CT Planning

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
SECTIONS 20 and 74

Appeal By	:	**Mrs P Taylor**
Site	:	**4 Pipe Lane** **Orton on the Hill** **Atherstone** **Warwickshire** **CV9 3NF**
PINS Reference	:	**APP/K2420/A/12/2169798** **APP/K2420/E/12/2169799**
LPA Reference	:	**11/00602/FUL** **11/00603/CON**
Appellant's Reference	:	**CET/3448**
Date	:	**12th March 2012**

APPENDICES TO APPELLANT'S WRITTEN STATEMENT

Trafalgar House 20a Market Street Lichfield Staffordshire WS13 6LH
Tel 01543 418779 **Fax** 01543 418115 **Email** plan@ctplanning.co.uk **Web** www.ctplanning.co.uk

Registered in England 4110624

CT Planning

RECEIVED
29 MAR 2012
REGISTRY

4.0 APPENDICES

Appendix 1	:	Decision Notice 11/00602/FUL dated 23rd November 2011
Appendix 2	:	Decision Notice 11/00603/CON dated 24th November 2011
Appendix 3	:	Photographs of the appeal site and its surroundings
Appendix 4	:	Orton on the Hill Settlement Boundary
Appendix 5	:	Orton on the Hill Conservation Area Appraisal – March 2009
Appendix 6	:	Drawing 3448/4: Settlement Pattern
Appendix 7	:	Relevant extracts from the Hinckley and Bosworth Local Plan
Appendix 8	:	Relevant extracts from the Hinckley and Bosworth Core Strategy
Appendix 9	:	Planning Officer's Report to Planning Committee in respect of application 11/00602/FUL
Appendix 10	:	Planning Officer's Report to Committee in respect of application 11/00603/CON
Appendix 11	:	Objections to Local Plan : Inspector's Remarks
Appendix 12	:	11/00603/CON : Conservation Officer Consultation Response dated 4th October 2011
Appendix 13	:	11/00602/FUL : Conservation Officer Consultation Response dated 4th October 2011
Appendix 14	:	Consultation Response from Leicestershire County Council dated 28th October 2011
Appendix 15	:	Planning Officer's Supplemental Report to the Planning Committee in respect of application 11/00602/FUL

CT Planning

Appendix 16	:	Email from Dominic Young, Leicestershire County Council to Ebbony Mattley of Hinckley and Bosworth Borough Council dated 26th October 2011
Appendix 17	:	Draft conditions

CET/3448

12th March 2012

Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

Name and Address of Applicant
Mrs P Taylor
C/o CT Planning Limited
Trafalgar House
20A Market Street
Lichfield
Staffordshire
WS13 6LH

Name and Address of Agent (if any)
Mr Christopher Timothy
CT Planning Limited
Trafalgar House
20A Market Street
Lichfield
Staffordshire
WS13 6LH

Part I - Particulars of Application

Date of Application	**Application No.**
29 September 2011	11/00602/FUL

Particulars and location of development:

DEMOLITION OF EXISTING DWELLING AND THE ERECTION OF 6 DWELLINGS WITH ASSOCIATED ACCESS

Bungalow 4 Pipe Lane Orton On The Hill Atherstone Leicestershire

Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council refuses to permit the carrying out of the development referred to in Part I hereof for the following reason(s) :-

1. In the opinion of the Local Planning Authority the massing of the proposed dwellings would result in a scheme which dominates the surrounding area, which is considered to be harmful to the character and appearance of the surrounding area and to the detriment of the character and appearance of the Conservation Area. It is therefore considered contrary to Saved Polices BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan, Policy 13 of the adopted Hinckley and Bosworth Core Strategy and Planning Policy Statement 5.

2. In the opinion of the Local Planning Authority the proposal results in a scheme which occupies a site which acts as a visual break between buildings which contributes to the special character of the area contrary to Saved Policy BE19 of the adopted Hinckley and Bosworth Local Plan.

3. In the opinion of the Local Planning Authority the scheme fails to provide any definitive pedestrian improvements along Pipe Lane which would lead to increase dangers for pedestrians.

4. In the opinion of the Local Planning Authority the site is located in an un-sustainable location, remote from key services and public transport whereby journeys would be reliant upon private car journeys contrary to Planning Policy Statement 1, Planning Policy Statement 7 and Planning Policy Guidance 13.

5. In the opinion of the Local Planning Authority the applicant has failed to demonstrate that sufficient suitable affordable housing would be provided, contrary to central government guidance contained within Planning Policy Statement 3, Circular 5/05, Policies 15 and 16 of the adopted Hinckley and Bosworth Core Strategy and the Supplementary Planning Document on Affordable Housing.

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

NOTES

1. It will be most helpful if the application number shown overleaf is quoted on all correspondence.

2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review

3. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission he may appeal to the Planning Inspectorate in accordance with Section 78 of the Town and Country Planning Act 1990 within six months (see para 2a below) of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Room 305(K), Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, by telephoning 0117 372 6372 or online at www.planningportal.gov.uk/planning/appeals/). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, (or could not have been so granted otherwise than subject to the conditions imposed by them,) having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 14 October 2004 must be made within six months of the date of this notice.

4. If permission to develop land is refused whether by the Local Planning Authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

RNOTES



Date :23 November 2011

BILL CULLEN
PROPER OFFICER OF THE COUNCIL

Hinckley & Bosworth Borough Council

A Borough to be proud of

Planning (Listed Buildings and Conservation Areas Act) Act 1990

REFUSAL OF CONSERVATION AREA CONSENT

Name and Address of Applicant
Mrs P Taylor
C/o CT Planning Limited
Trafalgar House
20A Market Street
Lichfield
Staffordshire
WS13 6LH

Name and Address of Agent (if any)
Mr Christopher Timothy
CT Planning Limited
Trafalgar House
20A Market Street
Lichfield
Staffordshire
WS13 6LH

Part I - Particulars of Application

Date of Application	**Application No.**
29 September 2011	11/00603/CON

Particulars and location of development:

DEMOLITION OF EXISTING DWELLING AND THE ERECTION OF 6 DWELLINGS WITH ASSOCIATED ACCESS.

Bungalow 4 Pipe Lane Orton On The Hill Atherstone Leicestershire

Part II - Particulars of decision

The Hinckley and Bosworth Borough Council refuses Conservation Area Consent for the execution of the works referred to in Part I hereof for the following reason(s) :-

1. In the opinion of the Local Planning Authority in the absence of an approved, acceptable scheme of re-development, the demolition of the dwelling would create an unsightly gap in the street frontage contrary to Saved Policy BE8 of the adopted Hinckley and Bosworth Local Plan.



Date : 24 November 2011

BILL CULLEN
PROPER OFFICER OF THE COUNCIL

IMPORTANT – PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

NOTES

1. It would be most helpful if the application number shown overleaf is quoted on all correspondence.

2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.

3. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse conservation area consent for the proposed works he may appeal to the Planning Inspectorate in accordance with Section 10 of the Planning (Listed Building & Conservation Areas) Act 1990 within **six months (see para 2a below)** of the date of this notice. (Appeals must be made on a form which is obtainable from the Department of the Environment, Hawk Wing, Room 3/23, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/planning/appeals/) You must use a Conservation Area Consent Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority having regard to the statutory requirements as set out in Section 10 of the Town and Country Planning Act 1990, to the provision of the development order and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 5th September 2003 must be made within **six months** of the date of this notice.

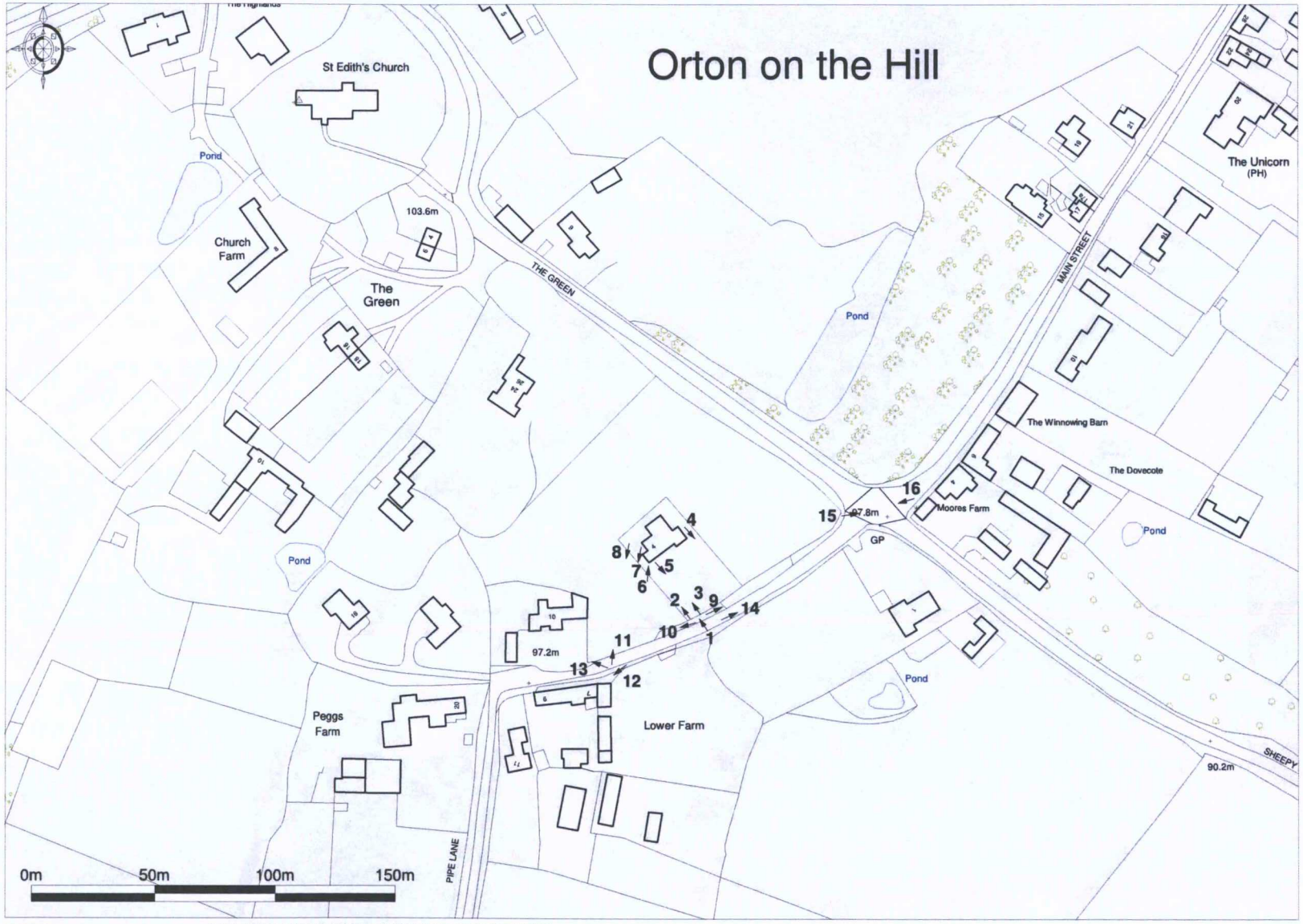
4. If conservation area consent if refused whether by the Local Planning Authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Building & Conservation Areas) Act 1990.

5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Building & Conservation Areas) Act 1990.

