey
- g) drainage issues
- h) tree and hedging issues
- i) regional and local planning policy issues
- j) sustainability
- k) Highway Safety
- l) assimilation into surrounding landscape
- m) Health and Safety of residents
- n) requirements of the DCLG Good Practice Guide
- o) need for Gypsy Pitches
- p) recent delivery of Gypsy Pitches
- q) queries over the history of the site.

The subsequent letter raised the following issues:-

- a) as per the re-scanned plan, the distance between the proposed caravans is less than the 6 metres required by the Good Practice Guide: Designing Gypsy Traveller Sites
- b) the submitted ecology survey fails to assess the potential impact of the proposed development on protected species
- c) a bat and barn owl survey is required for the existing brick outbuilding
- d) the survey for Great Crested Newts has been conducted at the wrong time of the year
- e) failure to survey all ponds within 150 metres of the site
- f) failure to detail suitability index.

At the time of writing the report comments have not been received from Ramblers Association.

Policy:-

National Policy Guidance

Planning Policy Statement 3: Housing (PPS3) sets out the Government's national planning policy framework for delivering its housing objectives. Paragraphs 12-19 of PPS3 stress the importance of good design in developing high quality new housing and identify the key issues which must be considered to achieve this. Paragraphs 20 to 24 identify the key characteristics of a mixed community and make it clear that this can only be secured by achieving a good mix of housing, including accommodation for Gypsies and Travellers.

Planning Policy Guidance Note 13: 'Transport' seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices.

Circular 01/2006 - Planning for Gypsy and Traveller Sites replaces Circular 01/94. Its main intentions are:-

To significantly increase the number of Gypsy and Traveller sites with planning permission in order to address under-provision:-

- a) recognise, protect and facilitate the traditional lifestyle of Gypsies and Travellers
- b) identify and make provision for the resultant land and accommodation requirements
- c) help or avoid Gypsies and Travellers becoming unintentionally homeless reflect the status of Gypsy and Traveller accommodation as a part of wider housing provision
- d) create and support sustainable, integrated communities where Gypsies and Travellers have equality of access to suitable accommodation, education, health and welfare provision, and where there is mutual respect between all communities for the rights and responsibilities of each community and individual
- e) promote more private Gypsy and Traveller site provision in appropriate locations through the planning system, while recognising that there will always be those who cannot provide their own sites
- f) underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively
- g) ensure that Development Plan Documents include fair, realistic and inclusive policies to ensure identified need is dealt with fairly and effectively
- h) reduce the number of un-authorised encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this circular.

Circular 01/2006 position

In two recent planning appeal decisions, namely APP/F4410/A/10/2142715 and APP/C3105A/11/2144721, consideration was given to the impact on the provisions of 01/2006 by the Secretary of State's publication of a consultation paper dealing with his intention to replace Circular 01/2006, and which contained a draft PPS. The inspector in one of the decisions above noted that whilst the consultation paper and the draft PPS3 indicated the intended direction of national policy, it could, nevertheless, be subject to amendment.

As a result, at this stage of the process, the inspector accorded only limited weight to the emerging PPS.

The emerging PPS, in light of the CALA case, is a material planning consideration, but the weight to be given to it is a matter for the committee as the decision-maker and the inspector's comments are also material in coming to a view on the weight to be given both to the existing circular and the emerging PPS.

The Housing Act requires Local Authorities to take account of the accommodation needs of Gypsies and Travellers and to create strategies for meeting those needs in the same way as they do for the settled community.

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. The Regulation does not replace Circular 05/2005 but gives it a statutory foothold in planning legislation.

Government Circular 05/2005: Sets out the Secretary of State's policy on Planning Obligations, and should be given significant weight in decision making and developer contributions.

The National Planning Policy Framework (Draft)

The draft National Planning Policy Framework was published for consultation on 25 July 2011. The Government's intention is to reduce the current 1,000 pages of national planning policy [some of which are referred to above] into a 'clearer, simpler, more coherent framework, easier to understand and easier to put into practice'. The Inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report. The current national policies therefore continue to apply with significant weight. Officers will continue to advise on the progress of this consultation and update members on that progress.

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

These are the following:-

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

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal: -

Policy 2 promotes better design including highway and parking design that improves community safety.

Policy 3 directs development towards urban areas with priority being given to making the best use of previously developed land.

Policy 16: Regional Priorities for Provision for Gypsies, Travellers and Travelling Showpeople suggests that Local Authorities should identify land for additional pitch provision based on

clearly evidenced assessments of need and that Local Development Frameworks should make provision for the minimum additional pitch requirements set out in Appendix 2, taking account of the need arising from future growth beyond 2012. Appendix 2 identifies that Hinckley and Bosworth Borough Council should provide a minimum of 26 pitches for Gypsies and Travellers plus 5 transit pitches and 2 plots for showpeople.

Local Development Framework Core Strategy 2009

Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Show People states that the council will allocate land for 42 residential pitches, and planning permission for sites will be granted where certain criteria are met including siting adjacent to the settlement boundary of any Key Rural Centre or Rural Village or the site is located within a reasonable distance of local services and has safe highway access.

Hinckley and Bosworth Local Plan 2001

Policy NE5: 'Development in the Countryside' states that the countryside will be protected for its own sake. Planning permission will be granted provided that the development is important to the local economy and cannot be provided within or adjacent to an existing settlement and where the proposal does not have an adverse effect on the character and appearance of the landscape; is in keeping with the scale and character of existing buildings and the general surroundings, is effectively screened by landscaping and will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy T5: 'Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design and parking targets for new developments. Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance and parking targets. The policy states development that involves the creation of a new access will be subject to the highway design standards.

Other Material Policy Guidance

Designing Gypsy and Traveller Sites: Good Practice Guide, produced by the Department for Communities and Local Government is primarily intended to cover social site provision and states that there is no single, appropriate design for sites, and that it is important to ensure that sites.

- a) are sustainable, safe and easy to manage and maintain
- b) are of a decent standard, equitable to that which would be expected for social housing in the settled community
- c) support harmonious relations between Gypsies and Travellers and the settled community.

The Guide states that it will not be possible to meet all aspects of this guidance in every respect on every site.

Local authorities and registered social landlords will need to take decisions on design on a case by case basis, taking into account local circumstances such as the size, geographical and other characteristics of the site or prospective site and the particular needs of the prospective residents and their families. In the case of small private site development there will be similarities but it should be recognised that those sites are designed to meet the individual and personal preferences of the owner and may contain elements which are not

appropriate or popular for wider application in respect of social provision. It would not therefore be appropriate to use the good practice guidance in isolation to decide whether a private application for site development should or should not be given planning permission.

The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006

2016 identifies the needs for gypsy and travellers within the Borough up until 2016.

The Black and Minority Ethnic Communities Housing in the East Midlands: A Strategy for the Region, recommendation 8 states that ' It is imperative that local authorities make immediate progress in site identification to meet the needs of Gypsies and Travellers rather than relying on the development of policies through the local development framework. 'Supplementary Planning Guidance: 'New Residential Development' provides a series of standards that new residential development should achieve in respect of design, layout, impact on neighbours and amenity space. It specifically states that the appropriate density of the development will be determined by the general character of the surrounding area.

Appraisal:-

Definition of Gypsy within Circular 01/2006

"Persons of Nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their families or dependants educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such".

To ensure that all proposed occupants of the site meet the above definition, additional personal information on the health and educational needs of the occupants has been requested. Due to the personal nature of this information, specific details will not be included within this report. The detail provided has been considered by the County Council Gypsy Liaison Officer who has confirmed that the proposed occupants do fall within the above definition.

Therefore the issues for consideration are whether the needs of the gypsy families and the development satisfies the criteria of adopted Core Strategy Policy 18, the principle of development, effect on the countryside, neighbour issues, highway safety and other issues.

Principle and Policy Considerations

The site proposed is situated within the open countryside. Accordingly a proposal for further development within this area would normally be contrary to policy NE5 of the adopted Local Plan and unacceptable in principle. However, as the application is to provide residential accommodation for persons who meet the definition of Gypsy and Travellers in Circular 01/2006, consideration must be given to the relevant provisions of 01/2006 and in particular paragraphs 47 and 48, and should also be given to the comments of the inspector in the 'Good Friday Site' appeal [refAPP/K2420/C/09/2105369] when he stated that 'Circular 01/2006 accepts that the location of gypsy sites in rural areas, not subject to special planning constraints, is acceptable 'in principle'. It is therefore necessary to assess the impact of the development on the character and appearance of the countryside against this context`.

The draft PPS, which is currently out to consultation, contains proposals relating to sites in rural areas and the countryside and whilst it proposes that, when assessing the suitability of sites in rural settings LPAs should ensure that the scale of such sites does not dominate the nearest settled community, it nevertheless appears to continue the acceptability 'in principle`

of gypsy suites in rural locations. The weight to be given to this has been discussed earlier in this report.

Gypsy and Traveller Need

The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2016 identified a need for 42 residential pitches for the period up until 2016 to be provided within the Borough. This figure has been adopted within the Core Strategy. Since the Accommodation Needs Assessment was adopted in April 2007, a total of four sites have received permanent planning permission within the Borough, two pitches at The Paddock, Higham on the Hill, one pitch at Stoke Lane, Higham on the Hill, three permanent pitches and eight transit caravans at Hydes Lane, Hinckley and one pitch at Heath Road, Bagworth (allowed on appeal). Accordingly, the approval of these pitches has reduced the Borough Council's requirements to 35 permanent pitches. Furthermore, 10 temporary pitches have been allowed on appeal at the Good Friday site at Barlestone.

The nearby Aston Firs Caravan Site, which is owned and managed by the County Council and provides accommodation for Gypsies and Travellers is currently full, with an extensive waiting list of 16 families. In addition, there are a number of families living on this site whom have grown up children who would like to start their own families with no where to move to.

Approval of the site under consideration for four families would go towards meeting the current shortfall in permanent sites.

Policy 18 of the Core Strategy seeks to permit sites for Gypsy and Travellers subject to compliance with a number of criteria;

Proximity to Settlement/Services (sustainability)

It is a requirement of policy 18 that sites are located either adjacent to existing settlements or within a 'reasonable' distance. Circular 01/2006 is also supportive of this, stating that the acceptability of sites should be based on a number of criteria including the sustainability of the site, which includes the integration between the site and the local community, access to health and GP services, children attending school on a regular basis, and the provision of a settled base that reduces the need for long distance travelling. It goes on to state that priority should be given to locations in or near existing settlements that have access to local services.

The application site is on Stoke Lane, which is situated approximately 400m from the Post Office in Higham on the Hill, 1.7 km from Stoke Golding and approximately 4 km from both the centre of Hinckley and Nuneaton. These distances are considered to be 'reasonable' and will provide accessibility to local services and facilities as required by the policy. This was accepted in the original approval of the site for accommodation for a gypsy and traveller family (08/00891/FUL).

Scale

Another consideration is the scale of the site, and that it is acceptable in relation to the level of provision of local services and infrastructure. The application proposes to accommodate a total of four Gypsy and Traveller families. It is considered that although the level of service provision in the village of Higham is limited, due to the sites proximity to the urban areas of Hinckley and Nuneaton, the scale of site proposed is appropriate to the scale of the settlement and local services. Accordingly, its scale is considered acceptable given its proposed location.

Highway Safety

Criteria 4 of Policy 18 of the Core Strategy requires gypsy and traveller sites to have a safe highway access as well as provision for parking and servicing.

The Director of Environment and Transport (Highways) has appraised the site. The appraisal identifies various highway safety concerns; the site is situated on the outskirts of Higham on the Hill, which benefits from few services, the local highway is unlit, lacks footways and scores low from a sustainability standpoint. However it continues that the application must be considered in light of Circular 01/06 which specifically relates to Gypsy and Traveller Development. This advises that applications which only give rise to a modest increase in traffic should not be refused. However, in April 2011 the DCLG published its Draft Circular 'Planning for Traveller Sites'. The intention of this document is to align Gypsy and Traveller planning policy more closely with that applied to other forms of housing. This is cited as currently Gypsy and Traveller sites are more likely to receive no objections in terms of highway safety due to the "modest traffic" clause in Circular 01/06.

For purposes of the current application, although the draft document can be given some limited weight, the decision for this application must be made in line with the current circular. On this basis, the Highway Authority considers that an increase from 2 to 8 caravans will have a material impact on the amount of traffic, including pedestrians using the access and Stoke Lane, and this increase can not be considered as "modest". This said, it must be considered whether any mitigation could overcome the highway safety and sustainability objections to the proposal. The principle concern from the Highways Authority is the increased use of the access and the lack of pedestrian facilities along Stoke Road. Ordinarily this could be overcome through the provision of a footway, however due to the limited width of this stretch of road and its junction with Hinckley Road, this would not be possible in this case.

Accordingly it has been suggested by The Director of Environment and Transport (Highways) that the Public Footpaths, T47 and T48 be upgraded. These footpaths abut the southern boundary of the site and run in a south-west direction to the centre of the village, where the church, primary school, post office and bus stops are located. However, to be a valid condition, the condition should amongst other things, fairly and reasonably relate to the development and serve some useful planning purpose. The highway concerns stem from the sustainability of the site and the nature of the highway outside the site. Upgrading the footpaths would not address these concerns as it would not facilitate further use of the footpath. As part of the 2008 permission a requirement was placed upon the applicant to pay for improvements to the bus stops. This work was undertaken and the site now benefits from access by public transport to the services within Higham-on-the-Hill and Hinckley. It is considered that the suggested condition is unreasonable, further discussion has since taken place with the Local Highway Authority who has confirmed that they could not sustain a reason for refusal if the condition was not imposed.

Residential Amenity

Policy 18 of the Core Strategy suggests that sites should not cause an unacceptable nuisance to existing neighbours by virtue of noise or other disturbance caused by vehicle movements. Currently the application site accommodates one family. As the proposal will result in a total of four families, there will be increased activity on site resulting in additional noise and more vehicle movements. The closest residential properties to the site are situated on the opposite side of the road, and are: - Vale Farm, which is approximately 10m from the front boundary of the site, 23m from the nearest proposed caravan and 53m from the site entrance, and Elm Barn which is 15m from the boundary of the site and 43m from the closest proposed caravan. Whilst it is accepted that there will be additional noise and disturbance; by

virtue of the separation distances and the road between the site and the properties in question, these impacts are and will not have a detrimental impact on the residential amenity of surrounding properties.

Safe and Healthy Environment of Residents

Policy 18 requires the proposal to be considered 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 refuse sites, industrial processes or other 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. There are no known hazardous places as highlighted. The site is not exposed and not situated on contaminated land. Nor is it within an area of flood risk. It is not considered that a separate vehicular and pedestrian access can be achieved but this is not considered necessary in this case. Emergency vehicles could access the site.

The guide stipulates that essential services (mains water, electricity, drainage and sanitation) should be available. Although the provision of the above services has not been specifically identified within the application, there is the capacity to provide these services within the site. Further, if approved, a condition will be imposed requiring the submission of foul drainage details.

Design and Layout

The guide goes on to say that sites of various sizes, layouts and pitch numbers operate successfully and work best when they take account of the size of the site and the needs and demographics of the families resident on them with the safety and protection of children in mind. The site has clear demarcation of its boundaries and has a gate to the access with Stoke Road. The permanent pitches proposed on this site are for extended family members and the guide makes reference to this as a positive approach and can be advantageous in making good use of small plots of land.

