Item: **03**

Reference: **11/00818/FUL**

Applicant: **Mr Brian Sutton**

Location: **Sycamore Farm 29 Main Street Barton In The Beans**

Proposal: **SUBSTITUTION OF HOUSE TYPE FOR UNIT NO 2 OF PLANNING PERMISSION 10/00516/FUL**

Target Date: **14 December 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the applicant is an elected Member of the Borough Council.

Application Proposal

This application seeks full planning permission for the substitution of house type for Unit 2 of a previously approved extant planning permission reference 10/00516/FUL relating to the erection of three live/work units on land at Sycamore Farm off Main Street, Barton in the Beans. No changes are proposed to Units 1 or 3 of the previously approved scheme. The scheme comprises the construction of a live/work unit linked to Unit 1 at first floor with a vehicular access below leading to the fields to the rear. The unit incorporates a two storey four bedroom residential element and a single storey work element arranged around a small courtyard and with gardens to the rear of the residential element. The scheme differs from that previously approved under planning permission 10/00516/FUL which provided a larger single courtyard between Units 1 and 2 but the layout of the unit is similar to a scheme previously approved on the site in 2007 that also provided two individual smaller courtyards for the respective units.

The Site and Surrounding Area

The application site is located to the south of Main Street, Barton in the Beans and is accessed off Main Street between Sycamore Close and Deacon Rise. The access is located within the village settlement boundary, but the remainder of the site falls on the edge of but outside the settlement boundary. The site has been cleared and levelled. There are public footpaths in the vicinity of the site.

Technical Documents submitted with application

A Design and Access Statement has been submitted with the application which seeks to demonstrate that the amended proposals substantially accord with the previously approved principles in respect of the use, design, scale, floor space and appearance of the live/work unit.

Amended plans have been submitted to address issues raised in respect of the extent of the curtilage to plot 2, the removal of the field access track between plots 1 and 2, the layout and extent of the flexi zones within unit 2 and minor amendments to the external appearance of unit 2.

History:-

10/00516/FUL	Demolition of existing farm buildings, erection of three mixed residential and office units and extension and alterations to existing dwelling (Amended scheme)	Approved 02.09.10
10/00504/GDO	Erection of an agricultural building	Approved 04.08.10
09/00873/FUL	Demolition of existing farm buildings and the erection of three mixed residential and office Units, extensions and alterations to existing dwelling	Approved 16.03.10
07/01424/FUL	Demolition of existing farm buildings and the erection of three mixed residential and office units, extensions and alterations to existing dwelling and removal of agricultural occupancy condition	Approved 28.02.08



© Crown copyright. All rights reserved Hinckley & Bosworth Borough Council LA00018489 Published 2006

Consultations:-

No objection has been received from:-

Environment Agency
Severn Trent Water Limited
Director of Environment and Transport (Highways)
Directorate of Chief Executive (Ecology)
Head of Community Services (Land Drainage).

Director of Environment and Transport (Rights of Way) advises that an Order in respect of the diversion of footpath S87 which crosses the application site has been confirmed and came into force on 12 November 2011. The developer will be responsible for ensuring that the new route is not obstructed or affected by any operations in association with the development and for the relocation of a hand gate.

No objection subject to conditions have been received from Head of Community Services (Pollution).

Site notice and Press notice were displayed and neighbours notified. Two letters have been received raising the following concerns:-

a) Units 1 and 2 are too close together creating a wall of buildings and congested appearance
b) additional properties will generate more traffic
c) description of live/work unit is tenuous as only 18% of floor space is work/offices
d) how will farmer access fields to the rear
e) disturbance from additional vehicles including trucks to live/work units.

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

Ramblers Association
Shackerstone Parish Council
Chief Officer for Housing, Community Safety and Partnerships (Housing)
Head of Business Development and Street Scene Services (Waste Minimisation).

The consultation period remains open at the time of writing this report and expires on 10 December 2011. Any representations 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 refers to the delivery of sustainable development through the planning system. It promotes the more efficient use of land and the re-use of suitably located previously developed land. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Statement 3 (PPS3): Housing sets out the national planning policy framework for delivering the Government's housing objectives. Paragraph 10 seeks to deliver high quality housing that is well designed and promotes a flexible, responsive supply of land that makes efficient and effective use of land, including that which has been previously developed. Paragraph 12 states that good design is fundamental to the development of high quality new housing. Paragraph 14 promotes

development that maintains or improves local character. Paragraph 16 outlines matters to consider when assessing design quality and includes: the extent to which the proposed development is well integrated with, and compliments, the neighbouring buildings and the local area.

Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth recognises changing working patterns and seeks to deliver more sustainable [patterns of development and reduce the need to travel. Policy EC2.1 seeks to make the most efficient and effective use of land, prioritising previously developed land which is suitable for re-use and to facilitate new working practices such as live/work.

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) reinforces the principles of sustainable development set out in PPS1. It requires good quality carefully sited accessible development; accessibility should be a key consideration; new building development in the open countryside away from existing settlements or outside areas allocated for development should be strictly controlled; priority should be given to the reuse of previously developed sites; and all development in rural areas should be well design and inclusive, in keeping and scale with its location and sensitive to the character of the countryside and local distinctiveness.