RCACNOTES

CT Planning

THE GREEN, ORTON ON THE HILL, LEICESTERSHIRE, CV9 3NF



Promap®
Ordnance Survey © Crown Copyright 2012. All rights reserved. Licence number 100020449.
Getmapping plc 2012. Plotted Scale - 1:2500

3448/6: Location of Photographs (Appeal)
1/2500 @ A4

CT Planning



Photograph 1



Photograph 2

CT Planning



Photograph 3



Photograph 4

CT Planning



Photograph 5



Photograph 6

CT Planning



Photograph 7



Photograph 8

CT Planning



Photograph 9



Photograph 10

CT Planning



Photograph 11



Photograph 12

CT Planning



Photograph 13



Photograph 14

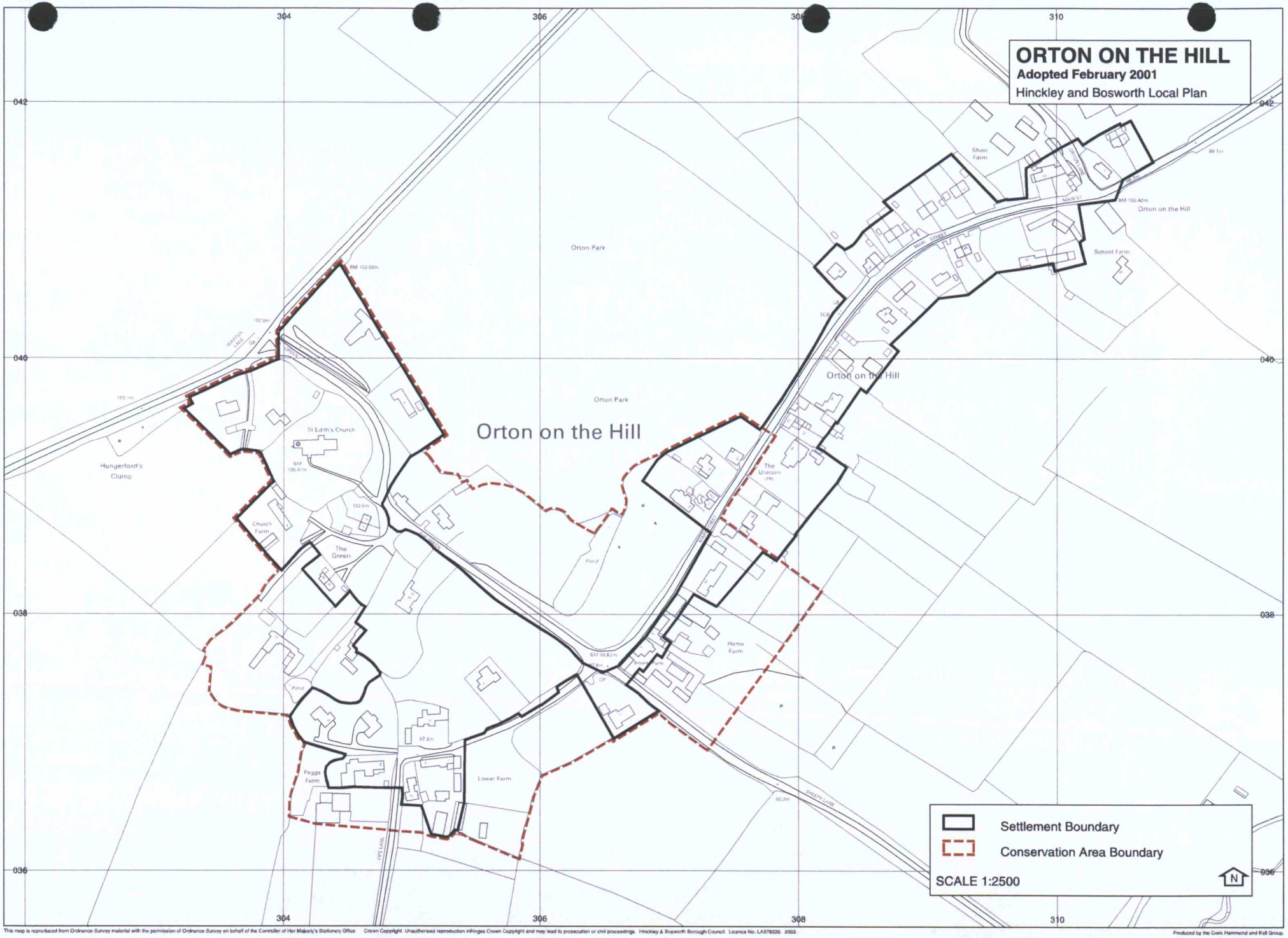
CT Planning



Photograph 15



Photograph 16



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Hinckley & Bosworth Borough Council. Licence No. LA078220. 2002.

Produced by the Geek Hammond and Kell Group.

Orton on the Hill

Conservation Area Appraisal

Orton on the Hill was a well established village long before it was mentioned in the Doomsday Book as Wortone. The first Orton Hall is thought to have been built around 1115 and at some period is thought to have belonged to the Knights Templar. The Manor, consisting of the Hall, the church, the village and much of the surrounding land was given to Merivale Abbey in 1148. The Cistercian monks organised the land into a number of granges which included Le Grange, now Lea Grange, Pinwall, Newhouse and Moor, now Moorbarne. Today they are outlying farms encircling Orton.

Following the Dissolution of the Monasteries, Orton passed into the ownership of the Bradshaw's for about 100 years. Around 1650, the Steeles, later to become the Steele-Perkins, purchased Orton Hall and became the Lords of the Manor for the next 250 years. In 1786, the medieval Hall was demolished by Samuel Steele Perkins and rebuilt in the new fashionable Georgian style. The Hall was eventually sold by the family in 1918 and the estate was broken up. Although the hall remained a private house for 40 years, it was demolished in the late 1960's.

Setting

The village location is defined by a group of relatively isolated woodland trees set in open countryside at the top of a high ridge orientated east-west. It is approached by narrow straight roads from Sheepy to the south and Twycross and Atherstone along the ridge. This unique setting permits magnificent views all around but particularly across the Warwickshire plain to the north-west. With this exception and the large open field of Orton Park on the north east side, the field system adjoining Orton is characterised by small fields and continuous hedgerows. These features extend into the village to reinforce its rural character.

Gateways

From any distance or approach, the village conservation area appears to be set in woodland. Mature trees are grouped at the entrances to the settlement and also form a stand around the site of the former Orton Hall. Only the Conservation Area entrance along Main Street differs because of the impact of modern infill development which produces an urban feel.

Character Statement

The village is divided into two distinct areas, each with its own character. The older part of the village, includes the medieval church of St Edith, a Grade I listed building, and the area around The Green and Pipe Lane. This is characterised by a relatively unplanned organic pattern of buildings which are separated from each other by distance, green spaces and continuous hedges.

The second area lies along Main Street and comprises continuous frontage development of differing scales and from different periods.

Appearance

Until the demolition of The Hall, the area around The Green was the traditional centre of the village. This important space lies between the site of The Hall, the Vicarage and St Edith's church. Some distance away to the south-east, in an arc with the Hall as its focus, are the principle village farms. These included Home Farm, Lower Farm, Peggs Farm, Shaw Farm and Church Farm. In recent times, following the loss of the Hall, the spaces between farms, particularly along Main Street, have been infilled with new dwellings to the detriment of the traditional character of the settlement. Main Street has been particularly badly affected because of the modern unsympathetic nature of this development.

Generally along Pipe Lane and around the village green, the dispersed nature of the farms has been retained. It is important to the character of the conservation area that the large green spaces between these groups of buildings are retained. The farm clusters themselves follow the traditional pattern of attached buildings along the sides of a yard with the house being sited closest to the road.

The farmsteads

The principle building at Church Farm is a thatched medieval timber framed structure with a small brick extension from the Victorian period. The original courtyard form of the farm has been lost and only a reconstructed southern wing and the farmhouse remain. Until the turn of the last century this farm stood alone on the edge of a road linking the village green to the Warton Road junction. The land to the north west of the church has been infilled by inappropriate modern development.

Hall Farm, lies a short distance to the south and is directly accessed from the village green. This farmhouse in addition to medieval timber framing also includes eyebrow windows which are common in the wider area. The original form of the farmyard has been retained with buildings forming three sides.

Peggs Farm, at the western end of Pipe Lane is also part timber framed indicating its medieval origins. This farm is defined by the farmhouse and a return wing on its western side.

Lower Farm, which also fronts the road, to the east along Pipe Lane, has also a part timber framed building. The yard layout is similar to Peggs Farm, but the yard is more clearly defined by agricultural buildings to the east and south.

Two further farms, Moore's Farm and Home Farm, are located to the east of the junction of Main Street and Sheepy Lane. Both have retained many of their former farm buildings although several have been converted into dwellings.

Moore's Farm lies tight to the road intersection with brick buildings forming an easily identifiable yard enclosure. Access into the yard was through an opening between the farm house and a large brick barn. The farm house is a key building in the Conservation Area. It reinforces the settlements agricultural origins when approaching from the south, but it has suffered from inappropriate changes to its appearance.

Home Farm is the last of the village farms and lies adjacent to Moore's Farm but separated from it by a narrow passage. This building has retained its clay tiled roof, and flat brick frontage on a low brick plinth. Its fine traditional details include brick chimneys, simple casement windows with segmental brick arched lintels, keystones and projecting brick sills. Its outbuildings include two

fine brick barns also on the road side and defining the southern edge of the yard, a dovecote.

During the Victorian period the village school, the schoolhouse and the Rectory were added to the settlement's stock of buildings. Both the school, constructed 1834 on Pipe Lane and the nearby schoolhouse are gabled single storey brick structures with dentil eaves. The schoolhouse itself has been extended and rendered in the recent past but both retain their clay tiled roofs.

The Rectory (now called The Gables) is an impressive building standing behind fine Victorian gates in its own grounds on the south side of The Green. It is a two and a half storey building with three prominent gables, chimneys and Georgian style windows although it has been subsequently rendered. Its gardens include several fine mature trees.

Building Style, Scale and Detail

Buildings in the conservation area fall into three distinct categories.

- Simple vernacular buildings often incorporating medieval timber framing and brick extensions. These are low buildings and are comparatively shallow, often being only one room deep. They have steeply pitched continuous gabled roofs of plain clay tiles punctured by brick chimneys. Windows at first floor are tucked under the eaves and are smaller than those at ground floor which normally have projecting brick sills. Their external appearance is varied and reflects the changes which have occurred over their lifetime. These may include a mixture of brick and stone plinths of differing heights, irregular pattern of openings, different sized openings and large areas of blank walls. However the modern restoration techniques of smooth render, standard plastic windows, large rear extensions and front porches will change this appearance.

- Victorian estate buildings with red brick and mottled pink bricks and plain clay tiles give these buildings continuity throughout the conservation area. There are only a few examples of alternative external finishes which include painted brick and render (Moore's Farm and the School house). Thatch and natural slate are not characteristic roofing materials in the settlement although there are isolated examples such as

Church Farm. These Victorian buildings are two rooms deep with higher clay tiled gabled roofs again broken by ridge top chimneys. Decorative brickwork includes dentil eaves courses, segmental arched lintels with keystones and projecting brick sills. Window openings are regularly spaced and hold three full height opening casements that are deeper at ground floor.