When assessing the proposal against the guide criteria, with reference to size and layout of sites, it suggests that consultation with the gypsy and traveller community should be undertaken. In this case this is a private site. The design of the site affords amenity space and some degree of privacy for the individual pitches whilst providing natural surveillance. The guidance suggests that smaller permanent pitches should have sufficient space for one large trailer, an amenity building, drying space and parking for at least one vehicle and goes on to say that amenity buildings for each pitch are essential. The 6 metre separation between each pitch is 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 deal with this issue. The licence is an appropriate mechanism to secure satisfactory internal arrangements. No amenity building has been applied for as part of this application. Despite the recommendations within the Good Practice Guide that such facilities should be provided, this is not considered essential, and the lack of such a building would not justify refusal of the scheme.

Character of the Countryside

As discussed above, the principle of this development within the countryside, by virtue of the specific needs of the end users is considered acceptable. Notwithstanding this, Policy NE5

states that where a development is considered acceptable in principle, that the following criteria should be met:-

- a) the development should not have an adverse effect on the appearance or character of the landscape
- b) it is in keeping with the scale and character of the existing buildings and the general surroundings
- c) where necessary, it is effectively screened by landscaping or other methods.

The site is enclosed by a close boarded fence, and whilst this offers some screening, as the site rises to the north, the proposed caravans will be visible from the south and east. The site is visually prominent within what is a predominately undeveloped rural landscape that is very much characterised by rolling fields with low hedgerows and few hedgerow trees.

The advice contained within Circular 01/2006 makes specific reference to the provision of sites within rural areas and suggests that landscape concerns and designations are not sufficient by themselves to refuse any application. Whilst this guidance is available, consideration of the requirements of the development plan must be weighted proportionally and any planning application must be determined on its own merits, and all relevant planning matters appropriately considered. In this case the impact the proposal will have on the character and appearance of the countryside is material in this determination for the reasons discussed above.

Policy 18 makes reference to the fact that Gypsy sites should be capable of sympathetic assimilation in to their surrounds and Policy NE5 states that where necessary, sites should be effectively screened by landscaping or other methods. As the caravans proposed will have a stark utilitarian urbanising impact on this rural landscape, additional landscaping along the eastern and south eastern boundary of the site is considered necessary. The intention of this will not be to completely screen the site, but to soften the appearance of the development within its rural landscape and this approach is consistent with the guidance within circular 01/2006. This will be requested by way of condition.

In addition, the need to protect the Countryside must be weighed against the need to provide additional Gypsies and Travellers Accommodation. As identified by the figures included above, there is clearly a need for additional pitches within the borough. In respect of the site in question, the County Council Gypsy Liaison Officer has confirmed who the end users of the site will be, has undertaken an assessment of their personal circumstances and confirmed that they have a specific need for the site under consideration. The end users constitute family members of the existing residents of the site, including the elderly, disabled parents of the applicant and young nieces and nephews. It is also confirmed that the children attend school and have achieved 'Good Attendance' awards. There is no evidence to dispute this.

On balance, it is considered that the need for the pitches provided by this site, in this rural location, is justified, and the development can, with mitigation, be assimilated within its setting and thus will not have a detrimental impact on the character of the countryside or in terms of visual amenity.

Conservation Area

The Conservation Area abuts the southern boundary of the site, with the nearest caravan being 34 metres from the boundary. The land which abuts the Conservation Area boundary comprises an area of grassed amenity land. The land within the Conservation Area, which abuts the site comprises an moan and maintained landscaping area in conjunction with 117 Main Street Higham. An extensive landscaped boundary runs along the Conservation Area

boundary. Accordingly the adjoining areas of land are considered compatible in terms of their land use and character, and a neutral position will be maintained. Accordingly the character of the Conservation Area is considered preserved.

Other Considerations

Objector Concerns

Issues which have not been addressed within the main body of the report will now be considered.

Concern has been raised that there is an over-concentration of travellers in the Higham Area. There is a requirement within Hinckley and Bosworth borough to provide 42 residential pitches for the period up until 2016 within the Borough. In the absence of available allocated sites, any application must be determined on its merits. For the reasons set out in this report this proposal is considered to satisfy the point within Policy 18 of the adopted Core Strategy.

Comments have been received in respect of conditions on previous applications not being complied with. Whilst this is not a consideration of this application, it has been confirmed by the Councils Planning Enforcement officer that there are no outstanding enforcement issues on the site.

It has been suggested that planning policies are more favourable towards Gypsies. In respect of this, gypsies and travellers have specific national and local policies which relate to their social group, based upon their unique cultural practices and way of life. Accordingly, applications for Gypsies and Traveller sites are considered against these specific policies. The decision could be considered unlawful if it was not fully assessed against these policies.

Concern has been raised that the application will have a detrimental impact on local wildlife. The Directorate of Chief Executive, LCC Ecology have raised no objections to the application and thus it is considered that there will be no material impacts on local wildlife.

Concerns have been raised that the site will have an adverse impact on the Green Belt. There is no Green Belt land within the Borough of Hinckley and Bosworth. Green Belt is a specific national and local designation with its own set of policies.

Concern has been raised that the proposal will be detrimental to the nearby B&B and aims to boost tourism in area. Impacts on neighbours have been considered in the main body of the report. There is no evidence to suggest that the development will have any adverse impact on tourism in the area.

It has been stated that Brownfield sites should be considered before greenfield sites. As this application proposes an extension to an existing site, the development is on already developed land.

Concerns have been raised that the site if approved will continue to grow. If approved it is recommended that a condition be placed on the application to restrict the number of pitches/caravans. Further, due to the size of the site and the number of pitches proposed, it would be difficult for the site to increase in size and comply with the relevant legislation.

There are concerns that there is insufficient space on the site for associated vehicles to park. The number of vehicles that each caravan can have has been restricted to one by way of condition.

There are concerns that the additional hard standing will urbanise the site. In response to this, the additional hard standing proposed is of a minimal scale and when viewed in relation to the existing extensive area of hard standing. Accordingly it is not considered that the additional area proposed will materially alter the character of the existing site to a detrimental level that would justify refusal of the scheme.

Concerns have been raised stating that the old cart hovel (barn) cannot be made habitable without major construction works and planning permission for this should not be considered without detailed plans. The building in question is to be used to provide ancillary accommodation, internal changes have already taken place as the building has been used in association with the already approved use of the site as a Gypsy and Traveller site for one family. To clarify, the application does not propose any external changes to the building and the plans submitted are for illustrative purposes only, to indicate the facilities it provides.

Issues raised within Marrons letter one (not previously addressed within the report):-

The lawfulness of the existing stable block has been queried. The building is mentioned within the Planning Statement as being an amenity building in association with the development, however inadequate details have been provided in respect of the proposed use of the building and the applicant has chosen to omit the proposed use of this building from the current application. Accordingly, it does not form part of the application and therefore points raised in respect of it will not be appraised or discussed within this report. Issues raised in respect of this building will be investigated.

It has been identified that the plans submitted are not to scale and consequently that the application is invalid and the scheme can not be properly considered. This issue has been investigated. The submitted plans are to scale, the scale was not however visible on the plans displayed on the Councils public access site. Accordingly the plan referred to has been re-scanned and the scale is now visible.

It has been stated that the application should have been accompanied by an ecology survey. As the stable building does not form part of the site, there is no requirement for an ecology survey to be conducted for this. A survey for Great Crested Newts has, however, now been submitted.

As mentioned previously within the report, the application site does not fall within the Conservation Area, and there will be no material impact as a result of the application on the character and appearance of the Conservation Area.

There is no requirement for a lighting assessment to be submitted with the application. This is based on the fact that the current application includes no lighting proposals.

No structural survey is required for the conversion of the stable building as it does not form part of the application.

It has been stated that no details have been submitted in respect of the location or the capacity of the package sewage treatment plant or for the location or capacity of the soakaway. This matter is subject to further investigation with consultees and will be reported as a late item.

It has been suggested that a tree survey would be required as there are trees on, and adjacent to the site. The Council are of the opinion that the vegetation on site to be removed is a hedgerow, rather than trees, and there is considered to be no justification to require a tree survey in respect of these works. There are trees on land surrounding the site; however the development proposed is not considered to have any material impacts on these.

The objection has made reference to the figures for Gypsy and Traveller sites included in the East Midlands Regional Plan, which inform figures within the Core Strategy. The Core Strategy is an adopted development plan document and there are no alternative figures in respect of Gypsy and Traveller pitches which are material planning considerations.

For clarification, the site is to be provided for extended family members of the applicant and will be a private site. A condition is to be imposed restricting occupancy of the site in accordance with the need justified within this application. The provision of any Gypsy site, whether restricted or not, contribute towards the Gypsy and Traveller figures adopted within the Core Strategy.

It has been stated that the site does not comply with various requirements outlined within the Good Practice Guide: Designing Gypsy Traveller Sites. This is a guidance document and does not constitute an adopted development plan document.

Issues raised within the Marrons letter two (not previously addressed within the report):-

Concerns have been raised that the distance between the proposed caravans is not in accordance with the Good Practice Guide: Designing Gypsy Traveller Sites. This is discussed above. Notwithstanding this however, the distance between the groups of caravans (pitches) is either 6 metres or over. Accordingly the site will be developed in accordance with the guidance contained within the Good Practice Guide.

It has been suggested that the submitted Ecology Survey fails to assess the potential impact of the proposed development on protected species. In respect of this, the sites suitability as a habitat for Great Crested Newts was assessed as was the nearest pond, 50 metres from the site. The Directorate of Chief Executive, LCC Ecology has confirmed that the survey method is appropriate, its timing is acceptable and has stated that there will be no adverse impacts on any protected species. This said, the applicant's attention will be drawn to the recommendations in the mitigation/recommendations section of the report regarding nesting birds.

It has been stated that a bat and barn owl survey is required for the existing brick outbuilding. The building referred to does not form part of the current application and therefore no survey for the above is required.

Conclusion

On balance based on the identified need for the site, which has been confirmed by the County Councils Gypsy Liaison Officer and the requirement to provide Gypsy & Traveller Sites as identified within Policy 18 of the Core Strategy and Circular 01/2006, the 'need' for the site in question is considered to be justified. The condition suggested by the Local Highway Authority, which requires upgrading of the adjacent footpaths, for the reasons outlined above is not considered reasonable, and it has been confirmed that this condition is not considered essential to make the development acceptable. Accordingly there are no highway grounds to justify refusal of the application. Finally, the scheme is not considered to have any adverse impacts in terms of residential amenity and there are considered to be no material impacts on the character of the countryside. Therefore the proposal is compliant with both national and local policy and the change of use of the site to provide Gypsy /Traveller accommodation is considered acceptable.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, 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 and Circular 01/2006. Based on the confirmed, specific need for the site, and the requirement to provide Gypsy & Traveller Sites as identified within Policy 18 of the Core Strategy and Circular 1/2006, the 'need' for the site in question is considered to be justified and thus overrides the need to protect the countryside from further development. Therefore in principal, the development is considered acceptable. Further, the proposal will not have a detrimental impact upon residential amenity 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. The proposal goes some way to meet an established need for transit and permanent provision within the Borough and is in line with the aims of Circular 01/2006.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policy 18.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 No additional caravans and/or mobile homes, as defined by the Caravan Sites and Control of development Act 1960 and the Caravan Sites Act 1968, other than those approved by this permission, whether for storage or human habitation shall be placed onto the land whether for temporary or permanent purpose without the prior written approval of the Local Planning Authority.
- 3 There shall be no trade or business use carried out on the caravan site hereby permitted, in particular no trading in breaking of or similar operation to scrap metal, timber, motor vehicles or other waste materials.
- 4 The occupation of the site hereby permitted shall be carried on only by Mr John Price, his parents, his sibling and their resident dependants. When the land ceases to be occupied by those named above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.
- 5 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site location plan (drawing number P092005.2.) and Site Layout received 26 October 2011.
- 6 No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.
- 7 No development shall take place until details of soft landscape works along the eastern and south eastern boundary of the site 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) car parking layouts
 - b) planting plans

- c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- d) implementation programme.

- 8 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 9 Before any development commences, a representative sample of the hardsurfacing to be used 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.

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 highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 3 To protect the character and appearance of the countryside to accord with policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 4 It is only because of the personal justification supplied in respect of the needs of the proposed occupants of the site, who fall within the definition of gypsies and travellers and the guidance contained in circular 01/2006, that the planning permission has been granted for this use.
- 5 For the avoidance of doubt and in the interests of proper planning.
- 6 To prevent unnecessary vehicle storage, to the detriment of visual amenity and the character and appearance of the countryside and the intentions of Policy NE5 of the Adopted Hinckley and Bosworth Local Plan.
- 7 In the interests of visual amenity and the character of the area, in accordance with Policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 9 In the interests of visual amenity in accordance with policy BE1 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).

Contact Officer:- Eleanor Shaw Ext 5680

Item: 03

Reference: 12/00008/LBC

Applicant: Mr Shaun Curtis

Location: Atkins Building Lower Bond Street Hinckley

Proposal: FORMATION OF A MEETING ROOM AND PARTITIONING TWO OPEN PLAN OFFICES

Target Date: 5 March 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application has been submitted by the Council for its own development.

Application Proposal

Listed Building Consent is sought for internal alterations to building 1B and building 2 on the top floor of the Atkins Building. These are currently open plan areas.

In building 1B, a small portion of the existing open plan area is to be subdivided to create two new meeting rooms. This will be done via the erection of a glazed screen, the width of the area (approximately 10 metres). This is to then be sub-divided, through the addition of a timber partition. Both of the newly created meeting rooms are to feature no ceilings.

The kitchen area separating Building 1B from Building 2 is to be partitioned off so that it becomes part of Building 1B's demise. A ceiling is to be added up to beam height to enclose this space.

Within building 2, 10 x new offices are to be created either side of a central corridor.

For the avoidance of doubt there are no external works proposed to the exterior of the building.

Following concerns raised by officers, sectional details for the screens have been requested.

The Site and Surrounding Area

Atkins Brothers (Hosiery) Factory also known as the Goddard Building is a Grade II Listed Building. The site previously consisted of a range of buildings used in the hosiery industry. The Goddard building is considered an outstandingly large factory for Hinckley and of pivotal importance in Hinckley's hosiery business and townscape. Their obvious industrial appearance is a reminder of the town's industrial past, this appearance has been preserved and enhanced through the recent works to utilise the building as a creative industry centre. The site is bounded by three roads: Lower Bond Street, Baines Lane and Druid Street, a public footpath links Lower Bond Street to Druid Street. Its principal frontage is to Lower Bond Street. A mix of uses surround the site, of particular note adjacent the site to the south east is the Unitarian Great Meeting Chapel, Grade II* listed; the Hollybush Public House to the north east, Grade II; the Museum, Grade II; and the Leicestershire County Council Social Services building to the north. The frame knitters cottages have been recognised as a nationally important building by English Heritage and have been listed Grade II.

The site is located within the settlement boundary of Hinckley and located within Hinckley Town Centre Conservation Area, and is also located within an employment site, as defined by Hinckley and Bosworth's Local Plan (2001).

Technical Document submitted with application

Heritage Statement.