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.

Local Policy

Local Development Framework Core Strategy 2009

Policy 13: Rural Hamlets supports development enabling home working and other small scale employment uses within settlement boundaries.
Hinckley and Bosworth Local Plan 2001

The site is located outside the settlement boundary of Barton in the Beans in the countryside 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 secure attractive development and to safeguard and enhance the existing environment. The policy states that development proposals should complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, and materials, ensure adequate parking provision and should not adversely affect the amenities of neighbouring properties.

Policy RES5: Residential Proposals on Unallocated Sites states that residential proposals on such sites will be granted if they lie within the boundaries of a settlement area and the siting, design and layout does not conflict with the relevant plan policies.

Policy NE2: Pollution seeks to protect developments from material harm from either existing or potential sources of air or soil pollution.

Policy NE5: Development in the Countryside states that planning permission will be granted for built development provided that it is important to the local economy or is for the change of use of existing buildings 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 T5 seeks the application of appropriate highway design standards and parking targets for development unless a different level of provision can be justified.

Policy REC3: 'New Residential Development - Outdoor Play Space for Children' requires the appropriate level of open space to be provided within development sites. Alternatively, a financial contribution can be negotiated towards the provision of new recreational facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance on New Residential Development provides further guidance for developers on density, design, layout, space between buildings and landscaping/boundary treatments along with highways and parking.

Supplementary Planning Document on Play and Open Space provides further guidance to developers in respect of the different types of open space and the level of financial contributions required.

Appraisal:-

The main considerations with regard to the application are the principle of development, layout and design, impact on neighbours, highway safety, public rights of way, land contamination issues and developer contributions.

Principle of Development

The site is located on the edge of Barton in the Beans just outside the settlement boundary within the countryside as identified in the adopted Hinckley and Bosworth Local Plan. Both national and local policy seeks to restrict residential development within the countryside and to direct new residential development to sustainable locations within existing urban and rural settlements. It is therefore considered that in principle the proposed development is contrary to adopted local policy and does not meet the aims and objectives of National Planning Guidance. However, the previously approved schemes (07/01424/FUL, 09/00873/FUL and 10/00516/FUL) established that there were exceptional circumstances relating to the previous operations at Sycamore Farm. It was because of these circumstances and the merits of the proposed scheme that permission was granted subject to a S.106 Agreement which required a number of sites at Sycamore Farm to be cleared and their uses ceased. The S.106 Agreement has been signed and the previous commercial uses of the site have ceased. Given that the S.106 agreements requirements in respect of the cessation of the previous commercial uses were trigged upon the signing and sealing of the document, the S.106 remains in force and therefore there is no need for further agreements in this respect. However, a condition to ensure that the live/work unit operates as a single unit and not separately sold, leased or otherwise disposed of is considered reasonable and necessary in this case to ensure the sustainability of the development and the intentions of the permission.

Layout and Design

The application proposes a revised layout and design to Unit 2 of the previously approved development. The residential element will be located on a similar siting and footprint with a threshing barn type opening between units 1 and 2 that provides rear pedestrian access. The single storey element of the unit which contains the work element is to be resited. This will separate the car parking provision for both units 1 and 2. Whilst differing from the previously approved scheme the proposed unit has been designed to emulate the traditional farmyard character both in terms of layout and design. The proportions, mass and scale are typical of a group of two and single storey 19th century farm buildings. External materials proposed include the use of traditional red brick and small clay tiles, which are common for the period. Whilst the revised scheme proposes a higher ground and finished floor level for Unit 2, no significant impact on the overall visual amenity of the scheme or on residential amenity will result as the ridge is no higher than the previous permitted unit.

The proposed scheme reduces the residential element from a two storey building with additional accommodation in the roof space to a two storey four bedroom dwelling and reduces the work element of the scheme from single storey with offices in the roof space to just single storey. The application demonstrates through the submitted amended floor plans that the scheme results in reductions in the overall floor space of both the residential and work elements of the unit, and also results in a proportional increase in the residential floorspace and a reduction in the work unit floorspace in comparison to the 2010 permission. Notwithstanding this the scheme maintains adequate proportions of both live and work elements which is considered acceptable in this instance.

Overall and on balance, the layout and design of this development remains of high quality. As a result, it is considered that it will enhance the character and appearance of the site, be well integrated with the surrounding area and will have a positive visual impact on the surrounding countryside contributing to a visually sensitive development that will reflect its rural location.

Impact on Neighbours

The built form of the development is located at some distance (over 46 metres) from the nearest existing dwellings in the locality and therefore the proposal is not considered to result in any material impact upon the residential amenities experienced by nearby occupiers. As the proposal is merely a substitution of house type with no additional unit being created and results in a reduction in floor space, there will be no additional impact on existing neighbouring properties or future occupiers of the scheme from comings and goings to the unit.