- Post Second World War properties, principally bungalows are set in large plots. They have shallow pitched hipped roofs with concrete roof tiles, large picture windows and integral double garages set well back from the edge of the road.

Boundary Treatments

With the exception of the area around the church, boundary treatments are generally low hedges or occasional wooden picket fences which reinforce the village's rural appearance. At the centre of the conservation area, along the east side of The Green are the remains of the high brick wall of the gardens to the former Hall partly overgrown with ivy. These contrast with boundaries of the churchyard and the modern properties nearby defined by low dry stone walls reinforced with shrub and tree planting which serve to screen the properties.

Surface treatments

Traditional gravel surfaces have been retained around the village green, and elsewhere road and path surfacing, although modern, in most areas is undefined along its edges. Where modern street lights, concrete kerbs and pavements have been introduced, particularly along Main Street, they have urbanised the street scene to the detriment of the village character.

Contribution of Spaces and Natural Elements

The dispersed nature of Orton has provided many large areas of green space and opportunities for deciduous forest type trees to be retained. Wide verges and triangles of grass at road junctions also enhance its rural appearance. Only occasionally have leylandii hedges and trees had an unfortunate visual impact.

FACTORS HAVING A NEGATIVE INFLUENCE ON THE CHARACTER OF THE CONSERVATION AREA

Buildings of Poor Visual Quality

At the eastern entrance to the conservation area, a mixed group of traditional and modern development detracts from the prevailing scale, form and design of buildings in the Conservation Area. Although these buildings reflect their period of construction or have been recently improved, they display qualities and features which are out of character with traditional forms in the conservation area. Elsewhere, with some exceptions, where modern buildings have been introduced, they are generally sited away from the public space at the rear of plots which reduces their impact.

Potential development area

This area would accommodate some development if closely related to the existing group of historic buildings. The area could include the existing bungalow to the east utilising the existing vehicular access.

Enhancement

The enhancement of the character and appearance of the Conservation Area can be defined as the reinforcement of the qualities that provided the special interest and which warranted designation. It may be through the sympathetic development of sites identified in the detailed analysis of the area as opportunity or neutral sites; it may involve physical proposals or the application of sensitive, detailed development control over extensions and alterations. Areas which warrant special attention for enhancement are marked on the Conservation Area plan.

GENERAL CONSERVATION AREA GUIDANCE, PLANNING CONTROLS AND POLICIES

To maintain the distinctive character and appearance of the Orton Conservation Area it will be necessary to:

- Retain listed buildings and buildings of local interest.

- Ensure new development contributes positively to the character or appearance of the conservation area in terms of siting, scale, design and materials used.

- Ensure house extensions comply with the Borough Council's Supplementary Planning Guidance.

- Resist development proposals in key areas, which have been identified on the map.

- Ensure the consistent application of positive, sensitive and detailed development control over proposals to alter former farm buildings, yards and jittys

- Ensure important views of the church and out into the countryside are protected.

Special attention is given to the desirability of preserving or enhancing the appearance of the Conservation Area. Planning Applications in Conservation Areas are separately advertised. The principal effects of the designation of a Conservation Area are summarised as follows:

- Consent is required for the total or substantial demolition of any building exceeding 115 cu metres.

- Applications for Outline Planning permission are not normally acceptable. Full planning applications are likely to be required.

Planning permission is required for:

1. The external cladding of any building with stone, artificial stone, pebble dash, render, timber, plastic or tiles.

2. Extensions beyond a wall forming a side elevation of the original dwelling

3. Extensions of more than one storey which extend beyond the rear wall of the original dwelling.

4. The enlargement of a dwelling consisting of an addition or alteration to its roof forming the principal or side elevation of a dwelling.

5. A satellite dish on chimney, wall or roof fronting a highway.

6. Solar PV or solar thermal equipment on a wall or roof slope forming the principal or side elevation of a dwelling

7. Stand alone solar equipment

8. Installation, alteration or replacement of a chimney, flue or soil vent pipe on a wall or roof slope which fronts a highway and forms either the principal or side elevation of a dwelling.

Anyone proposing works to a tree in a Conservation Area must give six weeks prior written notice to the local planning authority.

These requirements do not cover all aspects of control in Conservation Areas and you are advised to contact the Local Planning Authority for further advice.

ORTON ON THE HILL CONSERVATION AREA APPRAISAL - ADOPTED 10 MARCH 2009

Key:

- Conservation Area Boundary
- Listed Buildings
- Important Historic Buildings
- Key Spaces
- Boundary Improvements
- Important Hedgerow
- Spinney
- Historic Brick Wall
- Stone Walls
- Important Footpaths
- Important Trees
- Ponds/Lakes
- Weak Areas/Buildings
- Vistas to be protected
- Views to be protected
- Potential Development Area
- NOT TO SCALE

Historic entrance to former Orton Hall

Listed Building Index:
A St Ediths Church
B Church Farm
C Lower Farm

Unlisted Buildings of Local Historic or Architectural Importance:
1 Hall Farm
2 16/18 The Green
3 Former outbuilding to the Hall
4 The Gables, formerly the Old Rectory
5 Former Schoolmasters House
6 Former school
7 Peggs Farm
8 Moores Farm
9 Home Farm
10 Former barn of Home Farm
11 Dovecote of Home Farm
12 Crown Cottage, 12 Main Street
13 Yew Tree Cottage, 14 Main Street
14 Ivy Cottages, 17/17A Main Street
15 The Cottage, 21 Main Street

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office© Crown copyright. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings. Hinckley & Bosworth Borough Council LA100018489 Published 2009.

CT Planning



Promap®
Ordnance Survey © Crown Copyright 2011. All rights reserved. Licence number 100020449.
Getmapping plc 2011. Plotted Scale - 1:2500

3448/4: Settlement Pattern March 2011
1/2500 @ A4

Hinckley & Bosworth Local Plan

Written Statement

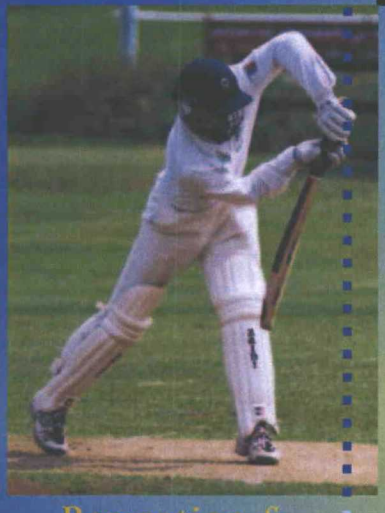
ADOPTED FEBRUARY 2001



Community Facilities

Employment

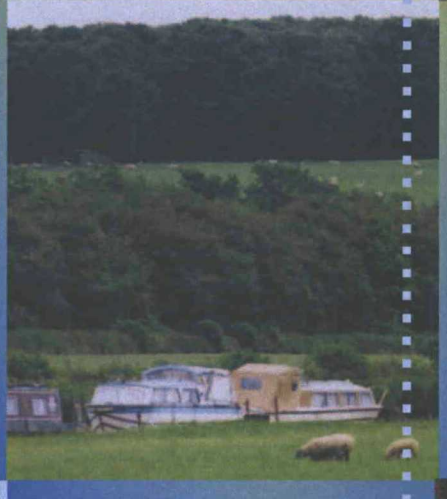




Recreation & Tourism

Transportation

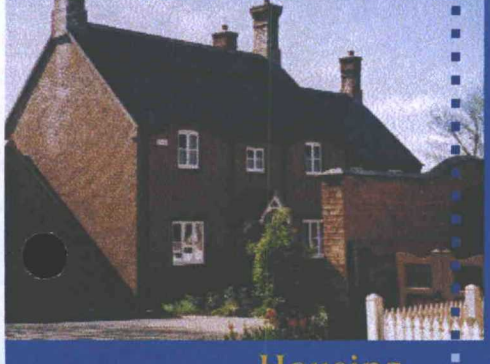




Natural Environment

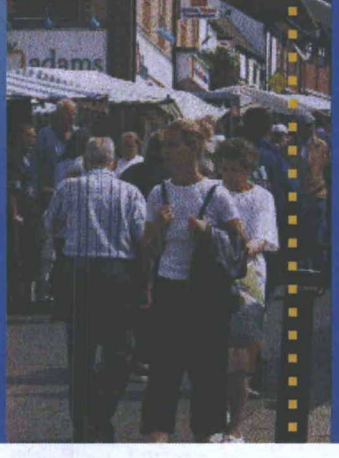
Conservation & The Built Environment





Housing

Retailing



SCHEMES IN THE FOLLOWING VILLAGES WILL BE ENCOURAGED BECAUSE OF THE NEED FOR AFFORDABLE HOUSING IDENTIFIED AND BECAUSE OF THEIR CAPACITY TO ASSIMILATE ADDITIONAL, SMALL SCALE HOUSING DEVELOPMENT TO MEET LOCAL NEEDS:

MARKET BOSWORTH
NAILSTONE
STANTON UNDER BARDON
SHEEPY MAGNA AND SHEEPY PARVA
STOKE GOLDING
WITHERLEY

PROPOSALS FOR AFFORDABLE HOUSING ON EXCEPTIONS SITES IN OTHER VILLAGES WILL BE CONSIDERED ON THEIR MERITS IN THE LIGHT OF HOUSING NEEDS INFORMATION AVAILABLE AT THAT TIME AND THE CRITERIA SET OUT IN THIS POLICY.

Residential Proposals on Unallocated Sites

2.11.1 Opportunities will arise for a range of residential development proposals within the confines of settlements that are not the subject of a specific allocation in the plan. These may include infill plots, the use of vacant or derelict land, conversions, changes of use or redevelopment of existing sites.

2.11.2 The following policy will therefore provide guidelines against which to assess this range of proposals within the urban area and rural settlements, which will widen the locational choice of housing throughout the Borough and contribute to the overall level of housing supply.

2.11.3 Any proposals considered under this policy which are subsequently granted planning permission will contribute to the small site or windfall allowance described in paragraphs 2.8.0 to 2.8.10.

2.11.4 New housing development will be expected to have regard to the nature of its surroundings and to reflect these where appropriate in its design. Satisfactory standards of design will be sought so that new development will not significantly detract from the general character of the environment, the amenities enjoyed by occupiers of existing property or established highway standards. Advice in respect of this is contained in the current edition of Leicestershire's County Council's "Highway Requirements for Development" and the Borough Council's Supplementary Planning Guidance.

2.11.5

POLICY RES5 - RESIDENTIAL PROPOSALS ON UNALLOCATED SITES

ON SITES WHICH ARE NOT SPECIFICALLY ALLOCATED IN THE PLAN FOR HOUSING, PLANNING PERMISSION WILL ONLY BE GRANTED FOR NEW RESIDENTIAL DEVELOPMENT IF:

a THE SITE LIES WITHIN THE BOUNDARIES OF AN URBAN AREA OR RURAL SETTLEMENT AS DEFINED ON THE PROPOSALS MAP, AND

b THE SITING, DESIGN AND LAYOUT OF THE PROPOSAL DO NOT CONFLICT WITH THE RELEVANT PLAN POLICIES.

2.11.6 Large sites (i.e. 10 or more dwellings) which have not commenced are listed in Appendix A. Commitments on small sites are too numerous to be highlighted but nevertheless contribute to the overall level of housing supply.

keeping with the character of the locality in which it is situated. New development should take account of existing features of the site and location, and exploit these wherever possible. The detailed design of buildings and their inter-relationship with existing development and surrounding landscape or townscape, whether in urban or rural locations, is particularly important. Further advice on these matters can be found in Sections 1, 2 and 3 of the Supplementary Planning Guidance.