Relevant Planning History:-

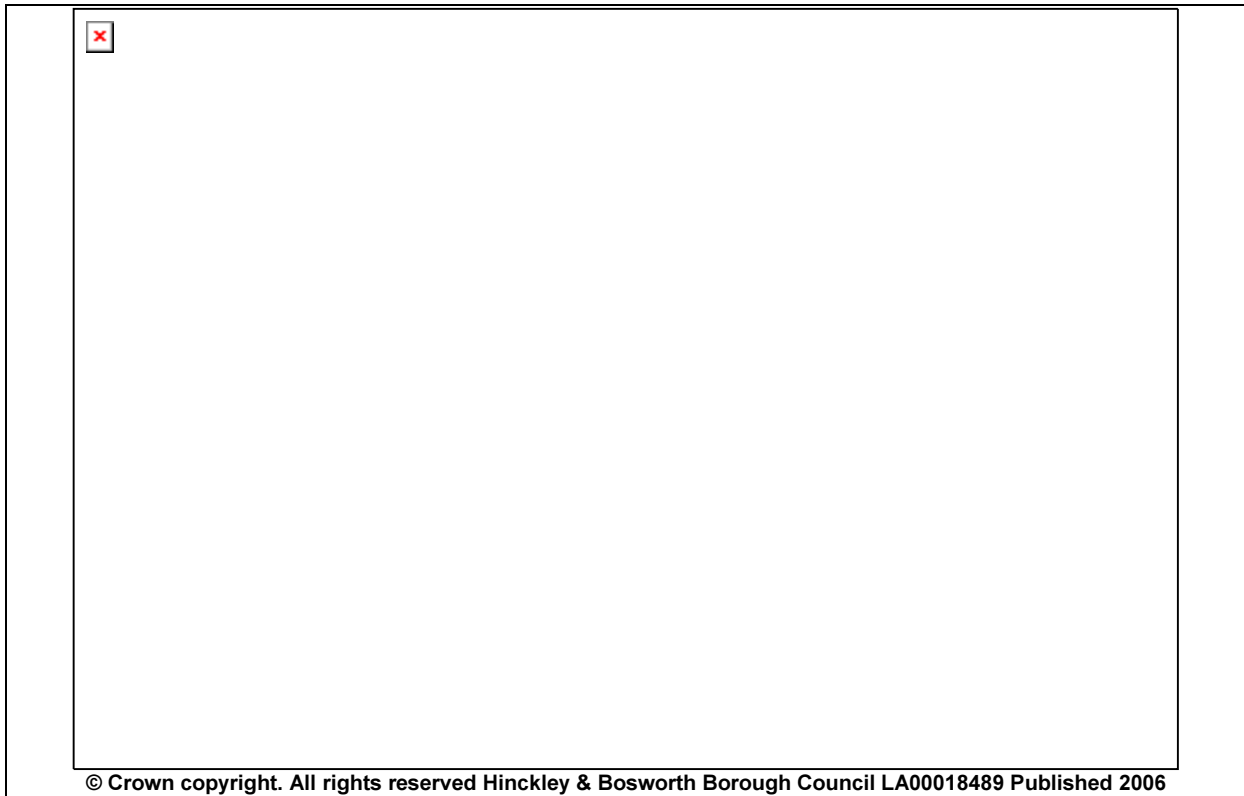
Listed Building Consent (ref: 07/01218/LBC) was granted by the Government Office for the East Midlands on 25 January 2008 for the demolition of the vacant post 1920's buildings. Those buildings have since been demolished. Subsequent permission has been granted (ref: 09/00141/DEEM) for the re-development of a new college building and the change of use and conversion (ref: 09/00142/LBC) of the existing Grade II Listed Goddard Building to facilitate use as a creative industries centre.

11/00216/LBC

Alterations to Listed Building

Approved

02.09.11



Consultations:-

At the time of writing the report, no comments have been received from:-

English Heritage
Historic Buildings Panel
Ancient Monuments Society
The Society for the Protection of Ancient Buildings
Georgian Group
The Victorian Society
Council for British Archaeology.
Neighbours.

Policy:-

National Policy Guidance

Planning Policy Statement 5 (PPS5) - Planning for the Historic Environment (2010) indicates that local planning authorities should consider the impact of any proposal on any heritage asset and that there should be a presumption in favour of the conservation of designated heritage assets. Heritage assets include Listed Buildings and Conservation Areas, including their setting.

Section 72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 provides that where an area is designated as a conservation area "...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" in the exercise of any of the provisions of the Planning Acts.

The National Planning Policy Framework (Draft)

The National Planning Policy Framework (Draft) was published for consultation on 25 July 2011. The Government's intention is to reduce the current 1,000 pages of national planning policy [some of which are referred to above] into a 'clearer, simpler, more coherent framework, easier to understand and easier to put into practice'. The Inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report. The current national policies therefore continue to apply with significant weight. Officers will continue to advise on the progress of this consultation and update members on that progress.

Regional Policy Guidance

The Localism Act received the Royal Assent on 15 November 2011 and part 6 is the key section referring to regional strategies. In so far as Hinckley and Bosworth Borough Council is concerned, it should be noted that the Secretary of State has power by Order to revoke existing regional strategies, in Hinckley's case, the East Midlands Regional Plan 2009. That power is effective from the date of Royal Assent, but the specific proposals and timing of a revocation order are not yet known.

Until that revocation the East Midlands Regional Plan remains a material planning consideration but the weight to be given to its provisions is as always a matter for the committee. However, the coming into force of the Act, the power given to the Secretary of State to revoke the Plan, and the Government's 'Environmental report on the revocation of the East Midlands Regional Plan' published in October 2011 obviously have an impact on the weight to be given to the Plan.

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

These are the following:-

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

East Midlands Regional Plan 2009

None relevant.

Local Development Framework Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE4: Alterations of Listed Buildings states that planning permission will be granted for alterations and additions to listed buildings only if it can be demonstrated that the proposal would not detract from the architectural or historical character of the building.

Supplementary Planning Guidance/Documents

None relevant.

Other Material Policy Guidance

None relevant.

Appraisal:-

The main consideration in the determination of the application relates to whether the works proposed accord with Policy BE4 of the adopted Hinckley and Bosworth Local Plan and the overarching guidance contained within PPS5. As such the issue for consideration in this application is whether the development detracts from the architectural or historic character or appearance of the building.

The top floor of building 1B is currently open plan, with an amenity area, toilets and storage being situated between buildings 1B and 2.

It is proposed that two glass fronted meeting rooms will be created in the southern end of the existing open plan office space. The glazed partition by virtue of its design and fixing to the building will not result in any significant harm to the original fabric of the building.

The top floor of building 2, is also open plan. The application proposes to sub-divide this space to create 10 offices of varying size either side of a central corridor. Although the proposal will enclose the area, the timber partitioning by virtue of its design will not result in any significant harm to the original fabric of the building. A suspended ceiling is proposed for each of the office spaces in order to aid in acoustic performance, which will allow for lighting systems without harming the historic fabric of the building. The ceiling above the main passageway serving the offices is to be left exposed and up lit so the detail of the roof can still be witnessed and would therefore not harm the historic fabric of the building. For the avoidance of doubt, the brickwork, which has been previously exposed, will be left this way.

The building is already subject to works and alterations which have allowed modern finishes and the materials and finishes proposed are set to match those used in the existing Atkins building. It is not considered that the addition of these would harm any special of architectural fabric.

Within the Design and Access Statement, justification for the proposed alterations has been provided. It is stated that although the conversion of the building is a success, the subdivision of some of the areas into smaller office space would make the building more lettable, which would in turn ensure the financial viability of the building and help protect it as a heritage asset.

For the avoidance of doubt there will be no impact on the external appearance of the building.

In conclusion, the works represent a scheme of modifications that will facilitate the re-use of the important and historic building with only minimal intervention to the historic fabric. It is considered that the works proposed to the listed building has adequately demonstrated that they would not significantly detract from the architectural or historical character or appearance of the building and the proposal will help protect the heritage asset by improving the financial viability of the development. Accordingly it is considered the works proposed would be compliant with Saved Local Plan Policy BE4 and the overarching principles of

guidance contained within PPS5 and is therefore recommended for approval subject to the imposition of planning conditions.

Section 82 of the Act and Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that applications by a Local Planning Authority on its own land for Listed Building consent are to be made to the Secretary of State following the committee resolution.

RECOMMENDATION: - That powers be delegated to the Head of Planning to refer the application to the Secretary of State following the expiry of the consultation period 28 February 2012 and resolution of matters that may arise, in accordance with Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990.

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, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the development plan and would not be to the detriment of the special architectural or historic interest of this Listed Building.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policy BE4.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The works hereby permitted shall not be carried out otherwise than in complete accordance with the submitted details: OS Sitemap (1:1250); OS Sitemap (1:500); Proposed Plans Drawing No 5315 Rev B and Drawing No 5316 Rev B and Heritage Statement received by the Local Planning Authority on 9 January 2011.
- 3 Before any works commence, representative samples of the types and colours of materials to be used internally shall first be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

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 appearance and does not detract from the special architectural or historic interest of this Listed Building to accord with Policy BE4 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).

Contact Officer:- Eleanor Shaw Ext 5680

Item: 04

Reference: 11/00969/FUL

Applicant: Mrs S Ansar

Location: Pool Tail Cottage Markfield Road Groby

Proposal: EXTENSIONS AND ALTERATIONS TO DWELLING

Target Date: 12 March 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as a member has requested that it be determined at committee.

Application Proposal

This application seeks full planning permission for extensions and alterations to a bungalow known as Pool Tail Cottage, Markfield Road, Groby. The proposed extensions and alterations will link the bungalow to the former fishing lodge/annex and provide an extension to a dining area and a new entrance lobby to the bungalow. The applicant has confirmed verbally that the proposal is intended to result in a single dwelling house with an ancillary residential annex to be occupied by a family member and her family.

For Members information, previous appeal decisions relating to the site have established that the site comprises a single planning unit with lawful use as a single dwelling house.

The Site and Surrounding Area

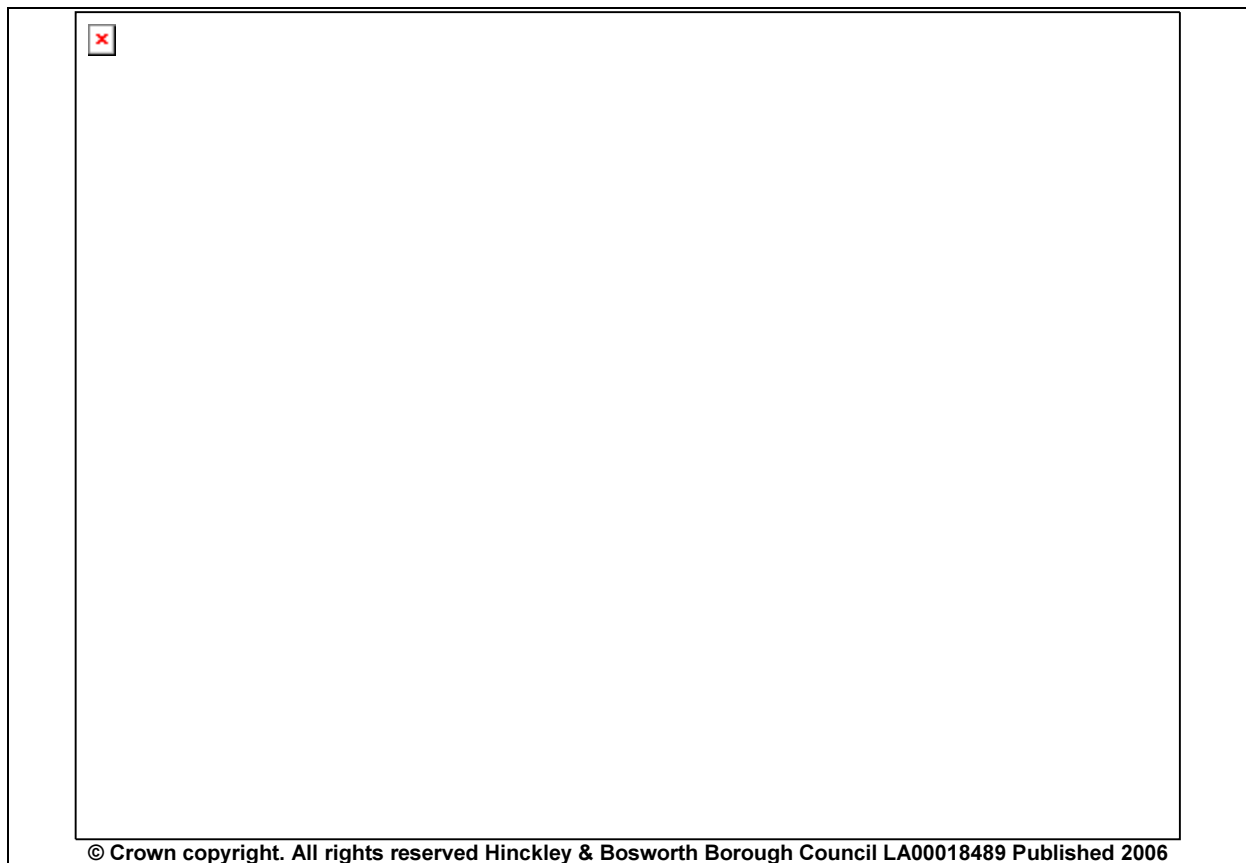
The site comprises an area of land including a bungalow, a former fishing lodge/annex now used for residential purposes ancillary to the single planning unit and a fishing pool located in the countryside to the north of Markfield Road and to the north of Groby. The site contains a number of mature trees and lies within the area covered by the National Forest and Charnwood Forest. It is accessed off a shared unmade track approximately 115 metres in length off Wallace Drive. Groby Pool and Woods Site of Special Scientific Interest (SSSI) lies to the south east and there are fields and woodland surrounding the site.

Technical Document submitted with application

Bat Survey.

Relevant Planning History:-

11/00389/CLU	Lawful Development Certificate for Existing Use of the Fishing Lodge as a Dwelling	Refused	20.07.11
06/00327/CLU	Use of Outbuilding Known as the Fishing Lodge as a Single Dwelling House	Refused Appeal Dismissed	18.05.06
05/00253/UNUSE	Unauthorised Change of Use of the Fishing Lodge to residential Use not Ancillary to the Existing Dwelling House	Appeal Allowed Enforcement Notice Quashed	17.07.07
04/01072/FUL	Extensions and Alterations to Dwelling	Approved	22.10.04



Consultations:-

No objection has been received from Head of Community Services (Land Drainage).

Directorate of Chief Executive (Ecology) has no objection subject to the development being carried out in accordance with the recommendations of the submitted bat survey.

Natural England has no objection and refer to their adopted national standing advice in respect of bats and other protected species.

No objection subject to a condition to ensure ancillary use has been received from Groby Parish Council.

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

Head of Corporate and Scrutiny Services (Green Spaces)
Site Notice.

Policy:-

National Policy Guidance

Planning Policy Statement 9 (PPS9): 'Biodiversity and Geological Conservation' seeks to protect and enhance sites of ecological and geological importance. Paragraph 8 refers to proposed development on land within or outside a Site of Special Scientific Interest (SSSI).

The National Planning Policy Framework (Draft)

The draft National Planning Policy Framework was published for consultation on 25 July 2011. The Government's intention is to reduce the current 1,000 pages of national planning policy (some of which are referred to above) into a 'clearer, simpler, more coherent framework, easier to understand and easier to put into practice'. The Inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report. The current national policies therefore continue to apply with significant weight. Officers will continue to advise on the progress of this consultation and update members on that progress.