Highway Issues

Access to the site is gained from the south side of Main Street between Deacon Rise and Sycamore Close and has been approved under the previous planning permissions for the wider site of which this plot forms part. The access to the land beyond that runs through the plot has also been previously approved in this location. Adequate parking, servicing and turning will be provided within the curtilage of the proposed live/work unit. The proposed live/work unit will not generate any additional traffic to that previously approved and therefore no additional impact will result on the highway network or road safety. The Director of Environment and Transport (Highways) has raised no objection to the scheme.

Rights of Way

There are two public rights of way that cross the site, S87 and S90. S87 runs east west in front of the existing farmhouse and S90 runs north/south and crosses the access to the site. Both have been subject to Diversion Orders which routes the rights of way onto third party land and to the application site perimeter. Accordingly, the proposed development does not affect the rights of way.

Other Material Considerations

The Head of Community Services (Pollution) does not object to the application but recommends conditions in respect of the development being implemented in accordance with the recommendations, and any necessary mitigation measures, contained in previously submitted Environmental Investigation and Risk Assessment Reports in respect of land contamination.

Residential schemes of fewer than 20 dwellings are required by policy REC3 to make provision for informal play and open space. The adopted Supplementary Planning Document requires this contribution of informal play space if there is an existing informal space within 400 metres of the application site. Barton in the Beans does not itself have any informal play space, the closest being in the village of Shackerstone, which is more than 400 metres away. Therefore no contribution towards provision or maintenance of informal space can be required for this scheme.

Conclusion

The earlier grant of planning permissions (07/01424/FUL, 09/00873/FUL and 10/00516/FUL) have established the principle of this development on the site and signed and sealed S.106 Agreement binds the cessation of the earlier commercial uses. This revised scheme continues to propose a mixed use development, which it is considered will blend well with the surrounding area. The development, being a scheme of live/work units, is considered despite its rural location, to be in line with sustainable policy issues by being both a previously developed site and proposing a low car use scheme. The revised scheme will not result in any adverse impact on neighbours amenities, highway safety or public rights of way. As such the proposed development is recommended for approval.

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 appropriate 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 in respect of its sustainable design and use, visual and residential amenity and highway safety and would not result in any adverse impact on public rights of way.

Hinckley and Bosworth Local Plan (2001):- Policies BE1, RES5, NE2, NE5 and T5.

Hinckley and Bosworth Local Development Framework: Core Strategy (2009):- Policy 13.

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 scale 1:1250 and Proposed First Floor Plan DRWG No. HMD/PD/0218/03 Rev A received by the local planning authority on 19 October 2011; Proposed Site Layout Plan DRWG No. HMD/PD/0218/01 Rev A; Proposed Ground Floor Plan DRWG No. HMD/PD/0218/02 Rev B; Proposed Elevations DRWG No. HMD/PD/0218/04 Rev B received by the local planning authority on 29 November 2011.

3 The mixed residential and office unit hereby permitted shall at all times remain in single ownership or occupation and shall never be used, sold, let or otherwise disposed of as a separate residential or office unit.

4 Notwithstanding the details submitted, no development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the live-work unit hereby permitted shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

5 The premises shall not be used other than for purposes falling within Class C3, B1a and B1b, in strict accordance with the details shown on the approved plan, of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A to E shall not be carried out unless planning permission for such development has first been granted by the local planning authority.

7 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-

i) means of enclosure
ii) hard surfacing materials of all vehicular and pedestrian circulation areas

iii) planting plans
iv) written specifications
v) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
vi) 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 The work unit hereby approved shall be constructed in accordance with the approved plans and be ready for use prior to the occupation of the residential unit to which it relates and thereafter retained as such in accordance with the approved plans.

10 The development shall be carried out in accordance with the submitted Environmental Investigation Report (LCS/Sycamore/002 dated 19 November 2008) and the Additional Environmental Investigation and updated Risk Assessment (LCS/Sycamore/003 dated 19 August 2010).

11 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the local planning authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

12 Before the first occupation of any live/work unit hereby permitted, the parking spaces and turning area as shown on the approved plan DRWG No. HMD/PD/0218/PD/01 shall be laid out and made available for vehicle parking thereafter.

Reasons:-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

3 To protect residential amenity and to ensure the continuation of the permitted uses in the interests of the sustainability of the development to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.

4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

5 To ensure that the use remains compatible with the surrounding area to accord with Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.

6 To safeguard the character of the development and in the interests of visual amenity to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

7 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

8 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

9 To define the permission.

10 To ensure adequate consideration is given to ground contamination issues to avoid the risk of contamination in connection with the new development to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.

11 To ensure the site is suitable for the development hereby permitted and any mitigation measures necessary are incorporated to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.

12 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

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

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

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

5 The applicants attention is drawn to the contents of the consultation response from the LCC Rights of Way Officer in respect of public footpaths S87 and S90 that are in close proximity to the site and their responsibility to ensure that no obstruction of the footpaths occurs by any operations associated with the development, that any damage to the footpath surfaces is repaired and in respect of the relocation of the existing hand gate.

Contact Officer:- Richard Wright Ext 5894