4.3.2

POLICY BE1 - DESIGN AND SITING OF DEVELOPMENT

THE BOROUGH COUNCIL WILL SEEK TO ENSURE A HIGH STANDARD OF DESIGN IN ORDER TO SECURE ATTRACTIVE DEVELOPMENT AND TO SAFEGUARD AND ENHANCE THE EXISTING ENVIRONMENT. PLANNING PERMISSION WILL BE GRANTED WHERE THE DEVELOPMENT:

a COMPLEMENTS OR ENHANCES THE CHARACTER OF THE SURROUNDING AREA WITH REGARD TO SCALE, LAYOUT, DENSITY, MASS, DESIGN, MATERIALS AND ARCHITECTURAL FEATURES;

b AVOIDS THE LOSS OF OPEN SPACES, IMPORTANT GAPS IN DEVELOPMENT, VEGETATION AND FEATURES WHICH CONTRIBUTE TO THE QUALITY OF THE LOCAL ENVIRONMENT;

c HAS REGARD TO THE SAFETY AND SECURITY OF BOTH INDIVIDUALS AND PROPERTY;

d INCORPORATES DESIGN FEATURES WHICH REDUCE ENERGY CONSUMPTION, ENCOURAGE RECYCLING AND MINIMISE THE IMPACT OF THE DEVELOPMENT ON THE LOCAL ENVIRONMENT;

e INCORPORATES LANDSCAPING TO A HIGH STANDARD WHERE THIS WOULD ADD TO THE QUALITY OF THE DESIGN AND SITING;

f TO WHICH THE GENERAL PUBLIC WOULD HAVE ACCESS, HAS REGARD TO THE NEEDS OF WHEELCHAIR USERS, OTHER PEOPLE WITH DISABILITIES, ELDERLY PEOPLE AND THOSE WITH YOUNG CHILDREN;

g ENSURES THAT THERE IS ADEQUATE HIGHWAY VISIBILITY FOR ROAD USERS AND ADEQUATE PROVISION FOR ON AND OFF STREET PARKING FOR RESIDENTS AND VISITORS, AND MANOEUVRING FACILITIES;

h IS NOT ADVERSELY AFFECTED BY ACTIVITIES IN THE VICINITY OF THE SITE WHICH ARE LIKELY TO CAUSE A NUISANCE TO THE OCCUPIERS OF THE PROPOSED DEVELOPMENT;

i DOES NOT ADVERSELY AFFECT THE OCCUPIERS OF NEIGHBOURING PROPERTIES; AND

j THE DEVELOPMENT OF THE SITE IS NOT PREJUDICIAL TO THE COMPREHENSIVE DEVELOPMENT OF THE LARGER AREA OF LAND OF WHICH THE DEVELOPMENT FORMS PART.

IN ADDITION FOR RESIDENTIAL PROPOSALS, PLANNING PERMISSION WILL BE GRANTED WHERE THE DEVELOPMENT:

i PROVIDES A STRONG COMMON LINK BETWEEN THE PROPOSED BUILDINGS, SPACES AND LANDSCAPE FEATURES AND THE CHARACTER OF THE LOCAL AREA;

ii ENSURES AN ADEQUATE DEGREE OF AMENITY AND PRIVACY IS PROVIDED BY THE SPACE BETWEEN THE BUILDINGS; AND

iii PROVIDES SUFFICIENT GARDEN AREA WITH BOUNDARY TREATMENT THAT REFLECTS EXISTING FEATURES IN THE AREA.

Desford	Ratby
Groby	Shackerstone
Higham-on-the-Hill	Shenton
Hinckley - Town Centre	Sibson
Hinckley - Hollycroft Park	Sutton Cheney
Market Bosworth	Twycross
Markfield	Witherley

The entire length of the Ashby Canal is a Conservation Area.

4.7.3 There are several other locations throughout the Borough that are of considerable architectural or historic interest. The Local Planning Authority will therefore take the opportunity to declare new Conservation Areas in these locations in accordance with its ongoing programme of designations. Particular locations already identified for designation include parts of the following areas:

Barwell
Earl Shilton

4.7.4 Once a Conservation Area has been designated, the local planning authority has a duty to prepare schemes for its preservation and enhancement. These schemes may include environmental enhancement work as well as the renovation, preservation or utilisation of buildings.

Development in Conservation Areas

4.7.5 Hinckley and Bosworth Borough's heritage of buildings and historic areas is a resource that needs to be retained and enhanced. Conservation Area designation reflects not only the value of individual buildings, but also their collective contribution to the character of the area, together with the contribution of other important features such as open space and trees.

4.7.6 In exercising its planning functions, the Borough Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of these Conservation Areas. Accordingly, in determining planning applications, a primary consideration will be whether the proposal would either preserve or, preferably where scope exists, enhance the character or appearance of the Conservation Area.

4.7.7 Generally in Conservation Areas, the emphasis will be on control rather than prohibition, to allow the area to remain alive and prosperous while ensuring that any new development accords with its special architectural and/or historic merit. New development, where permitted, should be sympathetic with its surroundings but should not be an unimaginative imitation of the architectural styles of neighbouring buildings, particularly where this would limit its ability to enhance the character and appearance of the Conservation Area.

4.7.8 **POLICY BE7 - DEVELOPMENT IN CONSERVATION AREAS**

IN CONSERVATION AREAS, THE PRIMARY PLANNING POLICY WILL BE THE PRESERVATION OR ENHANCEMENT OF THEIR SPECIAL CHARACTER (INCLUDING BUILDINGS, RELATED SPACES, VIEWS IN AND OUT OF THE AREA, TOPOGRAPHY AND VEGETATION) OR APPEARANCE. PLANNING PERMISSION AND CONSERVATION AREA CONSENT FOR PROPOSALS WHICH WOULD HARM THAT SPECIAL CHARACTER OR APPEARANCE WILL NOT BE GRANTED. IN AND ADJOINING CONSERVATION AREAS, THE LOCAL PLANNING AUTHORITY WILL REQUIRE THE SITING AND DESIGN OF NEW DEVELOPMENT, INCLUDING ALTERATIONS AND EXTENSIONS, TO PRESERVE OR

cont'd next page

ENHANCE THEIR CHARACTER OR APPEARANCE AND TO BE IN SYMPATHY WITH THE MERITS OF NEIGHBOURING DEVELOPMENT. THE FOLLOWING CONSIDERATIONS WILL BE TAKEN INTO ACCOUNT WHEN DETERMINING APPLICATIONS FOR DEVELOPMENT:

a THE SITING OF PROPOSALS IN RELATION TO EXISTING URBAN SPACES AND EXISTING BUILDING LINES;

b THEIR OVERALL SCALE, DESIGN AND PROPORTIONS WHICH SHOULD BE SYMPATHETIC TO THE CHARACTERISTIC FORM IN THE AREA AND COMPATIBLE WITH ADJACENT BUILDINGS AND SPACES;

c THE DESIRABILITY OF RETAINING FEATURES OF HISTORIC OR CHARACTERISTIC VALUE INCLUDING STREET PATTERN, BOUNDARY WALLS AND STREET FURNITURE; AND

d THE USE AND APPLICATION OF BUILDING MATERIALS AND FINISHES WHICH SHOULD RESPECT LOCAL TRADITIONAL MATERIALS AND TECHNIQUES.

4.7.9 The Borough Council regards its Conservation Areas as important parts of its architectural and historic heritage, and intends that they should be safeguarded. Accordingly, the Local Planning Authority will only permit development that would preserve, and preferably enhance their character and appearance.

Planning Applications in Conservation Areas

4.7.10 In view of the need to ensure that the character and appearance of Conservation Areas are protected, the Local Planning Authority will normally require applications for development within Conservation Areas to be accompanied by detailed drawings. These drawings should be sufficient to show the proposals in the context of the Conservation Area in which they are located. This is to ensure that new development proposals may be properly judged in relation to the fundamental aims of preservation and enhancement.

Demolition in Conservation Areas

4.7.11 In the majority of cases, the demolition of buildings and other structures within a Conservation Area will require Conservation Area Consent from the Local Planning Authority, in accordance with the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

4.7.12 Such proposals will be considered in the light of the objectives of preservation or enhancement of the special character and appearance of Conservation Areas.

4.7.13

POLICY BE8 - DEMOLITION IN CONSERVATION AREAS

APPLICATIONS FOR THE DEMOLITION OF BUILDINGS IN CONSERVATION AREAS WILL BE REFUSED EXCEPT WHERE IT CAN BE DEMONSTRATED:

a THAT THE LOSS OF THE BUILDING WILL NOT BE DETRIMENTAL TO THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA,

b THAT THERE ARE PROPOSALS FOR ITS REPLACEMENT WHICH WOULD PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA.

CONDITIONS WILL BE IMPOSED TO ENSURE THAT DEMOLITION DOES NOT TAKE PLACE UNTIL IMMEDIATELY PRIOR TO REDEVELOPMENT.

4.9.4

POLICY BE17 - HISTORIC BATTLEFIELDS

PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT THAT WOULD HAVE AN ADVERSE EFFECT ON THE CHARACTER OR SETTING OF THE BOSWORTH BATTLEFIELD AREA.

Historic Parks and Gardens

4.10.1 PPG15, Planning & The Historic Environment, advises that Local Planning Authorities should protect parks and gardens included in English Heritage's Register of Parks & Gardens of Special Historic Interest. In Leicestershire there are currently 20 sites, none of which are within the Borough of Hinckley and Bosworth.

4.10.2 The County Council, in conjunction with De Montfort University and the Garden History Society, with support from English Heritage, are presently preparing the case for an additional 30 gardens to be added to the Register, some of which may be located in the Borough. The County Council, at the same time, will also be preparing a local list of a further 200 parks and gardens for the use of Local Authorities and interested parties. It is hoped that an end result of the survey will be the formation of a countywide Historic Gardens Preservation Trust.

4.10.3

POLICY BE18 - HISTORIC PARKS AND GARDENS

PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT THAT WOULD HAVE AN ADVERSE EFFECT ON THE CHARACTER OR SETTING OF PARKS AND GARDENS OF HISTORIC OR LANDSCAPE SIGNIFICANCE.

Open Spaces and Areas of Special Character within Settlements

4.11.1 The character of many settlements is often attributable in no small part to the established relationship between buildings and open space. The feeling of spaciousness created by the absence of buildings can make as significant a contribution to the attractiveness of a settlement as that made by the buildings themselves. Some open spaces, commons, greens, parkland, trees, and other features are an intrinsic part of the character of a settlement and should be protected from development where they make an important contribution to the area's character.

4.11.2

POLICY BE19 - OPEN SPACES AND AREAS OF SPECIAL CHARACTER WITHIN SETTLEMENTS

THE LOCAL PLANNING AUTHORITY WILL SEEK TO RETAIN ANY OPEN AREA OF LAND OR VISUAL BREAK BETWEEN BUILDINGS IDENTIFIED AS MAKING A CONTRIBUTION TO THE SPECIAL CHARACTER OF A SETTLEMENT. PLANNING PERMISSION WILL NOT BE GRANTED WHERE DEVELOPMENT WOULD ADVERSELY AFFECT THE CONTRIBUTION OF THE DESIGNATED AREA TO THAT SPECIAL CHARACTER. DESIGNATED AREAS ARE IDENTIFIED ON SETTLEMENT INSET PLANS AND ON THE PROPOSALS MAP.