Regional Policy Guidance

The Localism Act received the Royal Assent on 15 November 2011 and part 6 is the key section referring to regional strategies. In so far as Hinckley and Bosworth Borough Council is concerned, it should be noted that the Secretary of State has power by Order to revoke existing regional strategies, in Hinckley's case, the East Midlands Regional Plan 2009. That power is effective from the date of Royal Assent, but the specific proposals and timing of a revocation order are not yet known.

Until that revocation the East Midlands Regional Plan remains a material planning consideration but the weight to be given to its provisions is as always a matter for the committee. However, the coming into force of the Act, the power given to the Secretary of State to revoke the Plan, and the Government's 'Environmental report on the revocation of the East Midlands Regional Plan' published in October 2011 obviously have an impact on the weight to be given to the Plan.

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

These are the following:-

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

East Midlands Regional Plan 2009

No relevant policies.

Local Development Framework Core Strategy 2009

Policy 21: 'National Forest' requires the siting and scale of development to be appropriate to its setting within the forest and to respect the character and appearance of the wider countryside.

Policy 22: 'Charnwood Forest' supports proposals that retain local character and compliment the local landscape.

Hinckley and Bosworth Local Plan 2001

The site is located outside the settlement boundary of Groby and within the National Forest and Charnwood Forest as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1: 'Design and Siting of Development' seeks to ensure a high standard of design in order to safeguard and enhance the existing environment and that planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout, design and materials.

Policy NE5: 'Development in the Countryside' states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is for the change of use, reuse or extension of existing buildings and where it does not have an adverse effect on the appearance or character of the landscape; is in keeping with the scale and character of the existing buildings and general surroundings; will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy NE6: 'Sites off Special Scientific Interest' states that planning permission will not be granted for proposals which would damage Sites of Special Scientific Interest (SSSI's).

Policy NE20: 'Groby Pool and Pool House' states that planning permission will not be granted for development that would be detrimental to the area covered by the Site of Special Scientific Interest (SSSI).

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance on House Extensions provides further design guidance on extensions to existing dwellings.

Appraisal:-

The main considerations with regards to this application are the principle of development, the design and appearance of the proposed extensions and alterations and their impact on the

character and appearance of the bungalow, the surrounding countryside, National Forest, Charnwood Forest and biodiversity.

Principle of Development

The site is located outside the settlement boundary of Groby in the countryside as defined in the adopted Hinckley and Bosworth Local Plan Proposals Map. However, policy NE5 does provide a presumption in favour of the extension of existing buildings subject to the extensions and alterations respecting the scale and character of existing buildings, there being no adverse effect on the appearance or character of the landscape and all other planning matters being appropriately addressed.

A certificate of lawful use application in respect of the use of the former fishing lodge as a separate dwelling was refused in 2006 and the subsequent appeal was dismissed. The appeal decision established that the site comprises one planning unit with a single dwelling. Whilst the proposals will result in the creation of additional living space and a dwelling that benefits from rooms and facilities that, (with some internal alterations), would enable the resultant dwelling to be divided into two separate dwellings, it is intended that the resultant dwelling operates as a single dwelling with an ancillary residential annex to be occupied by a family member and her family rather than be occupied or sold as a separate dwelling.

Given the nature of the proposal, the history of the site, previous appeal decisions and its location in the countryside and within the National Forest and Charnwood Forest areas, in order to make the proposals acceptable in planning terms the imposition of a planning condition to ensure that the dwelling is occupied as a single unit on that basis and that no additional separate dwelling is created is considered to be reasonable and necessary in this case.

Design, Appearance and Impact on the Countryside, National Forest and Charnwood Forest

The proposed extensions and alterations will respect the scale and character of the existing dwelling having a uniform ridge and eaves line and matching and complimentary fenestration. The extensions and alterations will be constructed with a mix of matching facing bricks, external timber cladding, glazed panels and slate roof materials that are appropriate for the setting of the dwelling within the countryside, National Forest and Charnwood Forest, will compliment the existing structures and improve the overall appearance of the dwelling, particularly the former fishing lodge which currently has a shallow mono-pitch roof constructed of corrugated sheeting and inappropriate white uPVC window frames and fascias. The site is remote from any neighbouring dwellings and well screened from public areas and the surrounding countryside by established woodland and the use of appropriate natural materials will ensure that the proposals do not have any significant adverse impact on the character or appearance of the surrounding countryside, National Forest or Charnwood Forest. The proposals are considered to be acceptable in terms of design and appearance.

Impact on Biodiversity

Whilst the dwelling is located within the area of the Groby Pool and Woods SSSI, as a result of the siting of the extensions between the two existing buildings on disturbed ground, the extensions and alterations will not result in any adverse impact on the biodiversity of the site or the SSSI and the proposals are therefore considered to be in accordance with policies NE6 and NE20 of the adopted Local Plan.

Conclusion

The extension of existing buildings in the countryside is generally acceptable in principle subject to all other matters being appropriately addressed and in this case will not result in the creation of an additional dwelling or planning unit. As a result of the siting, design and use of appropriate natural materials, the proposed extensions and alterations will respect the scale, character and appearance of the existing dwelling and will not have any adverse impact on the character or appearance of the surrounding countryside, National Forest or Charnwood Forest or biodiversity of Groby Pool and Woods SSSI. The proposals are considered to be in accordance with policies 21 and 22 of the adopted Core Strategy, policies BE1, NE5, NE6 and NE20 of the adopted Local Plan and the Council's Supplementary Planning Guidance on House Extensions and are therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as by virtue of the siting, design and use of appropriate natural materials, the extensions and alterations would respect the scale and character of the existing dwelling and would not have any adverse impact on the character or appearance of the surrounding countryside, the National Forest or the Charnwood Forest or the biodiversity of Groby Pool and Woods SSSI.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policies 21 and 22.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies BE1, NE5, NE6 and NE20.

- 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 1:1250 scale on Drawing No. 111072-PL01 received by the local planning authority on 16 January 2012 and Block Plan and Plans and Elevations Drawing No. 111072-PL02 Revision B received by the local planning authority on 23 February 2012.
- 3 The materials to be used on the external elevations of the proposed extensions and alterations shall be in accordance with the external materials schedule on approved Plan and Elevations drawing no. 111072-PL02 Revision B received by the local planning authority on 23 February 2012.
- 4 The extensions and alterations and resultant annex hereby approved shall not be occupied at any time other than for residential purposes ancillary to the occupation of the dwelling known as Pool Tail Cottage, Markfield Road, Groby.

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 of the adopted Hinckley & Bosworth Local Plan.
- 4 The occupation of the annex as a separate residential unit would result in the creation of a new dwelling in the countryside contrary to Planning Policy Statement 7 and policy NE5 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).

Contact Officer:- Richard Wright Ext 5894

Item: 05
Reference: 12/00010/FUL
Applicant: Mr S Wilshire
Location: Land North Of Anstey Lane Groby
Proposal: ERECTION OF AGRICULTURAL BUILDING
Target Date: 12 March 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, at the request of a local member as it raises local controversial issues.

Application Proposal

This application seeks full planning permission for the erection of an agricultural building on a roughly rectangular plot of land located on the north side of Anstey Lane, Groby. The proposed building is to be located approximately 66 metres back from the site frontage (roughly half way between the front and rear boundaries) and approximately 10 metres inside the west boundary of the site. The proposed building measures 13.5 metres in length x 10 metres in width (covering 135 square metres) and has a ridge height of 5 metres and eaves height of 3.6 metres. The proposed building is to be constructed of steel frames with external walls consisting of 2 metres high concrete panels with corrugated steel sheeting over, and corrugated steel sheet roof panels. A double gate is proposed in the south elevation to provide internal access. The proposal includes a hard surfaced parking area to the front (south) of the building linked to the existing unmade field track.

The Site and Surrounding Area

The application site is located in the countryside to the north east of Groby. The site extends to approximately 1 hectare and slopes from north to south down to Anstey Lane and beyond to the A46. It consists of a field containing a compound of buildings of run-down appearance constructed of various materials including red brick and concrete blockwork and corrugated metal sheet roofing located on the east side of the plot. The site boundaries are defined by hedgerows to the south (Anstey Lane frontage) and east. The northern boundary of the field is defined by a hedgerow containing mature trees and the west boundary is defined by a post and wire fence.

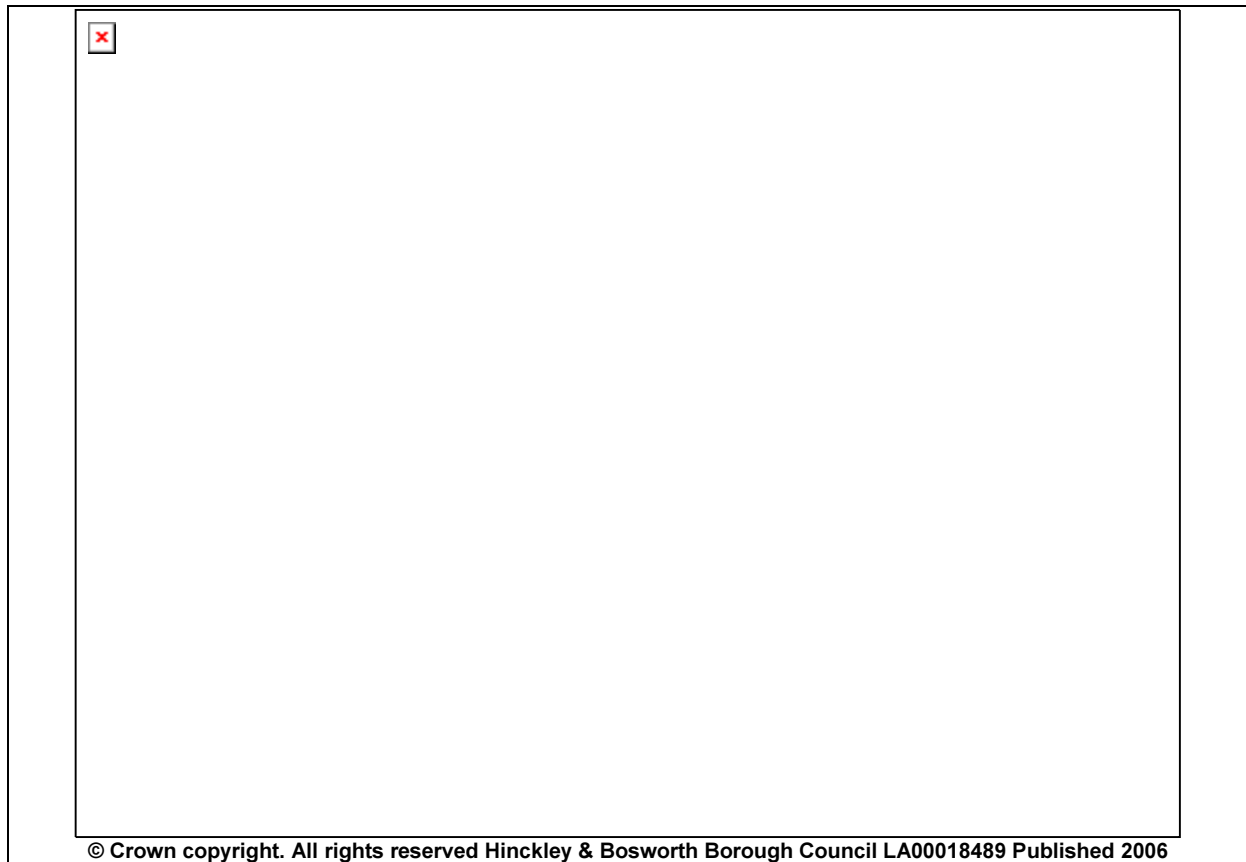
Technical Document submitted with application

A Design and Access Statement has been submitted to support the application. This states that the proposed agricultural building will be used as a store for hay, straw and feed cake and to accommodate approximately 20 sheep (for their wool and breeding young lambs for their meat) and approximately 16 goats (for their hair, milk and meat) which will graze the land.

Amended Plans and Design and Access Statement have been submitted to address inaccuracies in the extent of the application site, illustrate the internal layout of the building and the additional water troughs and are subject to reconsultation.

Relevant Planning History:-

None relevant.



Consultations:-

No objection has been received from:-

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

Groby Parish Council recommend refusal of the application on the following grounds:-

- a) the land ownership of the applicant is not accurately reflected in the submitted plans and is much greater
- b) the drawings create an inaccurate impression of the land ownership and site area and therefore the potential future size of any development that may follow. A site visit is requested
- c) no internal structure of the unit has been submitted, query as to whether animals and food would be accommodated/stored in the same building
- d) query as to the agricultural viability of a building this size in respect of the land ownership and the lack of financial return from the animals proposed relative to its grazing potential and the cost of the development, suggesting a change of use application may follow
- e) the building and location and anything that follows will be visually intrusive.

Anstey Parish Council objects to the application on the grounds that the size of the building would be a visual intrusion in a virtually open landscape and that a building of this size

seems unwarranted by the scale of land available. The building if permitted should be restricted to agricultural use only.

Charnwood Borough Council object to the application on the following grounds:-

- a) the building is very large for the size of the holding
- b) no evidence has been supplied as to why a building of this scale is necessary for this type of operation for the storage of hay, straw and corn and for the accommodation of sheep and goats
- c) there are existing buildings on the site and no justification as to why these are unsuitable for the purposes cited has been put forward
- d) no details of what the "improvement" to the access track would involve have been supplied and there are concerns that this could lead to the use of unsuitable materials and have an urbanising impact on the character of the countryside
- e) inadequate details have been supplied as to the need for the parking area and why it is the size shown. Again, surfacing is unknown but this may have implications in terms of impact on the character of the countryside
- f) the building is located quite centrally to the holding rather than in a better screened location near to existing buildings or hedges
- g) the development proposed is of a scale and nature that would be harmful to the character of the countryside in this area. No adequate justification has been put forward for overriding policies for protection of the countryside in this instance and it is considered that the application should be refused.

At the time of writing this report no comments have been received from site notice

The consultation period remains open at the time of writing this report and expires on 5 March 2012. Any representations received before the end of the consultation period will be reported and appraised as a late item.

Policy:-

National Planning Guidance

Planning Policy Statement 7: Sustainable Development in Rural Areas' in paragraph 1 states that all development in rural areas should be well designed and inclusive, in keeping with its location, and sensitive to the character of the countryside. Paragraph 15 states that planning policies should provide a positive framework for facilitating sustainable development that supports traditional land based activities that require a countryside location but continue to ensure that the quality and character of the wider countryside is protected and where possible enhanced.

The National Planning Policy Framework (Draft)

The draft National Planning Policy Framework was published for consultation on 25 July 2011. The Government's intention is to reduce the current 1,000 pages of national planning policy (some of which is referred to above) into a 'clearer, simpler, more coherent framework, easier to understand and easier to put into practice'. The Inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report. The current national policies therefore continue to apply with significant weight. Officers will continue to advise on the progress of this consultation and update members on that progress.

Regional Policy Guidance

The Localism Act received the Royal Assent on 15 November 2011 and part 6 is the key section referring to regional strategies. In so far as Hinckley and Bosworth Borough Council is concerned, it should be noted that the Secretary of State has power by Order to revoke existing regional strategies, in Hinckley's case, the East Midlands Regional Plan 2009. That power is effective from the date of Royal Assent, but the specific proposals and timing of a revocation order are not yet known.