Re-use and adaptation of Rural Buildings

4.12.1 The Government's policy towards the re-use and adaptation of rural buildings is set out in Planning Policy Guidance Note 7, The Countryside - Environmental Quality and Economic and Social Development.

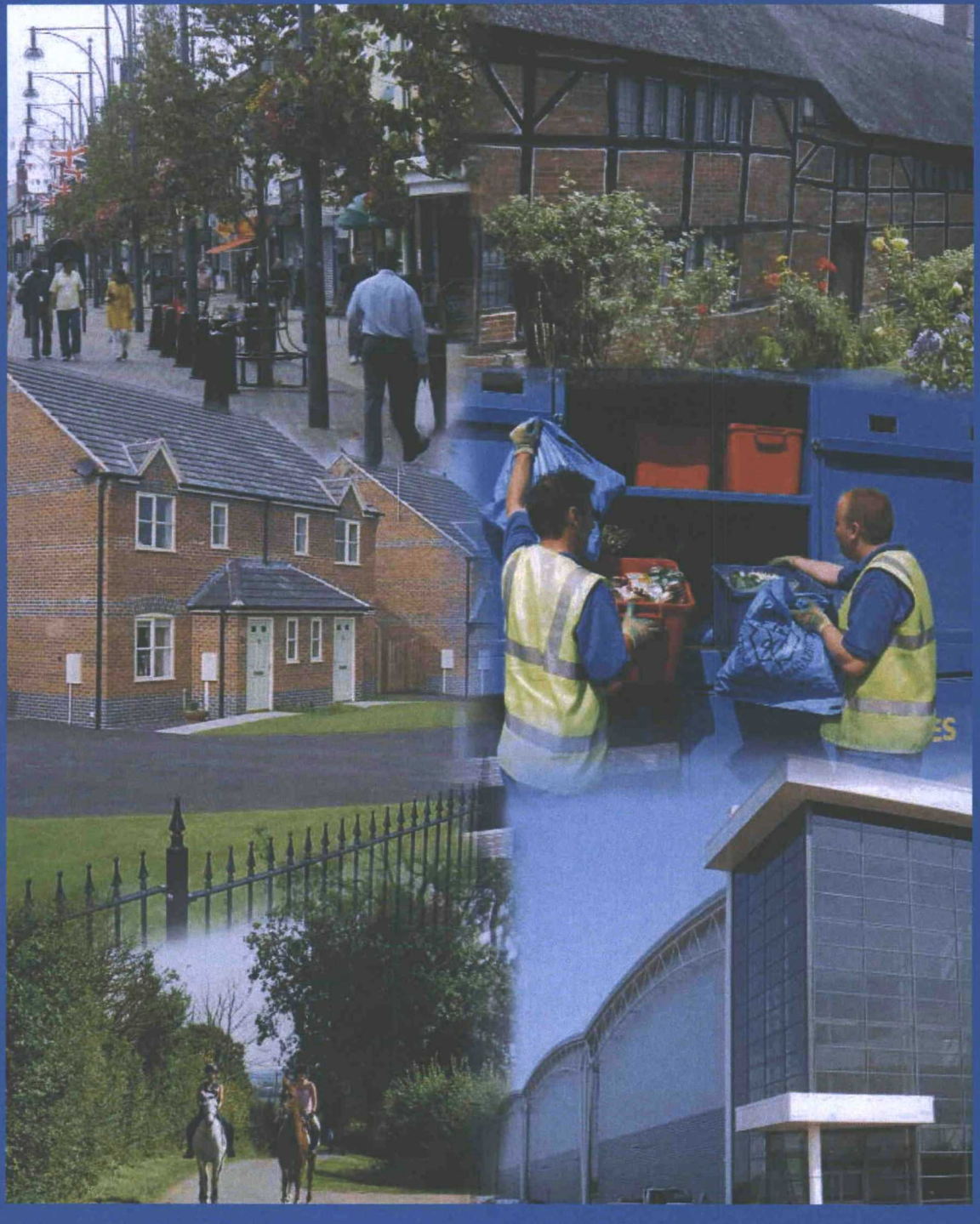
Hinckley & Bosworth Borough Council

A Borough to be proud of

Local Development Framework

Core Strategy

ADOPTED DECEMBER 2009



- Address the existing deficiencies in the quality and accessibility of green space and play provision in Witherley as detailed in the council's most up to date strategy and the Play Strategy. New green space and play provision will be provided where necessary to meet the standards set out in Policy 19
- Require new development to respect the character and appearance of the Witherley Conservation Area by incorporating locally distinctive features of the conservation area into the development
- Deliver safe cycle routes as detailed in Policy 14, in particular an all season route to school and work in Atherstone

Congerstone

- Allocate land for the development of a minimum of 10 new homes. Developers will be required to demonstrate that the number, type and mix of housing proposed will meet the needs of Congerstone, taking into account the latest Housing Market Assessment and local housing needs surveys where they exist in line with Policy 15 and Policy 16
- Address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Congerstone as detailed in the council's most up to date strategy and the Play Strategy. New green space and play provision will be provided where necessary to meet the standards set out in Policy 19
- Deliver the strategic green infrastructure network detailed in Policy 20. To achieve this, strategic interventions involving the Gopsall Park Multifunctional Route will be implemented, including connections from Congerstone into the route. Further details are provided in Policy 14
- Require new development to respect the character and appearance of the Congerstone Conservation Area by incorporating locally distinctive features of the conservation area into the development

Rural Hamlets

4.45 Rural Hamlets have limited, if any services and generally rely on Key Rural Centres or surrounding urban areas for schooling, employment and the provision of goods and services. The following settlements are classified as Rural Hamlets:

- Barton in the Beans
- Botcheston
- Bradgate Hill
- Cadeby
- Carlton
- Dadlington
- Fenny Drayton
- Kirkby Mallory
- Norton Juxta Twycross
- Orton on the Hill
- Peckleton
- Ratcliffe Culey
- Shackerstone
- Sibson
- Stapleton
- Sutton Cheney

4.46 Because of the limited services in these hamlets, development will be confined to infill housing development, local choice schemes and conversion of agricultural buildings to employment uses.

Policy 13: Rural Hamlets

In the Rural Hamlets, the council will:

- Support housing development within settlement boundaries that provides for a mix of housing types and tenures as detailed in Policy 15 and Policy 16
- Support development that complies with the Policy 17: Local Needs
- Support development enabling home working and other small scale employment uses within settlement boundaries
- Resist the loss of local shops and facilities in rural hamlets unless it is demonstrated that the business or facilities can no longer operate in a viable manner. Initiatives to establish local stores and facilities will be supported
- Deliver the strategic green infrastructure network detailed in Policy 20. To achieve this, strategic interventions involving Shackerstone, Gopsall Park Multifunctional Route, River Sence Corridor Management and the Shackerstone to Ibstock Multifunctional Corridor will be implemented
- Support proposals that contribute to the delivery of the National Forest Strategy in line with Policy 21
- Support proposals that contribute to the delivery of the Charnwood Forest Regional Park in line with Policy 22
- Require transport improvements in line with Policy 14
- Support the development of the tourism industry in line with Policy 23
- Require new development to respect the character and appearance of the relevant Conservation Area by incorporating locally distinctive features of the conservation area into the development
- Require development to be of the highest environmental standards in line with Policy 24

Transport Infrastructure

4.47 The rural strategy is based on a three tiered rural settlement hierarchy with the Key Rural Centres as the focus for most new development and improvements to service and employment provision, public transport and green infrastructure. These Centres will be the focal points for the rural areas and will enable rural residents to access basic services without having to travel long distances to urban areas. The Rural Villages provide important but limited services to their populations and to ensure these services are not lost, limited development will be allowed. The focus for these villages is to maintain what limited services they currently have, in particular their primary schools. They will need to link into the Key Rural Centres and nearby urban areas to access a more comprehensive range of services and facilities. The Rural Hamlets have very limited, if any services and are therefore not considered sustainable locations for anything but local needs development. Development will therefore be limited to local choice schemes and infill development.

4.48 A key element of this strategy is a well functioning transport network, particularly walking and cycling routes to encourage more people out of their cars for more local routes.

Overarching Policies

4.49 The urban and rural strategies and implementation policies outlined above relate to specific places within the borough. The following strategic policies apply across the borough. For clarity, 'urban areas' are defined as the settlements of Burbage, Hinckley, Barwell and Earl Shilton. All other settlements are defined as 'rural areas'.

Housing

4.50 Providing enough housing of the right type and of a high quality design is a key aim of both national and regional policy. A Leicester and Leicestershire Housing Market Assessment has been undertaken which provides information on how the housing market in Leicestershire, and equally importantly, sub markets within it, operate. The findings of this study have been used to inform the policies outlined below.

Policy 15: Affordable Housing

To support the provision of mixed, sustainable communities, a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. At least 480 dwellings will contribute to this target in rural areas, including rural exception sites brought forward via Policy 17 Rural Needs. To achieve this target, the council will expect a proportion of affordable housing to be provided on eligible sites.

The starting point for the level and target for affordable housing in the Borough is as follows:

Location	Size	Affordable Housing on Site Target
Urban (Hinckley, Barwell, Earl Shilton and Burbage but not Sustainable Urban Extensions)	15 dwellings or more, or 0.5 ha or more	20%*
Sustainable Urban Extensions – Barwell and Earl Shilton	15 dwellings or more, or 0.5 ha or more	20%*
Rural areas (all sites not in the above categories)	4 dwellings or more, or 0.13 ha or more	40%*

** These targets are based on the assumption of nil grant; in cases where grant is available additionality will be sought in line with Homes and Communities Agency guidance.*

For all sites, the tenure split will be 75% social rented and 25% intermediate housing. The target will be monitored regularly and may be revised to reflect changes in the housing market and local circumstances. To ensure these figures remain current they will be updated through an Affordable Housing Supplementary Planning Document.

These figures may be negotiated on a site by site basis taking into account: identified local need (based on Hinckley & Bosworth Borough Council's housing register and any recent housing needs surveys if applicable), existing provision, characteristics of the site and viability. In areas where there is already a high proportion of affordable housing, the Council may agree to accept commuted sums in lieu of on-site affordable housing.

4.56 Therefore, the overall policy aim is to achieve a mix of house types and tenures within each submarket to reflect current and future requirements, modified, where appropriate, for local circumstances.

Policy 16: Housing Density, Mix and Design

The council requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking into account the type of provision that is likely to be required, by utilising Table 3 (Profile of new housing needed to meet household type projections) as a starting point for housing mix, and the specific needs of each submarket informed by the most up to date Housing Market Assessment, Study Into Older Peoples Housing Needs and Aspirations and other local evidence, such as a housing needs survey or parish plan.

All developments of 10 or more dwellings are required to meet a 'very good' rating (16 or more positive answers out of 20) against the Building for Life criteria, unless it can be demonstrated that this is not viable on the particular site.

Proposals for new residential development will be required to meet a minimum net density of:

- At least 40 dwellings per hectare within and adjoining Hinckley, Burbage, Barwell and Earl Shilton
- At least 30 dwellings per hectare within and adjoining the Key Rural Centres, Rural Villages and Rural Hamlets

In exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable.

4.57 National and regional policy has meant that the focus of most development is in the urban areas, where access to jobs, services and public transport is greatest. However, rural areas must not be forgotten and some development to support existing services and communities is necessary, as recognised by the rural strategy in this Core Strategy.

4.58 In addition to the specific development supported by the rural areas strategy and policies, local needs, specific to individual rural settlements may arise during the period of this plan. The local needs and rural exceptions policy detailed below allows local communities the flexibility to provide for these local needs. Further details will be provided in a Supplementary Planning Document.

Policy 17: Rural Needs

In Key Rural Centres, Rural Villages and Rural Hamlets, small scale developments that meet a 'local need' either through Local Choice or a Rural Exceptions Site for housing, employment or community facilities adjacent to the settlement boundary will be permitted provided that:

- The 'local need' has been clearly identified in an up to date Needs Survey or Parish Plan, the format of which has been agreed by the borough council
- The need cannot be met within the settlement boundary of the village

4.56 Therefore, the overall policy aim is to achieve a mix of house types and tenures within each submarket to reflect current and future requirements, modified, where appropriate, for local circumstances.

Policy 16: Housing Density, Mix and Design

The council requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking into account the type of provision that is likely to be required, by utilising Table 3 (Profile of new housing needed to meet household type projections) as a starting point for housing mix, and the specific needs of each submarket informed by the most up to date Housing Market Assessment, Study Into Older Peoples Housing Needs and Aspirations and other local evidence, such as a housing needs survey or parish plan.

All developments of 10 or more dwellings are required to meet a 'very good' rating (16 or more positive answers out of 20) against the Building for Life criteria, unless it can be demonstrated that this is not viable on the particular site.

Proposals for new residential development will be required to meet a minimum net density of:

- At least 40 dwellings per hectare within and adjoining Hinckley, Burbage, Barwell and Earl Shilton
- At least 30 dwellings per hectare within and adjoining the Key Rural Centres, Rural Villages and Rural Hamlets

In exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable.

4.57 National and regional policy has meant that the focus of most development is in the urban areas, where access to jobs, services and public transport is greatest. However, rural areas must not be forgotten and some development to support existing services and communities is necessary, as recognised by the rural strategy in this Core Strategy.

4.58 In addition to the specific development supported by the rural areas strategy and policies, local needs, specific to individual rural settlements may arise during the period of this plan. The local needs and rural exceptions policy detailed below allows local communities the flexibility to provide for these local needs. Further details will be provided in a Supplementary Planning Document.

Policy 17: Rural Needs

In Key Rural Centres, Rural Villages and Rural Hamlets, small scale developments that meet a 'local need' either through Local Choice or a Rural Exceptions Site for housing, employment or community facilities adjacent to the settlement boundary will be permitted provided that:

- The 'local need' has been clearly identified in an up to date Needs Survey or Parish Plan, the format of which has been agreed by the borough council
- The need cannot be met within the settlement boundary of the village

- The development is of a scale and design which fully respects the character of the settlement concerned and the level of need identified
- For a Rural Exceptions Site, the development will be small scale (usually 10 dwellings or less), and the development will be exclusively for the provision of affordable housing, either social rented or intermediate housing
- A legal agreement is entered into to ensure that all housing provided will be for the exclusive occupation, in perpetuity, of people with a local connection and that any affordable housing provided as part of this policy is provided in perpetuity. No more than 80% share of any affordable housing will be permitted to be sold

A local need for housing is defined as people:

(i) Who are resident at the date of allocation in the village, parish or local area which the development is intended to serve; and

(ii) Who have an existing family or employment connection in the village, parish, or local area which the development is intended to serve.

either the Environment Agency or Severn Trent Water. Accordingly there is no evidence to substantiate this claim.

There are concerns that the site will be used for commercial purposes. This type of activity would require an application for change of use. If such activities occurred without planning permission, there may be a breach of planning control and the case would be referred to the Councils planning enforcement department for further investigation.

It has been stated that there are already 3 gypsy sites within close proximity of the application site. Whether or not this is the case can have no bearing on the outcome of this application. Research conducted at both local and regional level has identified an under provision of Gypsy and Traveller sites and has Identified the number of pitches which each Local Authority are required to provide to meet their specific local need.

Conclusions

On balance, the proposal, resultant of its density, siting and the associated vehicle movement is considered to result in an unacceptable impact on the residential amenity of surrounding properties, by virtue of noise, disturbance and privacy. Therefore the application is contrary to the intentions of policy BE1 of the adopted Local Plan and Policy 18 of the Core Strategy.

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 proposal, resultant of its density, siting and the associated vehicle movement is considered to result in an unacceptable impact on the residential amenity of surrounding properties, by virtue of noise, disturbance and privacy. Therefore the application is contrary to the intentions of policy BE1 of the adopted Local Plan and Policy 18 of the Core Strategy.

Contact Officer:- Eleanor Shaw Ext 5680

Item: **03**

Reference: **11/00602/FUL**

Applicant: **Mrs P Taylor**

Location: **Bungalow 4 Pipe Lane Orton On The Hill**

Proposal: **DEMOLITION OF EXISTING DWELLING AND THE ERECTION OF 6 DWELLINGS WITH ASSOCIATED ACCESS**

Target Date: **24 November 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has generated 5 or more objections.

Application Proposal

Members are advised that this application is read in conjunction with the accompanying application for Conservation Area Consent (ref: 11/00603/CON) which proposes the demolition of a single storey detached dwelling.

This application seeks full planning permission for the erection of 6 dwellings and associated access.

The application proposes the erection of 6 two storey dwellings, consisting of 5 three bedroomed properties and 1 four bedroomed property. The application includes 2 affordable properties, both for social rent. A new vehicular access is proposed from Pipe Lane to serve all 6 dwellings. Plot 1 contains an integral garage, with the remaining 5 properties utilising a central shared parking court, providing two car parking spaces per dwelling.

The scheme also proposes a single storey storage building for bins and cycles with bat roosting opportunities within the roof space.

Tree removal and additional tree planting and associated landscaping are also proposed.

During the course of the application the following has been received:-

a) Additional plan depicting the location of the affordable housing units;
b) An addendum to the planning and heritage statement referring to the sustainability of the site.

Re-consultation was undertaken with the Council's Affordable Housing Officer and the Director of Environment and Transport (Highways) respectively.

The Site and Surrounding Area

The site, measuring approximately 0.51 hectares in size, is bound to the south by Pipe Lane, to the north and west by residential dwellings and to the south by additional paddock land, under the ownership of the applicant.

The site is currently occupied by no. 4 Pipe Lane, a single storey four bedroomed detached dwelling, with the remainder of the site comprising paddock land containing a horse chestnut tree covered by a Tree Preservation Order (ref: 0801/23c/06). The paddock is bound on all sides with mature hedgerows.

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

Technical Documents submitted with application

The application has been accompanied by a draft S106 agreement.

The application submission also includes a comprehensive suite of technical documents for consideration with the proposal these include: -

Arboricultural Report

The development would result in the removal of trees identified within Category 'C' (low value) whist trees G2 – G5 are set to be retained. The survey advises that a Tree Protection Plan will need to be submitted and specific Arboricultural Method Statements may also be

required. The report states that loss of trees can be mitigated by the provision of new tree planting which can be secured through the use of appropriate conditions.

Archaeological Report

The report states that there are no archaeological remains with statutory or non-statutory designations on the site and concludes that the current evidence indicates that the archaeological potential of the site is not of sufficient importance to constrain the development.

Design and Access Statement (and Affordable Housing Statement)

The statement details the application site and its surroundings and considers the proposed development in the context of national and local policy, concluding the proposal satisfies the relevant plan policies in particular Core Strategy Policy 15 as the scheme provides two affordable housing units. The statement confirms that the proposed development has been conceived to have the appearance of a large farmhouse at the front of the site with a range of outbuildings to its rear arranged around a courtyard having the appearance of outbuildings/barns. The statement therefore considers the proposed development to have the appearance of a converted farmstead of which there are a number of examples throughout Orton on the Hill.

Drainage Assessment

The assessment recommends that Severn Trent should be contacted in respect to the connection of the new manholes and rising mains with the roads. The assessment advises that rainwater harvesting systems should be implemented to help limit the surface water discharge from the site.

Planning and Heritage Assessment

The assessment refers to the development being appropriate within its context, significant to the character and appearance of the Orton on the Hill Conservation Area, can be undertaken without causing harm to the living conditions of any nearby residential property, or to any trees and highway safety. The assessment acknowledges the site`s designation as a "potential development area" and considers the proposed development to be entirely consistent with Local Plan Policy RES5 and Core Strategy Policy 15 and on this basis recommends that planning permission be granted.

Addendum to Planning and Heritage Statement

This information was submitted following Leicestershire County Council Highway Authority raising concerns regarding the sustainability credentials of Orton on the Hill. The statement refers to both Warton and Austrey being located within 2 kilometres of the site, the threshold set out in PPG13 and therefore within walking distance to post office/shop and schools at Warton. Further out within a 5 kilometres radius the settlements of Polesworth, Atherstone, Sheepy Magna and Twycross can be accessed, which host a range of facilities and amenities. The information also states that the impact as a result of 6 dwellings is small in absolute terms and of an appropriate scale to the village and that the wider benefits of the development in terms of the delivery of affordable housing units should be supported.

Protected Species Report

The appraisal states that other than bats, protected species were not significant enough in respect of this site to warrant investigation or further surveying given the distance to the

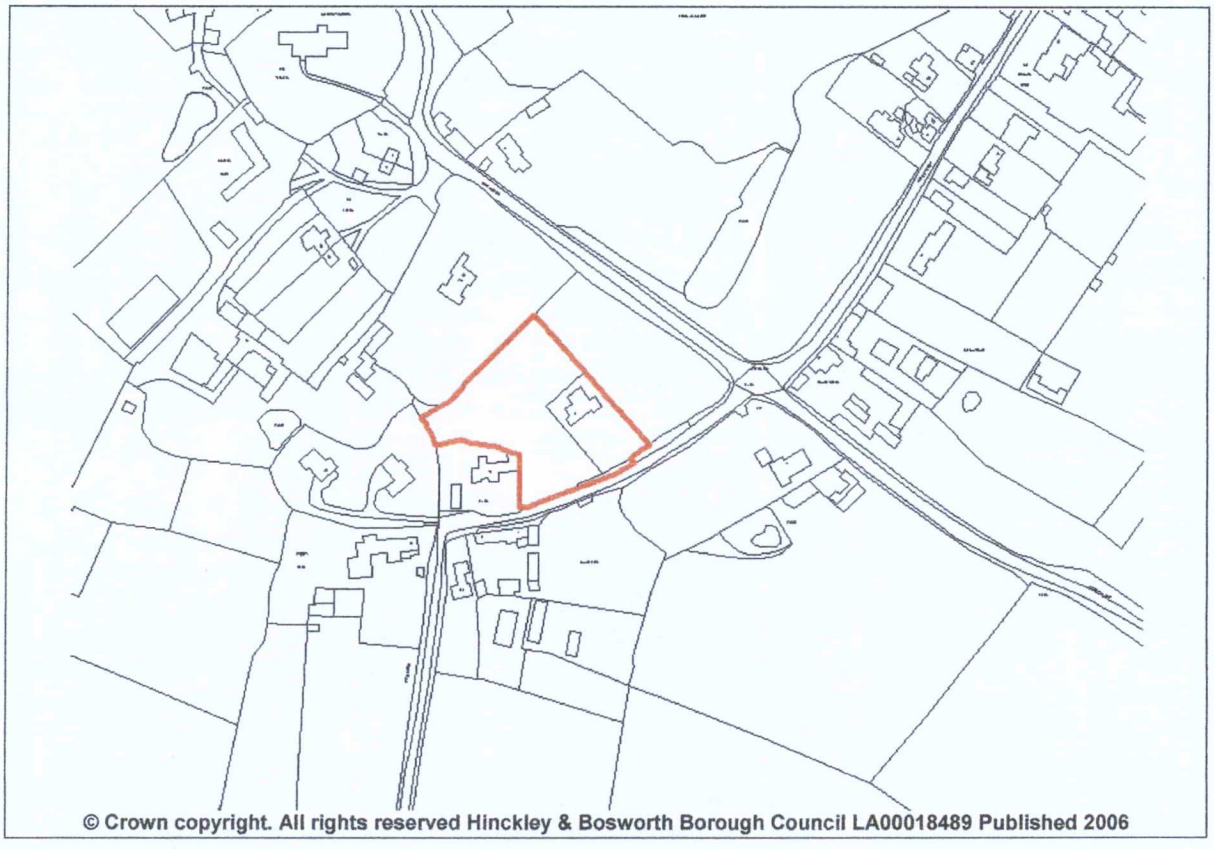
nearest water course was approximately 0.6km south-east of the site and no significant woodland was present adjoining the site. However, in respect of bats the appraisal states that whilst there is a lack of evidence of bats, due to the habitat and location for potential bat use it is suggested that a watching brief be maintained.