Until that revocation the East Midlands Regional Plan remains a material planning consideration but the weight to be given to its provisions is as always a matter for the committee. However, the coming into force of the Act, the power given to the Secretary of State to revoke the Plan, and the Government's 'Environmental report on the revocation of the East Midlands Regional Plan' published in October 2011 obviously have an impact on the weight to be given to the Plan.

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

These are the following:-

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

East Midlands Regional Plan 2009

None relevant.

Local Development Framework Core Strategy 2009

Policy 9: 'Rothley Brook Meadow Green Wedge' states that within this area uses will be encouraged that promote the positive management of land to ensure that the Green Wedge remains or is enhanced. Agriculture is included in the list of land uses that will be acceptable in the Green Wedge, provided that the operational development associated with such use does not damage the function of the Green Wedge.

Hinckley and Bosworth Local Plan 2001

The site is in the countryside as defined on the proposals map of the adopted Hinckley and Bosworth Local Plan and within the Green Wedge between Groby and Anstey.

Policy BE1: 'Design and Siting of Development' seeks to secure attractive development and to safeguard and enhance the existing environment. Planning permission will be granted where the development complements or enhances the character of the surrounding area with regard to scale, layout, mass, design and materials; has regard to the safety and security of property; incorporates landscaping to a high standard where necessary; ensures that there is adequate highway visibility for road users and adequate provision of parking and manoeuvring facilities.

Policy NE5: 'Development in the Countryside' states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of

development provided that it is important to the local economy and cannot be provided within or adjacent to an existing settlement and where it does not have an adverse effect on the appearance or character of the landscape; is in keeping with the character of the general surroundings; will not generate traffic likely to exceed the capacity of the highway network or impair road safety and where necessary is effectively screened by landscaping.

Policy NE12: 'Landscaping Schemes' states that development proposals should take into account the existing landscaping features of the site and make provision for further landscaping where appropriate.

Policy T5: 'Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design and parking provision unless otherwise justified.

Other Relevant Documents

Leicestershire County Council document: 'Highways, transportation and development' provides further guidance to developers in respect of all highway issues and on the policies and objectives of the Highway Authority.

Supplementary Planning Guidance on the 'Design of Farm Buildings' advises that the position of a new farm building is usually dependant on its function and the space available. There are other factors that should be taken into account, such as the visual prominence of the building in the wider landscape. The function of the building will influence its size, scale, type and design. The long term agricultural requirements of the building should also be considered.

Appraisal:-

The main considerations with regards to this application are the principle of development and impact on the countryside and the Rothley Brook Meadow Green Wedge, siting, design and layout, highway safety and residential amenity.

Principle of Development and Impact on the Countryside and Green Wedge

Whilst both national planning policy guidance in Planning Policy Statement 7 and policy NE5 of the adopted Local Plan seek to protect the character and appearance of the countryside for its own sake and from unnecessary development, it is recognised that certain forms of development, including those in connection with agricultural land based activities which require a countryside location, are generally acceptable in principle. However, each application must be determined on its own merits in relation to its location and on the basis of the information submitted, including any information submitted in order to justify the proposed agricultural building and to outweigh policies aimed at the protection of the countryside, and, in this case, the Rothley Brook Meadow Green Wedge of which the application site forms part.

Whilst the proposed uses are agricultural in their nature and sheep and goats may benefit from winter shelter, they do not require shelter throughout the year or on a permanent basis. No details have been submitted to demonstrate that the size or scale of the building proposed is justified in relation to the size of the holding or the proposed purposes, or why the existing complex of smaller scale buildings are unsuitable for the purposes of storage of hay, straw or accommodation of sheep and goats. In addition, the proposals include the formation of a large hard-standing area to the fore of the building and unspecified improvements to the existing access track. Given the proposed uses and scale of the operation, it is unlikely that large vehicles in any number will be required to care for the numbers of sheep and goats proposed or that a holding of this size could support. No

justification for the need for a parking area of this size has been provided and no details of the type of surfacing or access improvements have been submitted.

The site is located in a rural open landscape and is largely characterised by a mix of open and closed fields with hedge planting to the boundaries. The site occupies an elevated position and the ground levels of the site rise northwards from Anstey Lane. Taking into account the topography of the site and the absence of any significant existing screening or proposed landscaping, by virtue of its siting, scale and layout the proposed agricultural building will become a highly visible, dominant and bulky feature on the landscape, to the detriment of visual amenity and the open character and appearance of the countryside and the Rothley Brook Meadow Green Wedge.

In this case and on the information submitted, it is considered that the applicant has provided insufficient justification that the proposed building is required on agricultural grounds that would outweigh national planning guidance and adopted Local Plan and Core Strategy policies that seek to protect the visual amenity and open character and appearance of the countryside and the Rothley Brook Meadow Green Wedge.

Design and Layout

The design has a low pitched roof and an appearance not untypical of modern large scale agricultural buildings and the proposed materials of construction are reflective of agricultural buildings found in the countryside consistent with advice contained in the Council's Supplementary Planning Guidance on the Design of Agricultural Buildings. However, the building is located away from the existing buildings complex in a central open location where no screening by landscaping exists and is of a size and scale that does not reflect the existing buildings on the site contrary to policy NE5 of the adopted Local Plan. Whilst consideration has been given to securing a substantial landscaping scheme to mitigate the impact of the development, given the scale of the building this will take time to establish and will in itself be out of character with the open character of the countryside and the Rothley Brook Meadow Green Wedge.

Highway Safety

The use of the site for agricultural purposes in itself, including the keeping of livestock, would not require planning permission. Access to the site is via an existing field gate located on the north side of Anstey Lane. Given the potential unrestricted agricultural use of the land it is unlikely that it can be satisfactorily demonstrated that the development will result in a significant increase in traffic to and from the site and that the existing access arrangements are inadequate in highway safety terms. In this case, given the scale and nature of the holding and proposed uses, the erection of the proposed building is considered unlikely to result in any significant adverse impact on highway safety.

Residential Amenity

There are no residential buildings in close proximity to the site and therefore the proposed use of the building for accommodating livestock is considered unlikely to result in any adverse impact on the amenities of any residential properties.

Conclusion

The proposed development, by virtue of its scale, mass, design and siting is considered to be harmful to the visual amenities and open character and appearance of the countryside and Rothley Brook Meadow Green Wedge, exacerbated by the elevated position and rising topography of the site and the absence of any significant existing screening. The applicant

has also failed to demonstrate that there is an agricultural justification for a building of this size and scale having regard to the size of the holding, the agricultural activities carried out by the applicant and the existing buildings on the site.

RECOMMENDATION:- REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Reasons:-

- 1 In the opinion of the local planning authority, the applicant has failed to demonstrate that adequate agricultural justification exists for the size and scale of the proposed building and by virtue of its scale, mass, design and siting the proposed building would result in an unjustified intrusion into the open and undeveloped countryside and Rothley Brook Meadow Green Wedge to the detriment of visual amenity contrary to Planning Policy Statement 7, policy 9 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy and policy NE5 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- Richard Wright Ext 5894

Item: 06

Reference: 11/00915/FUL

Applicant: Sachkhand Nanak Dham

Location: Stretton House Watling Street Burbage

Proposal: **CHANGE OF USE OF RESIDENTIAL TO MIXED USE OF PREMISES TO PROVIDE ACCOMMODATION AND TEACHING FACILITIES, EXTENSIONS AND ALTERATIONS, ALTERATIONS TO ACCESS AND PROVISION OF ASSOCIATED CAR PARKING**

Target Date: 22 March 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it raises local controversial issues.

Application Proposal

This application seeks full planning permission for a change of use from residential to a mixed use of the premises to provide residential accommodation, meeting and teaching facilities, including extensions and alterations, for day centre uses with ancillary administration and office space, alterations to the access and provision of associated car parking at Stretton House, Watling Street, Burbage. The application includes a single storey extension to the south elevation to provide approximately 110 square metres of additional meeting and day centre uses space, two single storey extensions on the east elevation to provide 16 square metres and 18 square metres of additional lobby space, the formation of an additional internal access road and additional car parking area constructed with a cellular grasscrete permeable paving system with 22 spaces within grassed paddocks and the

provision of a private sewage treatment plant to deal with foul water discharge rather than the continued use of the existing shared septic tank.

For Members information, a previous similar application on the site but including much larger scale events was refused by Planning Committee in November 2009 on the grounds that the proposals would be detrimental to highway safety, the amenities of the occupiers of neighbouring properties and risk of pollution to the water environment. This application seeks to overcome those reasons for refusal by: i) removing the large scale events from the proposal in order to reduce noise and disturbance to neighbouring properties and reduce vehicle movements to and from the A5; ii) altering the driveway to improve access and egress to and from the site and iii) providing a private sewage treatment plant to overcome foul water disposal capacity issues.

The Site and Surrounding Area

Stretton House lies in the countryside to the south of the A5 approximately 0.5 kilometres to the north west of junction 1 of the M69 motorway. It is a large five bedroom house with ancillary accommodation formerly known as Baileys Cottage providing further living accommodation and three additional bedrooms. The dwelling stands in extensive grounds of approximately 1.5 hectares comprising gardens, access and parking areas, outbuildings, grassed paddocks and woodland. The site contains a large number of trees that are subject to a Tree Preservation Order. The property also includes a field to the south of the dwelling. Former single storey outbuildings adjacent to the dwelling have been converted into five separate dwellings known as Stretton Court, which share the vehicular access onto the A5.

Technical Documents submitted with the Application

A Design and Access Statement has been submitted to support the application and explains that Sachkhand Nanak Dham is the spiritual umbrella of an international organisation Das Dharam, which was established in 1980 and aims to provide spiritual, social and cultural services and awareness to various communities and the society as a whole. The ground floor will be used for flexible spaces for meetings, teaching and day centre uses for the local community including yoga, language classes, music and meditation and ancillary functions. The main kitchen is to be retained with improved extraction and filtering equipment installed and the secondary kitchen located towards the north end of the building close to Stretton Court will be removed and used as office/administration space. The first floor will remain unchanged and provide bedroom and bathroom facilities for residents. The Statement concludes that such a change of use can take place without harming the amenities of neighbouring occupiers, the general character of the area or having adverse highway safety implications and meets the criteria of relevant policies in the adopted Local Plan and national planning guidance.

A draft section 106 Planning Agreement has been submitted with the aim of regulating the volume and frequency of vehicular access relating to the planning application. The agreement details the specific uses proposed in this application and seeks to restrict vehicle volumes to the following numbers:-

- Daily, between 5 -15 people for day centre use and weekday meetings with between 2 to 5 cars
- Weekly, between 30 - 50 people on Saturdays over a 3 hour period with between 10 to 20 cars
- Monthly, between 40 - 80 people on a Sunday over a 3 - 4 hour period with between 15 to 30 cars

It further states that any 'special events' with over 200 people attending will not take place at Stretton House or in the grounds.

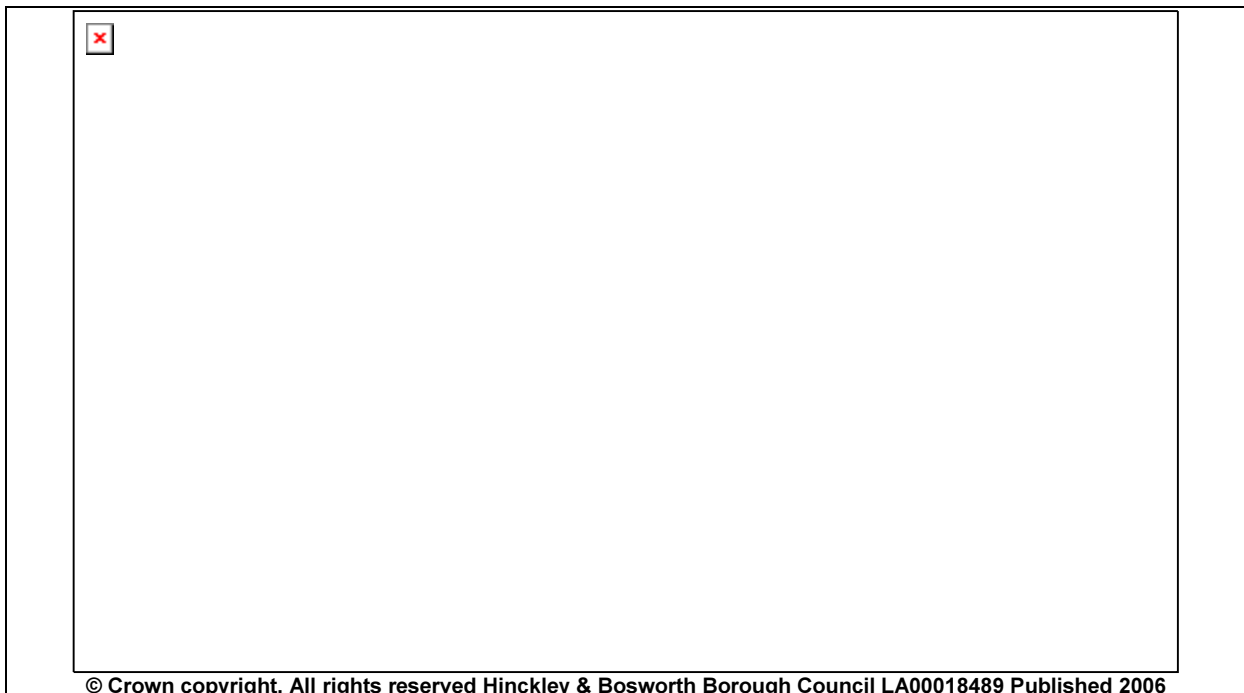
A Highway Statement advises that as larger events will no longer be held at Stretton House or in its grounds, the proposed change of use and level of use will not over-intensify the use of the access from the A5 or be unduly intrusive to residents and that the improved access will be appropriate in its design, layout and visibility for the intended uses and will not have an adverse impact on highway safety.

A Great Crested Newt Survey has been submitted to support the application and considers that the proposed development is unlikely to significantly impact on any aquatic habitats used by great crested newts.

The proposed Private Sewage Treatment Plant details, specifications and layout have also been submitted.

Relevant Planning History:-

09/00767/FUL	Change of Use Existing Dwelling House to Place of Worship and Teaching, Day Centre, Living Accommodation and Formation of Parking Area	Refused	25.11.09
08/01029/COU	Change of Use of Existing Dwelling to Place of Worship, Day Centre, Living Accommodation and Formation of Parking Area	Withdrawn	10.12.08
90/00006/4	Use of Premises as Residential Old Peoples Home	Approved	20.03.90
84/01102/4	Change of Use from Single Dwelling to Residential Old Peoples Home	Approved	22.01.85



Consultations:-

No objection has been received from:-

Director of Environment and Transport (Highways)
Directorate of Chief Executive (Ecology)
Rugby Borough Council
Head of Community Services (Land Drainage).

No objection subject to conditions has been received from:

Severn Trent Water Limited
Highways Agency

Head of Community Services (Pollution) requires additional details in respect of the use of the premises together with kitchen and toilet extraction details to be provided before submitting a formal response.

Borough Council's Arboricultural Consultant does not object to the application and considers the construction of the new driveway through the north paddock to be achievable subject to adequate measures being incorporated into the development to protect the trees and that necessary crown lifting works would not have a significant adverse impact on the overall amenity value of the trees.

Site Notice posted and neighbours notified, nine letters of objection have been received raising the following issues and concerns:-

- a) contrary to development plan
- b) detrimental to conservation area
- c) intrusion into countryside and detrimental to character of area of separation
- d) detrimental to highway safety, history of accidents and fatalities on this stretch of the A5
- e) proposed large scale developments along A5 (Sketchley Brook, MIRA, potential hotel complex at Stretton Croft south of A5 will significantly increase traffic on the A5 even further
- f) inadequate access – width and visibility cannot be achieved without removal of mature trees and hedgerow and will lead to traffic queuing on the A5
- g) land ownership issues – 64 year lease on the paddock to the north of the access therefore unable to construct additional internal driveway
- h) design of the extension will allow noise to escape and be detrimental to residential amenity from noise and disturbance
- i) loss of privacy
- j) loss/damage to protected trees from potential damage to roots and need for crown lifting
- k) overshadowing/bearing impact
- l) proximity of new toilet block to adjacent residents in Stretton Court
- m) smell from kitchen and new toilet facilities detrimental to residential amenity
- n) inadequate parking for proposed numbers and obstruction of Stretton Court parking
- o) inadequate foul drainage
- p) potential pollution from overuse of sewerage system
- q) potential flooding of pond from storm water and private treatment plant discharge
- r) dust/fumes
- s) no hours of use are stated and should be controlled
- t) on-street parking in nearby side roads.

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

Directorate of Chief Executive (Archaeology)
Environment Agency
Leicestershire Fire and Rescue Service
Burbage Parish Council.

The consultation period remains open at the time of writing this report and closes on 2 March 2012. Any further consultation responses received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' in Paragraph 14 states that the Government is committed to developing strong, vibrant and sustainable communities and to promoting community cohesion in both urban and rural areas. This means meeting the diverse needs of all people in existing and future communities, promoting personal well-being, social cohesion and inclusion and creating equal opportunity for all citizens. Paragraph 16 states that development plans should promote development that creates socially inclusive communities and take into account the needs of all the community, including particular requirements relating to age, sex, ethnic background, religion, disability or income. Paragraph 20 states that development plan policies should take account of environmental issues such as: the protection of groundwater from contamination; and noise and light pollution; the protection of the wider countryside and the impact of development on landscape quality; and the conservation and enhancement of wildlife habitats.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' outlines the Government's objectives for rural areas. Paragraph 1 states that all development in rural areas should be well-designed and inclusive, in keeping and scale with its location and sensitive to the character of the countryside and local distinctiveness.

Planning Policy Guidance Note 13 (PPG13): 'Transport' aims to promote more sustainable transport choices and accessibility to services by public transport, walking and cycling and reduce the need to travel, especially by car. Paragraph 20 states that uses that are major generators of travel demand should be focussed in town centres and near public transport interchanges.

DETR Circular 03/99 advises that full and detailed consideration be given to the environmental criteria listed within Annex A of the Circular in order to justify the use of non-mains drainage facilities. These include public health hazard or nuisance, damage to controlled waters, environment and amenity.

The National Planning Policy Framework (Draft)

The draft National Planning Policy Framework was published for consultation on 25 July 2011. The Government's intention is to reduce the current 1,000 pages of national planning policy (some of which are referred to above) into a 'clearer, simpler, more coherent framework, easier to understand and easier to put into practice'. The Inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report. The current national policies therefore continue to apply with significant weight.

Officers will continue to advise on the progress of this consultation and update members on that progress.

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. The Regulation does not replace Circular 05/2005 but gives it a statutory foothold in planning legislation.

Government Circular 05/2005: Sets out the Secretary of State's policy on Planning Obligations, and should be given significant weight in decision making and developer contributions.

Regional Policy Guidance

The Localism Act received the Royal Assent on 15 November 2011 and part 6 is the key section referring to regional strategies. In so far as Hinckley and Bosworth Borough Council is concerned, it should be noted that the Secretary of State has power by Order to revoke existing regional strategies, in Hinckley's case, the East Midlands Regional Plan 2009. That power is effective from the date of Royal Assent, but the specific proposals and timing of a revocation order are not yet known.

Until that revocation the East Midlands Regional Plan remains a material planning consideration but the weight to be given to its provisions is as always a matter for the committee. However, the coming into force of the Act, the power given to the Secretary of State to revoke the Plan, and the Government's `Environmental report on the revocation of the East Midlands Regional Plan` published in October 2011 obviously have an impact on the weight to be given to the Plan.

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

These are the following:-

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

East Midlands Regional Plan 2009

The East Midlands Regional Plan (adopted March 2009) provides the development strategy for the East Midlands up to 2026. Policy 2 promotes better design including highway and parking design that improves community safety. Policy 3 directs development towards urban areas with priority being given to making the best use of previously developed land. Policy 43 seeks to improve safety across the region and reduce congestion.

Local Development Framework Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

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

Policy BE1 seeks to secure attractive development and to safeguard and enhance the existing environment. Planning permission will be granted where the development complements or enhances the character of the surrounding area; avoids the loss of open spaces, vegetation and features which contribute to the quality of the local environment; ensures adequate highway visibility for road users and adequate provision for off street parking for residents and visitors together with turning facilities and does not adversely affect the occupiers of neighbouring properties.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is for the change of use of existing buildings and where it does not have an adverse effect on the appearance or character of the landscape; is in keeping with the scale and character of the existing buildings and general surroundings; will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy NE14 states that planning permission will not be granted for development proposals which will adversely affect the water quality and ecology of watercourses and groundwater resources unless satisfactory arrangements are made for the disposal of foul sewage and surface water.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified.

Appraisal:-

The main considerations with regards to this application are the principle of development; the siting and design of the proposed extensions; the impact of the development upon the character and appearance of the area and protected trees, the amenities of neighbouring properties, highway safety, and the disposal of foul water drainage from the site.

Principle of Development

The site is located outside the settlement boundary of Burbage in the countryside as defined in the adopted Hinckley and Bosworth Local Plan Proposals Map. However, policy NE5 does provide a presumption in favour of the change of use, re-use or extension of existing buildings within rural locations subject to all other planning matters being appropriately addressed, including impact on the appearance and character of the landscape and general surroundings and highway safety.

Siting and Design

The proposed single storey extension will project 6 metres off the south elevation of Stretton House and face the open countryside rather than any adjacent residential properties. It is designed with a flat roof with glazed roof lanterns and is to be constructed in matching facing bricks and stone quoin and lintel details to respect the appearance of the existing building. The single storey lobby extensions on the east elevation are sited in recesses, face the access drive and parking areas and will be constructed of matching external materials to respect the appearance of the existing building. The proposed monopitch roof lobby area will improve the appearance of the secondary entrance whilst the other lobby will provide internal

access to the new toilet facilities. Whilst this has a flat roof construction it is well screened from the access drive by a brick wall and close boarded timber fencing of 2 metres in height and by tall, dense evergreen shrubs.

Overall, as a result of their siting, design and the use of matching materials, the proposed extensions and alterations will respect the scale, character and appearance of the existing building and will not have an adverse impact on the character or appearance of the site, the surrounding landscape, or the amenities of neighbouring properties in terms of being overbearing or from loss of privacy from the creation of any overlooking.

Impact upon the Appearance and Character of the Area

The property is a large detached dwelling and residential annex with a total of 8 bedrooms set within large grounds and is well screened from the highway by fencing and mature landscaping including a large number of trees that are subject to a Tree Preservation Order. The proposed change of use and sympathetically designed extensions will, for much of the time, retain the overall appearance of the site as a large rural family dwelling in extensive grounds which are to be maintained as gardens, paddocks and woodland and therefore no significant impact upon the appearance or character of the area will result.

Neighbours have raised concerns that the construction of a car parking area and additional internal access driveway within the paddocks will have a detrimental impact on the rural appearance of the site and protected trees. However, the proposed car park will be set well back from the highway and be well screened by fencing and mature trees and the proposed use of a cellular grasscrete permeable paving system in the construction of the car park will help to minimise any impact on the appearance of the grassed paddock, particularly when the parking area is not in use. Therefore, as a result it is considered that it will not have a material adverse impact on the overall appearance of the site. The proposed internal access road is to be constructed with the aim of improving the flow of traffic to and from the A5 and be constructed with a no-dig method of construction and incorporate geo-textile separation filtration layers with granular fill to mitigate the impact of the new access which is within the root protection zone of protected mature trees within the site. Whilst this method of construction is aimed at reducing the impact on the tree root system, neighbours raise concerns that this method will raise the height of the drive, include timber edgings and involve crown lifting works to the trees to the detriment of the visual amenity of the site. The Council's Arboricultural Consultant considers the construction of the new driveway through the north paddock to be achievable subject to adequate measures being incorporated into the development to protect the trees and that any essential crown lifting works to provide vehicle headroom would not have a significant adverse impact on the overall amenity value of the trees. Protection measures and tree surgery works can be secured by the imposition of an appropriately worded condition. Neighbours have also raised an issue of land ownership of the paddock as although the freehold of the paddock is within the ownership of the applicant's, the paddock is subject to a long lease agreement held by an adjacent occupier. At the time of writing this report, the agent is currently in discussion with the leaseholder and this element of the scheme has not yet been resolved. Any further information will be reported as a late item to the agenda.

Impact on Neighbours Amenities

As a result of their siting, scale and design the proposed extensions and alterations will not have any adverse impact on residential amenity from any overbearing impact or result in any loss of privacy from overlooking. The proposals now include smaller scale activities within the existing building rather than the larger scale external events. However, neighbours have raised concerns in respect of the use of the extension for potentially noisy activities that could result in detriment to amenity from noise and disturbance, particularly in summer

months when windows and doors may be open. In addition, concerns have been raised in respect of the use of the kitchens being detrimental to residential amenity from the creation of food smells. The application includes proposals to remove the kitchen closest to the adjacent dwellings in Stretton Court (including the extract ductwork) and to upgrade the extraction and filtration systems in the main kitchen to minimise any impact on the adjacent occupiers from smells or fumes. The Head of Community Services (Pollution) has requested further details, including the nature of the proposed activities and details of any extraction and filtration systems for the kitchen or new toilet facilities adjacent to 1 Stretton Court prior to providing a formal response. The proposed hours of use of the premises for community uses has also been requested. These details have not been received at the time of writing this report and the consultation response will be reported as a late item to the agenda.

The proposed uses will generate additional vehicle movements to and from the site in comparison to the current use as a private dwelling. The additional traffic will use the shared access drive towards Stretton Court then past Stretton House to the existing parking area to the front or to the proposed new parking area within the paddock. As a result of the increase in vehicles using the access there may be delays in exiting the site at peak times but given the proposed activities and level of use of the site, the number of vehicle movements is not anticipated to result in any significant adverse impact on residential amenity from comings and goings or noise and disturbance from the new parking area which is located approximately 60 metres from Stretton Court.

Highway Safety

The site is accessed directly off the A5 Trunk Road from an area known as Stretton bends. The proposals include alterations to the access and the trimming back of boundary hedgerow adjacent to the highway to improve visibility, together with alterations to the internal access driveway to enable better traffic flow within the site and avoid potential queuing on the A5. The Director of Environment and Transport (Highways) has no objection but defers to the Highways Agency. The Highways Agency has raised no objection subject to the imposition of conditions which restrict the use of the land and premises to use for the purposes of meetings, teaching and related ancillary activities within Class D1 of the Use Classes Order; remove permitted development rights to allow temporary activities on the blue land; and submission of a hedgerow management and boundary treatment scheme at the junction with the A5.

The provision of an additional 22 car parking spaces within the site together with existing parking areas that currently serve Stretton House will provide adequate car parking facilities to serve the proposed uses and will not result in any obstruction of the parking areas of Stretton Court.

Drainage

Stretton House currently uses non-mains drainage in the form of a shared septic tank that services a number of properties and is located at some distance on third party land within an agricultural field used for growing crops. Access to the septic tank is therefore subject to third party control and can only be obtained prior to crop growth in the spring and even then is dependant upon prevailing ground conditions to allow the tanker to safely access the site. As a result, the applicant's are proposing to install a private sewage treatment system with adequate capacity to service the proposed uses of the building and discontinue connection to the septic tank as part of the development. The plant will discharge into an existing pond within the garden area as will stormwater from Stretton House. neighbours have raised concern that this may result in flooding during times of heavy rainfall, however, the pond is approximately 25 metres from the adjoining properties gardens and any excess surface water from it is likely to discharge into the applicants grounds. The consultation response

from the Environment Agency has not been received at the time of writing this report and will be reported as a late item to the agenda.

Other Issues

The site does not lie within a designated conservation area and the proposed uses are not likely to generate dust.

Conclusion

The change of use and extension of this existing building in the countryside for the proposed purposes is acceptable in principle in this case. The siting, design and appearance of the proposed extensions will not have any adverse impact on the character or appearance of the building subject to the use of matching materials and are therefore acceptable. The proposals will not have any significant adverse impact on the overall character or appearance of the general surroundings subject to protection and retention of the boundary landscaping and trees protected by a Tree Preservation Order. The proposed activities are to be carried out within the building and are of a scale that will not have any significant adverse impact on the amenities of the occupiers of the adjacent residential properties. Subject to the proposed access arrangements being acceptable to the Highways Agency, the proposals are of a scale that will not have any significant adverse impact on highway safety. Subject to no objections being received from the Environment Agency, the provision of a private sewage treatment plant to serve the building will address concerns regarding any adverse impact on the water environment from potential pollution. The proposed uses and the number of people and vehicles visiting the site is to be controlled by the completion of a section 106 legal agreement to prevent the staging of the previously proposed larger scale events at the site. On balance, therefore, subject to no significant new objections being received before the expiry of the consultation period on 2 March 2012 the application is recommended for approval subject to the completion of the section 106 agreement and conditions.

RECOMMENDATION:- That the Head of Planning shall be granted powers to grant planning permission for the development subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to restrict the uses of the premises and the numbers of people and vehicles visiting the premises, no new significant planning objections being received before the expiry of the consultation period on 3 March 2012 and subject to the following conditions:

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, 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 for the change of use and extensions to an existing building and will not have any significant adverse impact on the character or appearance of the existing building, the general surroundings, protected trees, surrounding countryside, the amenities of the occupiers of neighbouring properties, highway safety or the water environment.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies BE1, NE5, NE14 and T5.

- 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. 156-002E; Site Layout Plan drawing no. 156-002E; Proposed Ground Floor Plan drawing no. 156-005; proposed First Floor Plan drawing no. 156-006; Proposed Elevations drawing nos. 156-009 and 156-010 received by the local planning authority on 26 January 2012.
- 3 The materials to be used on the external elevations of the proposed extensions and alterations shall match the corresponding materials of the existing building.
- 4 Before first use of the premises for the uses hereby permitted the works for the disposal of surface water and the provision of the private sewage treatment plant for the disposal of foul water from the site shall be completed and fully operational in accordance with the submitted details and once provided shall be maintained as such at all times thereafter.
- 5 Notwithstanding the submitted information, before development commences on site full details of: (i) the method of construction of the new access drive, alterations to the existing access drive and new car parking area, including sections and levels; (ii) all proposed tree surgery works and (iii) a tree protection scheme during construction works, shall be submitted to and approved in writing by the local planning authority. The method of construction shall include a no-dig design and be carried out in accordance with the approved scheme.
- 6 The land and premises shall only be used for the purpose of meetings, teaching and related ancillary activities, as specified in the application and approved drawings, and for no other purpose within Class D1 of the Schedule to the Town and County Planning (Use Classes) Order 1997.
- 7 Notwithstanding the provisions of part 4, Class B of the GPDO, the land edged in blue on plan 156-0001A shall not be used for the purposes of temporary religious activities including festivals, special events or car parking.
- 8 Prior to the first occupation of the building, a scheme for hedgerow management and boundary treatment at the junction of the site with the A5 Watling Street, as shown on 156-002D shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be maintained and managed in accordance with the approved scheme.