Transport Appraisal

The report concludes that the existing traffic flows on the local road network are very low and that the additional traffic as a result of the proposed development (a net increase of 5 residential properties on the site) would not have a material impact on the local road network. The report recognises scope for a low key improvement to the junction of Pipe Lane and Sheepy Lane, as shown in the designs that would be sympathetic to the village location but which offers a significant improvement to visibility, from 20m to 52m, for the benefit of all users of Pipe Lane.

History:-

11/00603/CON	Demolition of existing dwelling	Pending	
08/00569/FUL	Erection of 9 no. dwellings and associated access	Returned	20.05.09
79/002000/4	Erection of bungalow	Approved	10.05.79



Consultations:-

No comments/objection has been received from:-

Environment Agency
Directorate of Chief Executive (Archaeology)
Head of Community Services (Pollution).

No objection subject to conditions/recommendations have been received from:-

Severn Trent Water Ltd
Director of Environment and Transport (Highways)
Directorate of Chief Executive, LCC (Ecology)
Head of Business Development and Street Scene Services (Waste Minimisation)
Head of Community Services (Land Drainage).

Site notice and Press notice were displayed and neighbours notified.

22 letters of objection have been received raising the following concerns:-

a) un-necessary demolition of bungalow which only needs some cosmetic repairs to exterior and internal refurbishing
b) un domesticated agricultural field, at the heart of the conservation area; Pipe Lane is a valuable village amenity
c) character and style of proposed dwellings does not match that of existing dwellings
d) the proposed farmsteads design and layout similar to that of existing farmsteads is untrue – none of the existing farmsteads are elevated or have a profusion of two storey, 7.8 metre high buildings; no where else in the village does this type of property, a row of modern terraced houses centred around a communal parking lot, exist;
e) the design of the dwellings shows a large area of roofing which is unbroken and which will not blend into the surrounding landscape
f) six dwellings would be compacted within a small area, too dense and leaves area for future development
g) the planning and heritage statement refers to plot 1 screening the remainder of the development
h) the development would give rise to a 7.5% increase in the number of dwellings in a hamlet
i) due to the land levels the dwellings would be 3 - 4 metres higher than adjacent dwelling; height would be imposing, dominating and would compromise the view and detrimental to the streetscene
j) plots 2 to 6 would be 11 metres above street level – as shown in the submitted drawing
k) overall does not enhance the Conservation Area and has significant impact upon its special character; contrary to policy BE7 of the local plan
l) areas of open land or breaks between buildings should be retained in accordance with policy BE19 of the local plan
m) the designation of the land within the Conservation Area Appraisal was accepted despite many objections and views of local residents were ignored
n) green spaces, wide grass verges, trees and hedges make the character of the Conservation Area and all of these would be detrimentally affected by the proposed development
o) development spoils the view of the village when approaching the cross roads;
p) all dwellings will be overlooking the garden area to Lower Farm, No. 7 - 9 Pipe Lane which is a Grade II Listed farmhouse property which enjoys views of the village church

q) lack of pedestrian footpath on Pipe Lane; increase in number of people walking will lead to danger to pedestrians especially children and the elderly and contrary to policies NE5 and BE22
r) provision of footpaths would be in direct conflict with the Conservation Strategy to retain grass verges and avoid the use of kerbs
s) Pipe Lane gives access to two footpaths
t) width of Pipe Lane does not allow for 2 cars to pass easily and increase in traffic flow would have detrimental effects on soft verge areas as insufficient room to pass
u) exit from the site at a narrow part of the lane and difficulty in manoeuvring in the lane
v) lack of public transport in the village would increase onus on cars and contrary to PPS1, PPS7, PPG13 and government policy
w) insufficient on site parking and turning (resulting from visitors), impacts upon bin collection day and could lead to increase in parking on Pipe Lane and impacts upon road safety
x) cross roads at Sheepy Lane is dangerous, increase in traffic onto an already dangerous crossroad
y) proposed improvements at the junction of Pipe Lane and Sheepy Road do not offset the impact and dangers of increased vehicle movements
z) previous application for erection of stables was refused in 2004 ref 04/00270/FUL for highway reasons; same reasons should be applied for 6 dwellings
aa) inadequacies within the tree report, being out of date and judging trees not to be of Aboricultural merit, despite the original report advising further investigation of tree G5
bb) the impact on a variety of wildlife in this tiny hamlet will be significant and impact of bins as mitigation is minimal; the demolition of no. 4 could not be done until alternative roosts were provided and bats do not adapt easily to being made homeless
cc) there is no mains drainage within the vicinity of the application site; pollution of water courses and increase of flood risk requires further investigation and a risk assessment
dd) site would create light pollution
ee) why affordable housing units; thought this policy was for areas where there is public transport, shops, schools, employment vacancies, none of which are present in the village; lack of essential infrastructure does not support affordable housing allocation; the "social card" is being play to distract attention from the other weaknesses of the proposal
ff) this could create a precedent for further building within the village
gg) inadequacies in the technical documentation accompanying the application and lack of site levels.

Twycross Parish Council have raised objections on the following grounds:-

a) inconsistent with the overall character and pattern of development and does not contribute to or enhance the Conservation Area and prevents the enjoyment of open views across the area
b) narrow carriageway, increase in traffic and increase in danger to vulnerable pedestrians
c) poor sustainability credentials, poor transport choice, location relying heavily on the use of the car.

Councillor Morrell has raised objections on the following grounds:-

a) contrary to Core Strategy objectives which clearly states that any material development gains should be located in sustainable locations
b) the site allocations document identifies the villages of Twycross and Sheepy Magna
c) serious highway issues due to the narrow country road
d) overdevelopment in a rural hamlet and in a Conservation Area, contrary to Core Strategy objectives.

At the time of writing the report comments have not been received from Head of Corporate and Scrutiny Services (Tree Officer).

Policy:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' refers to the delivery of sustainable development through the planning system. 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.

This document states at paragraph 12 that good design is fundamental to the development of high quality new housing. Paragraph 13 reflecting policy in PPS1 states that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to improve the character and quality of an area and the way it functions, should not be accepted. Paragraph 16 lists matters to be considered when assessing design quality; this includes assessing the extent to which the proposed development is well integrated with and compliments, the neighbouring buildings and the local area more generally in terms of scale, density layout and access.
PPS3 has very recently been updated to specifically refer to garden land not being Brownfield land and Paragraph 47 has been amended and 30 dwellings per hectare is no longer a national indicative minimum density to allow local planning authorities to develop their own range of policies whilst having regard to the continued need to develop land in the most efficient manner.

The PPS states the need for Local Planning Authorities to set out policies and strategies for delivering housing provision which will enable continuous delivery of housing for at least 15 years. Further to this, sufficient specific deliverable sites to deliver housing in the first five years should be identified. Paragraph 71 of PPS3 states that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites they should consider favourably planning applications for housing having regard to the policies within the PPS and particularly paragraph 69 which lists the following considerations:-

a) Achieving high quality housing
b) Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people
c) The suitability of a site for housing, including its environmental sustainability
d) Using land effectively and efficiently
e) Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

Planning Policy Statement 5 (PPS5): 'Planning and the Historic Environment' sets out how applications affecting heritage assets should be determined; it requires Local Planning Authorities to assess impacts on the historic environment.

Planning Policy Guidance Note 13 (PPG13): 'Transport' set out the Government's commitment to transport and planning and confirms that highway safety is a paramount consideration in the determination of any planning application.

Planning Policy Statement 25 (PPS25): 'Development and Flood Risk' aims to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk.

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.

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

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that it is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

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 1 seeks to secure the delivery of sustainable development.

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

Policy 3 states that in assessing the suitability of sites for development priority should be given to making the best use of previously developed land in urban or other sustainable locations.

Local Development Framework Core Strategy 2009

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

- Support housing development within settlement boundaries that provides for a mix of housing types and tenures as detailed in Policy 15 and Policy 16

- Support development that complies with Policy 17: Rural Needs

- Require new development to respect the character and appearance of the relevant Conservation Area by incorporating locally distinctive features of the conservation area into the development.

Policy 15: 'Affordable Housing' seeks the provision of Affordable Housing on residential proposals within rural areas at the rate of 40% with a tenure split of 75% social rented and 25% intermediate housing.

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

Policy 17: 'Rural Needs' supports small scale development that meet a 'local need' subject to criteria including that a legal agreement is entered into to ensure that all housing provided will be for the exclusive occupation, in perpetuity, of people with a local connection.

Hinckley and Bosworth Local Plan 2001

Policy RES5: 'Residential Proposals on Unallocated Sites' states that on sites that are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

Policy IMP1: 'Contributions Towards the Provision of Infrastructure and Facilities' requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

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

Policy BE1: 'Design and Siting of Development' of the adopted Local Plan states that the Borough Council will seek 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 design, materials and architectural features, and is not prejudicial to the comprehensive development of a larger area and; does not adversely affect the occupiers of neighbouring properties.

Policy BE7: 'Development in Conservation Areas' states that primary planning policy will be the preservation or enhancement of their special character. Planning permission for proposals which would harm their special character or appearance will not be granted.

Policy BE19: 'Open Spaces and Areas of Special Character within Settlements' states that any area of land or visual break between buildings identified as making a contribution to the special character of a settlement should be retained.

Policy NE14: 'Protection of Surface Waters and Groundwater Quality' protects the water environment.

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

Policy T9: 'Facilities for Cyclists and Pedestrians' encourages walking and cycling including facilities for cycle parking.

Supplementary Planning Guidance / Documents

Supplementary Planning Guidance (SPG): 'New Residential Development' provides a series of standards that new residential development should achieve in respect of density, design, layout, space between buildings and highways and parking. It specifically states that the appropriate density of the development will be determined by the general character of the surrounding area.