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 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the development hereby permitted is provided with a satisfactory drainage system and to reduce the risk of pollution of the water environment to accord with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

- 5 The trees on this site are subject to a Tree Preservation Order and this condition is necessary to ensure that proper steps are taken to safeguard the trees at all times, in accordance with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6-8 To ensure that the A5 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety. In accordance with policies BE1 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).

Contact Officer:- Richard Wright Ext 5894

Item: 07

Reference: 11/00895/TEMP

Applicant: Mrs Evelyne Shouls

Location: Land Off West End Barton In The Beans

Proposal: SITING OF TEMPORARY OCCUPATIONAL DWELLING

Target Date: 23 March 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is for a temporary occupational dwelling in the countryside for which an agricultural appraisal is required.

Application Proposal

This application follows previously withdrawn application 11/00664/TEMP. This was for the siting of a temporary occupational dwelling. This was withdrawn to allow the applicant time to provide more detailed financial information.

The applicants seek planning permission for the temporary siting of a log cabin to provide onsite accommodation for a full time worker in conjunction with the rural business Cuzco Alpacas. Primarily the business involves the production of high quality fleece for use in luxury clothing items and other products such as duvets and pillows.

The proposed temporary dwelling provides living space with a total floor area of approximately 77.4 square metres. The accommodation comprises of an open plan living space incorporating the lounge and kitchen, two bedrooms with associated bathrooms and a utility and boot room. The building is proposed to be single storey with a ridge height of approximately 4.25 metres. The height to eaves is approximately 2.5 metres. The cabin is constructed of timber cladding, timber framed windows and black composite pvc roof tiles. Access to the site is via an existing driveway extending from West End.

The application and the agricultural enterprise is in connection with planning permission 08/00804/FUL for the erection of an agricultural building and retention of 2 lock ups, and planning permission 08/00379/FUL for the erection of a wooden stable. Both of the above planning permissions have been fully implemented.

The Site and Surrounding Area

The application site is located on land to the north of West End, Barton in the Beans, and forms a small section of a 14.6 hectare holding. The site is accessed via a long driveway leading from West End. The application site sits on slightly lower land than that of the existing properties on West End and Congerstone Lane/Main Street to the south. The existing buildings on site include: a timber clad single storey barn, a hay barn with 2 covered storage containers (lock ups) and a wooden stable block. These are situated adjacent to the eastern boundary of the site and to the north of the proposed dwelling. The landholding extends to the north and north west. Planning permission has recently been granted for 6 timber holiday lets on the adjoining land to the south of the site.

The Landholding is divided into the following uses:-

- 6.47 hectares have been subdivided with post and rail fencing to provide grazing and paddocks for the existing alpacas and horses
- 2.02 hectares are used as grazing land for the applicant's lambs
- 6.07 hectares are used for the production of hay and are then subsequently rented by a local farmer as grazing land for his sheep until February time.

The existing livestock and planned breeding programme for the site is as follows:-

- 5 female alpaca (all pregnant)
- 3 baby alpaca (2 males, 1 female)
- 4 male alpaca (2 studs)
- 18 sheep (to be sold as lambing ewes)
- 5 Charollais cross Texel ewes
- 2 horses (private horses)

Technical Documents submitted with Application

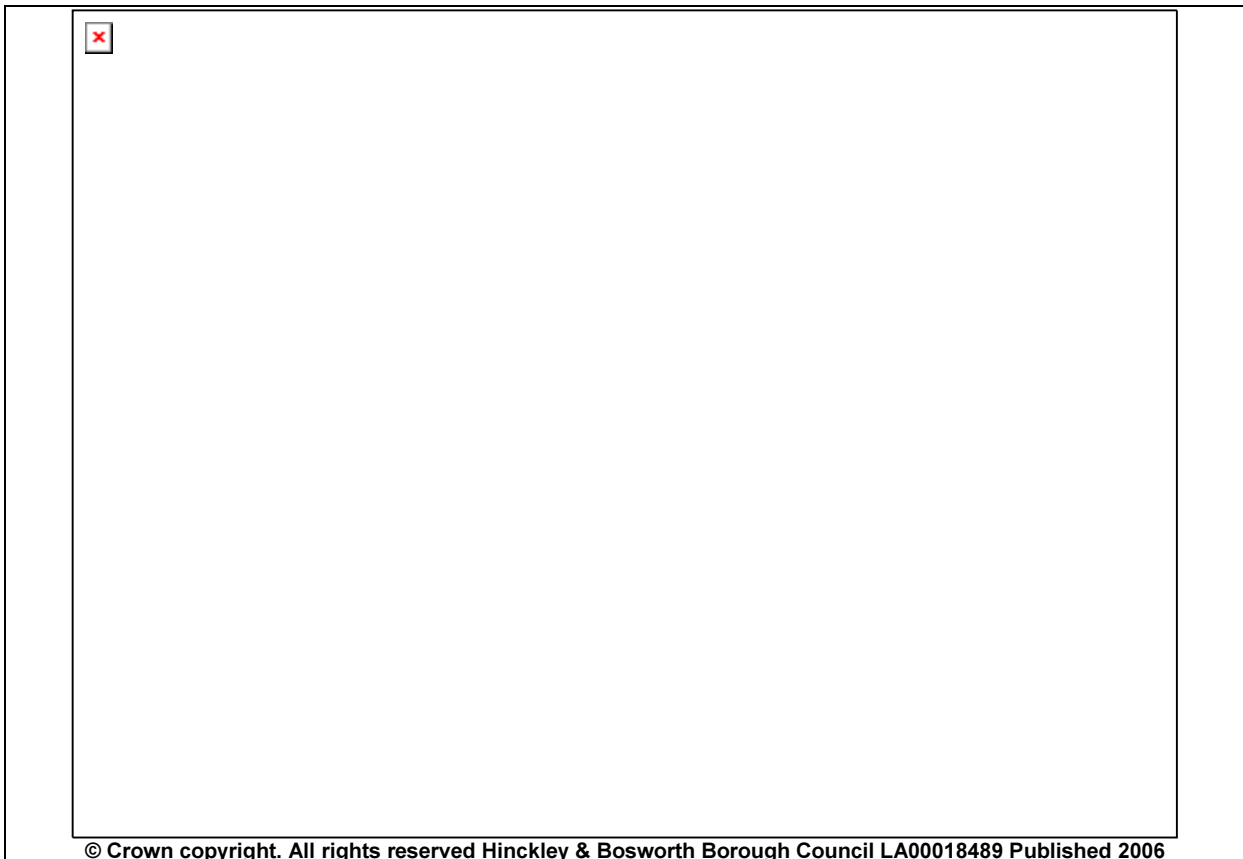
A Planning Statement and Business Plan for the proposed occupational dwelling have been submitted with the application.

The Planning Statement provides a description of the proposal and the surrounding area, alongside an explanation of the relevant planning policies. This explains that the revised application has reviewed the financial information in detail and has submitted a revised business plan for the Councils inspection. It is further stated that the revised information has been independently reviewed by an agricultural and land management consultant prior to being re-submitted.

The agent has requested that the Business Plan be retained as private as this includes personal information and financial forecasts. However, this document concludes that the proposal is compliant with the objectives of Policy RES12 of the Hinckley and Bosworth Local Plan, meets with criterion 1-5, paragraph 12 Annex A of Planning Policy Statement 7, and supports new enterprise which is sympathetic to its countryside location and is important to the Local economy.

Relevant Planning History:-

11/00664/TEMP	Temporary Occupational Dwelling	Withdrawn	30.09.11
08/0080/FUL	Erection of agricultural building and Retention of 2No. Lock Ups	Approved	01.10.08
08/00269/FUL	Formation of ménage and erection of Stable Block and Haybarn	Approved	20.05.08



Consultations:-

No objection has been received from:-

The Borough Council's Agricultural Appraisal Consultant
Director of Environment and Transport (Highways)
Head of Community Services (Pollution).

No objection subject to a note to applicant has been received from Head of Community Services (Drainage).

Shackerstone Parish Council does not object to the application, but has queries about the temporary nature of the building.

At the time of writing the report no comments have been received from Neighbours.

Policy:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' sets out the overarching planning policies on the delivery of sustainable development through the planning system. Paragraph 5 states that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by protecting and enhancing the natural environment and the quality and character of the countryside. Paragraph 17 states that planning policies should seek to protect and enhance the quality, character and amenity value of the countryside. Paragraph 19 states that planning decisions should be based on the potential impacts on the environment of development proposals. Significant adverse impacts on the environment should be avoided and alternative options which might reduce or eliminate those impacts pursued.

Planning Policy Statement 3 (PPS3): Housing sets out the national planning policy framework for delivering the Government's housing objectives. Paragraph 10 seeks to ensure that housing developments are in suitable locations, which offer a good range of community facilities, with good access to jobs, key services and infrastructure. Paragraph 16 outlines matters to consider when assessing design quality and includes the extent to which the proposed development is easily accessible and well-connected to public transport and community facilities and services.

Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth provides guidance in respect of the Government's sustainable economic growth objectives.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' sets out the Government's planning policies for rural areas. Paragraph 1 advises that new building development in the open countryside outside existing settlements should be strictly controlled in order to protect the countryside for its intrinsic beauty. Paragraph 10 makes it clear that isolated new dwellings in the countryside require special justification for planning permission to be granted. Further advice is provided in Annex A to PPS7 which states that one of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural and certain other full time workers to live at, or in the immediate vicinity of, their place of work. In assessing planning applications for new dwellings in the countryside Annex A requires a functional and financial test to be applied in order to give consideration to: the nature of the holding and the functional need/necessity for the person to live on site, having regard to the security and efficient

operation of the holding (e.g. if a worker is needed day and night to provide essential care at short notice and deal quickly with emergencies that could otherwise cause serious loss); the financial viability of the holding to sustain the worker in full time employment; and the availability of suitable existing accommodation nearby. It is the requirements of the enterprise, not those of the owner or occupier that is of relevance in determining the size of the dwelling that is appropriate.

The National Planning Policy Framework (Draft)

The draft National Planning Policy Framework was published for consultation on 25 July 2011. The Government's intention is to reduce the current 1,000 pages of national planning policy [some of which are referred to above] into a 'clearer, simpler, more coherent framework, easier to understand and easier to put into practice'. The Inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report. The current national policies therefore continue to apply with significant weight. Officers will continue to advise on the progress of this consultation and update members on that progress.

Regional Policy Guidance

The Localism Act received the Royal Assent on 15 November 2011 and part 6 is the key section referring to regional strategies. In so far as Hinckley and Bosworth Borough Council is concerned, it should be noted that the Secretary of State has power by Order to revoke existing regional strategies, in Hinckley's case, the East Midlands Regional Plan 2009. That power is effective from the date of Royal Assent, but the specific proposals and timing of a revocation order are not yet known.

Until that revocation the East Midlands Regional Plan remains a material planning consideration but the weight to be given to its provisions is as always a matter for the committee. However, the coming into force of the Act, the power given to the Secretary of State to revoke the Plan, and the Government's 'Environmental report on the revocation of the East Midlands Regional Plan' published in October 2011 obviously have an impact on the weight to be given to the Plan.

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

These are the following:-

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

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:-

Policy 2 promotes better design including highway and parking design that improves community safety.

Policy 24 regional priorities for rural diversification.

Local Development Framework Core Strategy 2009

None Relevant.

Hinckley and Bosworth Local Plan 2001

The site is located in the countryside as defined within the adopted Hinckley and Bosworth Local Plan.

Policy BE1 seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development:- complements or enhances the character of the surrounding area with regard to scale, layout, mass, design and materials; has regard to the safety and security of individuals and property; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties and incorporates landscaping to a high standard.

Policy RES12 states that in assessing planning applications for dwellings required to accommodate a person employed in agriculture, consideration will be given to: the nature of the holding and the necessity for the person to live on site, having regard to the security and efficient operation of the holding; the viability of the holding to sustain the worker in full time employment; and the availability of suitable alternative accommodation in the local housing market.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new development.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is important to the local economy and cannot be provided within or adjacent to an existing settlement and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy NE12 states that proposals for development should make provision for further landscaping where appropriate.

Policy NE14 requires satisfactory arrangements to be made for the disposal of foul sewage, trade effluent and surface water.

Supplementary Planning Guidance/Documents

The Council's Supplementary Planning Guidance on New Residential Development provides further advice in respect of layout, design etc.

Other guidance

None relevant.

Appraisal:-

The main considerations in respect of this application are: the principle of the development; whether it is essential for the proper functioning of the enterprise for one or more full time workers to be available at most times of the day and night (the functional test); whether the enterprise is planned on a sound financial basis (the financial test); whether suitable alternative accommodation exists nearby; the layout and design of the dwelling, residential amenity, impact on the character and appearance of the surrounding countryside and highway safety.

Principle of Development

One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. PPS7, Paragraph 15 of Annex A relates to "Occupational Dwellings" and states that there may be instances where special justification exists for new isolated dwellings associated with other rural-based enterprises. In these cases, the enterprise itself, including any development necessary for the operation of the enterprise must be acceptable in planning terms and permitted in that rural location, regardless of the consideration of any proposed associated dwelling.

Although there is no specific reference to Alpaca farming within the PPS, this is a relatively new type of farming in the United Kingdom and is considered to comprise of an agricultural activity which could be assessed against the tests within PPS7 Annex A. It would also achieve the objective of aiding the diversification of rural economies, as mentioned within the PPS.

This application is for a temporary log cabin to provide onsite accommodation to support the rural business Cuzco Alpacas. It therefore falls to consider whether the development meets the tests within Annex A of PPS7.

In order to establish temporary planning permission the following 5 criteria must be met:-

- a) Clear evidence of a firm intention and ability to develop the enterprise concerned
- b) A clearly established functional need for the ready availability of a worker. (Functional need)
- c) Clear evidence that the enterprise has been planned on a sound financial basis. (Financial test)
- d) The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;
- e) Other planning requirements are satisfied i.e. siting and access.

Clear evidence of the ability and intention to develop the enterprise

Through the acquisition of land and considerable investment in buildings, machinery, equipment and livestock, the applicant has demonstrated the intention to develop the enterprise. Further, the land has been managed and maintained and has been sub-divided into smaller paddocks by post and rail fencing. Information has also been provided illustrating that the applicant has attended courses to develop appropriate skills to expand the enterprise. The applicant is registered with DEFRA, has a holding number and is registered with the British Alpaca Society which is the pedigree registry. The works carried out, financial investment made and, the training undertaken to date, all provide a clear indication of the applicant's intention to fully develop the enterprise. In addition the applicant has stated that she has 15 years experience of owning horses and other livestock, and 3 years experience of owning alpacas. In relation to the latter, she is stated to have attended relevant training courses in alpaca husbandry and land management activities. The applicant has direct access within her immediate family to practical expertise in animal husbandry matters.

In the light of the above information and evidence, there is a clear intent and ability of the applicant to develop the enterprise proposed.

Functional Need

Animal Welfare

In considering functional need, PPS7 advises that it is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement may arise for example where workers are needed on site in case animals or agricultural processes require essential care at short notice, or to deal with emergencies that could otherwise result in serious loss if not dealt with quickly. This is not an absolute test but one which reflects the scale and nature of the enterprise(s) and the existing management arrangements.

In principle, these exemplar circumstances could apply to the proposed enterprise, where there are animal welfare demands arising from the livestock activities. These entail the management of the breeding programme of the alpaca herd and sheep flock, including the delivery of progeny and care of young animals, and possibly the management of housed stock during the winter months.

The Government's Codes of Recommendations for the Welfare of Livestock are predicated on the principles that the numbers of animals kept, and the relevant husbandry systems, should reflect welfare considerations, and that no arrangements should be put in place or changed unless the key stockperson(s) can safeguard the welfare interests of the individual animals. There is an overarching duty of care enshrined in animal welfare legislation.

Critical periods of risk are at times when animals are giving birth and the subsequent period when progeny is very young, and when animals are confined in buildings and wholly dependent upon human intervention to ensure safe environmental conditions. Both predicted and unforeseen events in relation to these circumstances will frequently occur outside normal working hours and require the stockperson to be aware of them and able to respond to them effectively. This can only be achieved if the key worker(s) is readily available.

The levels of care necessary in relation to alpacas has been the source of some discussion in planning cases, and several alpaca enterprises have secured on-site worker's accommodation on the basis of the high value of stock and the level of care needed to appropriately manage risk in the husbandry process, even though the numbers of animals

concerned have been relatively small in comparison with conventional livestock farming circumstances. In July 2011 internal guidance was issued to Planning Inspectors on this matter:

“Inspectors are often presented with arguments that alpacas need greater care over more traditional livestock. Furthermore, it is emphasised that alpacas can give birth throughout the year (they are induced ovulators), show little sign of imminent birth or oncoming ill-health and can often have complicated births. In addition, the need to hand rear young with regular feeds in the first few weeks is not uncommon. Therefore, appellants argue that someone is needed on hand at most times to make regular checks”.

“However, birthing in alpacas is very similar to calving in cattle, foaling in horses or lambing in sheep. Alpacas tend to give birth early in the day and almost always before mid-afternoon. Labour is usually swift lasting 5-20 minutes. Consequently, regular out of hours checks may often be unnecessary. Arguments that alpacas have special care needs should therefore be treated with caution.” (Planning Inspectorate).

The readers of the guidance are directed to a source document; ‘Llamas and alpacas – A guide to management’. It is implicit in the guidance that this source supports the cautionary advice. The author, a veterinary surgeon has released an open letter disassociating herself and her publication from the Inspectorate’s advice. Her letter contains the following:-

“Llamas and alpacas are adept at hiding early signs of disease and casual or intermittent supervision is likely to result in health and welfare problems. It is especially important for those who keep them to be intimately acquainted with each animal’s normal behaviour so that early indications of ill health is detected before intervention is too late. This applies as much to parturition (i.e. birth) as to anything else; if an animal normally gives birth in the morning, than one in labour in the afternoon or night is in serious trouble and needs immediate attention.”

“To be successful any alpaca breeding enterprise must have staff on site adequately to protect and to care for the animals. Their health and welfare absolutely depends upon it, and as a Veterinary surgeon, I know that if I am not called until an alpaca or llama is too weak to rise (the only thing which part time carers are liable to notice) then my chances of saving that animal are very poor.”

The Local Planning Authorities (LPA) agricultural consultant has active and successful alpacas breeders amongst his clients, and experience would lead him to question the somewhat dismissive tone of the Inspectorate’s advice and its lumping of the needs of diverse livestock types together. Alpacas are not indigenous to the UK and are being reared in environmental conditions which do not equate with those they evolved to accommodate. They are distinctly different to other classes of commercial agricultural livestock, having unusual mating and birthing cycles, and are susceptible to stresses which can result in abortion, ill-health and poor performance without obvious symptoms. It is inappropriate to compare the requirements of alpacas kept as pets with those managed intensively for stock and fleece quality purposes. In the light of its experience, the LPA agricultural consultant would contend that the supervisory requirements of alpaca breeding and rearing have more in common with those of high quality equine studs rather than conventional sheep and cattle enterprises. A factor in this consideration is the generally high value of stock and the consequently greater adverse effect per animal in relation to poor performance or loss.

Notwithstanding the above guidance and information, it is the case that the applicant has established an alpaca enterprise without access to either on-site or close supervisory accommodation, and without any certainty that she would be able to secure such accommodation. That decision has been taken in the light of some three years’ experience

of handling alpacas. No evidence has been submitted to illustrate how she has been unable to meet her statutory responsibilities or the losses or functional prejudice that the enterprise may have sustained as a consequence of offsite supervision. In so far as the applicant wishes to introduce a livery element to the business, the LPA agricultural consultant accepts that meeting the duty of care towards high value, third party animals from an off-site location is unlikely to be successfully achieved.

Labour Requirements

While every individual animal has welfare rights, that in itself provides insufficient justification for on-site workers accommodation. Even where a functional requirement for the ready availability of a worker is established, it is necessary to consider the scale and nature of the enterprise and its labour requirements. In the case of proposals for permanent accommodation, the labour requirement must relate to a full-time worker or one primarily engaged in the enterprise. Consequently, where temporary accommodation is sought to enable the sustainability of the enterprise to be tested, it is implicit that it will grow over the temporary period to a scale and nature commensurate with a need for one or more workers.

The documentation submitted with the application makes no assessment of the labour requirements of the enterprise, either now or at the end of the period of any temporary consent. The discussion of the financial test implies that a labour requirement equivalent to a single worker is anticipated, although the potential involvement of several family members is also referred to.

Using the accepted method of labour planning in agriculture, in which 275 Standard Man Days (SMDs) of labour requirement is a full-time equivalent, those elements of the enterprise excluding the alpacas; the sheep and grassland management would require only 0.1 of a worker using the recognised standard data. Based on an assessment of labour calculations in previous planning cases and from the performance of its clients, the LPA agricultural consultant would assess the labour requirement of the alpaca rearing element at the end of the temporary period at 0.4 of a worker. With the inclusion of the standard factors for maintenance and administrative tasks, the enterprise is assessed as requiring 176 SMDs, or 0.6 of a worker.

The alpaca livery element refers to 10 animals for 26 weeks which suggests a summer grass livery requiring little management input. The stud activity anticipated is also very limited at 7 serving per annum at Year 3. These activities will add little to the basic husbandry demands. If full-time employment is anticipated, then the residue of the requirement is made up from the production of clothing items for sale and occasional leisure events. In relation to the Council's expressed concern in relation to aspect of the proposed business which may require planning permission, the Local Authorities agricultural consultant has assumed that the livery element would merely be grazing which is an agricultural use of the land, and that the leisure activity would be sufficiently small scale as to fall within the provisions of permitted development for temporary uses of land.

The conclusion reached is that the scale and diverse nature of the proposed enterprise may well constitute a full time venture for a single worker. Those elements which support the case for the essential ready availability of a worker would, however, require slightly less than half a full-time worker.

Sound Financial Planning

There is no definition of financial soundness or viability in the planning guidance. However, a normal economic assessment of any business would expect a financial performance which

provided a reasonable return on the resources deployed in it, notably land, labour and capital, and a stable relationship between its current assets and liabilities.

In the case of newly established enterprises, the intention of policy PPS7 is that, after a three-year start-up period, the longer term sustainability of an enterprise should be capable of being tested. It is implicit that only if financial sustainability can be demonstrated at this stage should a continued residential presence be permitted. Consequently, the sound financial planning of an emerging enterprise should anticipate being able to meet the financial test for permanent accommodation at the end of the three year introductory period. If an enterprise were dependent upon on-site accommodation for its proper functioning, it would be perverse for it to be planned on a financial basis which did not aim to secure that accommodation after the three-year period.

Start-up businesses face the difficulty of seeking to demonstrate financial sustainability in the short-term, while having to commit to substantial development investment and building an income base. It is unlikely, therefore, that during the introductory period an enterprise will generate levels of profitability which will provide a return on capital invested, or necessarily a realistic return to unpaid labour. In looking at applications for permanent accommodation, the Annex A guidance requires that local planning authorities take “a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned” (paragraph 8). This is no less relevant when assessing the initial financial planning of a new enterprise.

In considering the issue of sound financial planning, it is necessary, therefore, to consider the purposes of the financial testing in the policy guidance. Firstly, there is an overarching concern that, if occupational dwellings are to be permitted as an exception to the normal policy of restraint on residential development in the countryside, the associated enterprises should be genuine and capable of being sustained for a reasonable period of time. Secondly, at a more detailed level, assurance is sought that any permitted permanent dwelling is capable of being funded and sustained by the relevant enterprise.

A minimum position for an emerging enterprise would seem to be, therefore, that it should aim to give its principals a realistic return to their labour, and move towards a position of being able to sustain a permanent unit of accommodation. The latter is usually taken as being the ability of a business to fund the build cost of the relevant dwelling, either as a return on personal capital invested or as a finance charge on borrowed capital. The LPA Agricultural Consultant would regard a business which was planned to develop over the introductory period on this basis as being planned on a sound financial basis. Insofar as the Local Authorities Agricultural Consultant places weight on the need to secure a realistic return for unpaid labour, this is consistent with the financial test in saved development plan Policy RES12.

The applicant has submitted a comprehensive Business Plan which has been provided to the Local Planning Authority on an ‘In Confidence’ basis. This shows an increasing level of profitability over a three year period, with an expected profit at the end of year 3 (c £24,000) which would accommodate the basic requirements for permanent accommodation identified above. This conclusion is reached with regard to the current minimum agricultural wage being in the region of £14,000 and an indicative build cost of a modest dwelling of approximately £100,000.

In reference to the previously withdrawn application, the LPA agricultural consultant had concerns with the Business Plan. The financial element of its construction was flawed, in so far as the normal range of costs associated with the enterprise was not included. These costs have now been included in the Business Plan as re-submitted. In order to accommodate the new costs, adjustments were made to the management of the alpaca and

sheep stock in order to increase the enterprise gross margin and consequently its predicted profitability. The adjustments made are not considered to be unreasonable.

Suitable and available alternative accommodation

The application site lies immediately to the west of the village of Barton in the Beans. The applicant has suggested that property in the village would not substantively improve the functional and security aspects of the enterprise. Given that the applicant currently resides some 3 kms distance from the site, and has already established the basis of the enterprise, it is nevertheless self-evident that a re-location to the nearby village would bring management benefits to the enterprise. The character of the settlement has been considered, and an Internet search for currently available property, conducted. The only currently available property is a 6-bed country house being marketed at £850,000. Those properties closest to the applicant's land also appear to be of a substantial character, which is reflected in two properties also marketed during 2011 both of which were 4-bed dwellings valued at £385,000. Even were these properties to be suitable, they are clearly not available to the emerging alpaca business in terms of its ability to access them. Accordingly it is accepted that alternative suitable accommodation is unlikely to be realistically available.

Layout, Design and Impact on the Countryside

The proposed siting, design and materials ensure minimum impact on the appearance of the surrounding area. The cabin is to be situated in close proximity to both the existing buildings on site and the existing access drive. The natural topography of West End; the location of existing buildings and existing landscaping; choice of materials; and, design of the dwelling all assist in seeking to ensure the proposal will assimilate with its surroundings. The proposal is of a modest size, is of timber construction, has a roughly 'L' shaped footprint. The floor area is approximately 68.56 metres squared. The accommodation provided will be two bedrooms, with en suite, a living area and a utility room. and its scale is considered compatible with the enterprise proposed and will not appear prominent within the rural landscape. Accordingly the proposal is of an acceptable design and is considered to have no detrimental impacts on the character of the surrounding countryside.

Neighbours Amenity

There are no residential properties located within close proximity of the site. Therefore the proposal will have no material impacts in terms of residential amenity.

Highway Safety

The Director of Environment and Transport (Highways) has no objections to the application. There is adequate off road parking and turning on site and no changes are proposed to the access. Therefore the application is in accordance with policy T5 of the Local Plan.

Conclusions

The applicant has established a new alpaca enterprise. This anticipates the breeding and rearing of alpacas for sale as breeding stock and for general purposes, and the generation of fleece based products. This will be supplemented by income from sheep rearing, provision of grazing and livery services, hay sales and occasional leisure events.

Based on the above appraisal of the emerging enterprise in the context of national planning policy guidance, the following conclusions can be drawn:-

- the applicant has the ability and intention to develop the alpaca enterprise, as reflected by the scale and nature of the present activity and the investment made in it;
- the enterprise has an underlying functional requirement for the ready availability of a key worker to ensure its proper management and compliance with animal welfare obligations;
- the key management aspects of the enterprise during the establishment period and identified in the Business Plan relate to a labour requirement for slightly less than a full-time worker, although the total requirements inclusive of the diverse range of ancillary activities proposed would occupy a full-time worker;
- the essential labour requirement would increase to a full-time need in the event that the size of the alpaca enterprise grew to its planned longer term objective.
- the scale and nature of the intended enterprise is compatible with circumstances in which Inspectors in recent planning appeals have accepted the functional need for on-site supervision;
- the absence of a readily available worker would be prejudicial to business prospects in the light of welfare needs, security risks and the expectations of prospective livery clients;
- the enterprise is proposed to be developed slowly and low levels of profitability are anticipated in the initial years;
- the enterprise is expected to reach a scale at which it will be profitable at a level (at approximately three years) which gives appropriate remuneration to its principal and a small return on her investment; it is soundly based financially;
- existing housing in the immediate vicinity of the holding could theoretically provide an improved supervisory base for a readily available key worker, but access to it is precluded by market values in excess of those which the enterprise could support.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, 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. Based on the financial and functional information provided and the design, siting and scale of the proposal, the tests outlined within Annex A PPS 7 are considered to have been met, thus confirming the need for an agricultural workers dwelling in the proposed location, and there are considered to be no adverse impacts in terms of visual or residential amenity or on the character of the area or highway safety resultant from the development siting or design. Therefore the development is considered acceptable.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies BE1, RES12, T5, NE5, NE12 and NE14.

- 1 This permission is limited to a three year period from the date of this decision. The log cabin hereby permitted shall be removed and the land restored to its former state on or before 7 March 2015 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: OS Siteplan scale 1:2500 received by the Local Planning Authority on the 30 January 2012, South Elevation Proposed, West Elevation, North Elevation Proposed, East Elevation, Roof Plan Proposed, Floor Plan received by the Local Planning Authority on the 7 November 2011.
- 3 The occupation of the dwelling shall be limited to a person engaged solely or mainly employed in the business known as "Cuzco Alpacas" occupying the plot edged red on the attached plan, and any resident dependants.
- 4 Before any development commences full details of the external finishes and colours to the log cabin shall be submitted to and approved in writing by the Local Planning Authority. The approved external finishes and colours shall be implemented within two months of the first occupation of the log cabin.

Reasons:-

- 1 The site lies within an area where the Local Planning Authority would not normally grant permission for residential development. The temporary period is sufficient to ascertain if the holding can comply with the guidance contained within Annex A of PPS7.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 The site lies within an area of countryside where the Local Planning Authority would not normally grant permission for residential development and to avoid the proliferation of new dwellings to accord with Planning Policy Statement 7 and policies RES12 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the development has a satisfactory external appearance to accord with policies BE1 and NE5 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).

Contact Officer:- Eleanor Shaw Ext 5680