The Council's Supplementary Planning Document (SPD): 'Sustainable Design' aims to support and encourage developers and applicants in delivering homes in line with national best practice guidance primarily the Code for Sustainable Homes for housing and delivery of sustainable development through the planning system.

The Council's Supplementary Planning Document (SPD): 'Affordable Housing' provides the background and approach to the Borough Councils delivery of affordable housing.

The Council's Supplementary Planning Guidance (SPG): 'Rural Needs' sets out the key principles which include:-

- To ensure that there is no 'sustainability trap', where development is only approved in areas that are already considered sustainable;
- Lack of any development in some settlements may result in them becoming less, not more, sustainable
- That rural communities are mixed communities where young and old, high and lower incomes are able to live in rural settlements;
- That rural economic development is supported and encouraged;
- That existing services in rural areas are supported and maintained.

Other Material Policy Guidance

The draft National Planning Policy Framework was published for consultation on 25 July 2011. 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. Officers will continue to advise on the progress of this consultation and update members on that progress.

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

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

The appraisal states that the village is divided into two distinct areas; one being the Church of St. Edith and the area round The Green and Pipe Lane, which is characterised by relatively unplanned organic pattern of buildings which are separated by distance, green spaces and hedges. The appraisal states that it is important to the character of the conservation area in this location that the large green spaces between groups of buildings are retained. The appraisal also states that to maintain the distinctive character and appearance of the Conservation Area it will be necessary to, amongst other criteria: ensure new development contributes positively to the character and appearance of the Conservation Area in terms of siting, scale, design and materials used.

Appraisal:-

The main considerations with regards to this application are the principle of development, siting and design and impact upon the character and appearance of the Conservation Area, impact upon residential amenity, highway considerations, sustainability, development contributions and affordable housing; drainage and flood risk, ecology, impact upon trees and archaeology and other matters.

Principle of Development

The site is located within the settlement boundary of Orton on the Hill, as defined on the Adopted Hinckley and Bosworth Local Plan proposals map and therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

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

It is considered that the approval of this application would bring forward 6 units, including the provision of 2 affordable housing units in line with Core Strategy Policy 13 to support housing development that provides for a mix of housing types and tenures.

The application site comprises garden land and would, prior to the update to PPS3, have fallen into the category of Brownfield land, however the update to PPS3 removed garden land from the 'Brownfield' land classification. It is considered that where development is proposed on garden land within the defined settlement boundary the character, density, mass, layout and design should be fundamental to the determination of the application alongside the development being carried out in accordance with relevant plan policies.

The relevant plan policies include PPS3 which states that the extent to which the proposed development is well integrated with, and complements the neighbouring buildings and the local area more generally in terms of scale, density layout and access should be considered.

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

Local Plan Policy BE1 seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features'. This consideration ties in with the intentions of PPS3 and RES5 for local authorities to prevent overdevelopment and development that is out of keeping with the character of the surrounding area.

In summary, there is no objection in principle to the erection of 6 dwellings within the settlement boundary of Orton on the Hill which would provide affordable housing in a rural area of identified need. For the reasons discussed in this report, it is not considered that the scheme would be in conflict with adopted development plan policy.

Siting and Design and Impact Upon the Character and Appearance of the Conservation Area

The consideration of the impact on the character of the area has always been a material consideration in the determination of planning applications, even before the revised version of PPS3 came into force, through consideration of the requirements of Policy BE1. The amendments to PPS3 further strengthen the issue of impact on character and the pattern of development.

As discussed above it falls to be considered whether the proposed development would have an adverse impact upon the character and appearance of the area.

Impact upon Character

The current pattern and grain of the development in the immediate locality to the north, west and south is characterised by development set back from the road frontage, with large detached dwellings situated in large plots. Whilst it is acknowledged that the predominant character comprises frontage development but set well back from the road frontage, there is already the existence of development at depth to the west of the site between Pipe Lane and The Green.

Plot 1 is sited 12 metres back from the road frontage, with Plots 4-6 located approximately 50 metres away from Pipe Lane. The siting of the proposed dwellings is therefore set back from the road frontage, in conformity with the pattern of the development in the area. The dwellings propose appropriately sized rear gardens in accordance with the standards set down in the Borough Council's SPG on New Residential development and it is considered that this provides large amenity plots which are characteristic of the area.

There are a range of property sizes and scales within the vicinity with most being of single and two storey proportions. It is considered that the footprints of the proposed dwellings are similar, if not smaller, than those to the north and west of the application site and proposed two storey dwellings are considered acceptable in this setting.

In response to neighbouring letters of objection, it is acknowledged that there are land level differences, however the set back of units 2-6, low density, areas of separation, combined with the retention of hedgerows and trees will ensure that the scheme is not over dominating. The curtilages of the proposed dwellings do not extend to the whole of the site, ensuring that visual breaks are maintained between the proposed development and the surrounding area and is therefore considered to be in accordance with Policy BE10 of the Local Plan.

It is considered that the development is characteristic of the surrounding area in respect of its siting, scale and proportions.

Impact upon Character and Appearance of the Conservation Area

The proposal is also located within Orton on the Hill Conservation Area. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area.

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

The proposed dwelling and rear amenity spaces do not extend back to the peripheries of the site, ensuring that there are ample separation distances and to ensure the large green

spaces between groups of buildings are largely retained, as identified within the Conservation Area appraisal.

In terms of design, the scheme proposes a fairly simplistic form of adjoined dwellings intended to replicate a farmstead design with the additional of dormer windows and chimney stacks. The layout is considered characteristic of rural, agricultural settings and fenestration details in terms of proportions and detailing have been carefully designed to reflect the character of the surrounding dwellings and respect the Conservation Area.

In response to neighbour letters of objection, the un-broken ridges of plots 2-6 is considered characteristic of former agricultural, barn type structures and is therefore seen as a positive design element within this scheme to ensure that the design is not of a typical modern twenty first century design, which would be detrimental in this setting.

The materials proposed are brick, plain clay tiles, metal framed windows in stone surrounding, timber doors and cast iron guttering and downpipes. It is considered necessary to impose planning conditions to secure the submission of these samples to ensure the scheme will be of a satisfactory external appearance for this Conservation Area setting.

It is considered that the scheme contributes positively to the character and appearance of the conservation area in terms of siting, design and materials used.

In response to neighbour letters of objection, the closest Listed Building to the site is Lower Farm located to the south of Pipe Lane. The closest proposed dwelling, unit 1, would be located at least 48 metres away, combined with an across the road relationship. Given the set back of the other units back within the site it is not considered that there would be any significant impacts upon the setting of the Listed Building

In summary, the proposed development accords with the general siting and scale of existing dwellings within the vicinity, ensuring that the development appears in keeping with the scale and character of existing dwellings and the design and use of materials is considered to contribute positively to the character and appearance of the Conservation Area. Accumulatively the scheme is considered to be in accordance with guidance contained with PPS3, Policy BE1 of the adopted Local Plan, principles outlined in the Council's SPG on New Residential Development and is considered to preserve the Conservation Area in accordance with Policy BE7 of the adopted Local Plan and Policy 13 within the adopted Core Strategy.

Impact upon Residential Amenity

The residential dwelling most immediately impacted upon as a result of the proposal would be Little Gables located to the west of the site.

There is a distance of approximately 18 metres from the rear wall of the neighbouring property to the corner of plot 6. The Council's SPG on New Residential Development usually seeks a distance of 14 metres between a blank wall and window, and 25 metres between two walls containing habitable windows. Given the distance between the dwellings it is not considered that there would be any sufficient loss of light, overshadowing or overbearing impacts, and due to the physical relationship between the two properties with no windows proposed in the side elevation of plot 6, there is not considered to be any direct overlooking as a result of the dwelling. In addition, new planting is proposed to the south west of plot 6 which would also screen the development from the neighbouring dwelling.

Whilst there are other residential dwellings within the vicinity, it is considered that there are sufficient distances between the existing and proposed residential units resulting in no significant impact upon residential amenity.

In summary, the proposal is considered to have minimal impacts upon amenity of neighbouring residents. As such the scheme is considered to be in accordance with Policy BE1 of the adopted Local Plan.

Highway Considerations

A new vehicular access is proposed from Pipe Lane to serve all 6 dwellings. Plot 1 contains an integral garage, with the remaining 5 properties with a central shared parking court, providing two car parking spaces per dwelling. Cycle storage is proposed in the single storey detached building. Proposed improvements at the junction of Pipe Lane and Sheepy Road are also proposed.

The scheme has been considered by the Director of Environment and Transport (Highways) who has no objection to the scheme, subject to the imposition of planning conditions including a condition requiring the details of a scheme for pedestrian improvements along Pipe Lane to the Sheepy Lane junction.

In response to neighbour letters of objection raising concerns over the previous reasons for refusal for stables (ref: 04/00270/FUL) each case is considered on its own merits and it is in the opinion of the Director of Environment and Transport (Highways) that these opinions have been expressed.

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

Sustainability

The site is located within the rural hamlet of Orton on the Hill, as defined by the adopted Core Strategy. Policy 13 of the adopted Core Strategy states that because of the limited services in hamlets, development will be confined to infill housing development and that the council will support housing development within settlement boundaries that provides for a mix of housing types and tenures. Orton on the Hill has limited services to support a growing residential population and it is acknowledged that the site is located within a rural settlement where the majority of journeys will be undertaken by car. However, it is hoped that over the Core Strategy period the growth of residential development within the hamlet will bolster the population, viability and sustainability of the village and that some level of development is considered necessary to ensure existing services and community cohesion is maintained. In addition, this advice is echoed within guidance contained with PPS7.

In addition, the accompanying Design and Access statement refers to the proposed dwellings being constructed to comply with the Code for Sustainable Homes (Code 3). In line with Policy 24 of the Adopted Core Strategy, the residential units to be constructed on this site will need to be constructed in accordance with Building a Greener Future. This standard is in line with Building Regulations and therefore the development will be constructed to this continually evolving standard.

Developer Contributions and Affordable Housing Provision

Affordable Housing

Policy 15 of the Core Strategy requires an affordable housing target of 40% in rural areas and the Council's Affordable Housing Officer has requested two units for social rented housing.

The applicant has committed to providing the two affordable housing units within the draft Heads of Terms in accordance with Core Strategy Policy 15.

There is currently no affordable housing in Orton on the Hill and therefore no applicants are accepted onto the housing register. However the village is part of the Twycross parish and there is a high demand for housing in Twycross. The latest housing register for Twycross stated that 81 applicants were seeking 1 bedroomed properties; 25 applicants were seeking 2 bedroomed properties; 21 applicants were seeking 3 bedroomed properties and 4 applicants were seeking 4 or more bedroomed properties. It is considered that there is a high demand within Twycross and the provision in this development is welcomed.

It is considered that there is an identified need for a range of affordable units in Orton on the Hill and as such it is considered necessary to provide them within this development. This scheme has triggered the request for affordable housing and in line with Core Strategy Policy 15 is considered to be directly related to the development proposed. The amount and type requested is also considered fairly and reasonably related in scale and kind to the development proposed. It is therefore considered that the request for affordable housing requirements meets the requirements of the Community Infrastructure Levy (CIL) 2010.

The provision of the affordable housing is being secured through the draft S106 agreement submitted with the application. The Council's Affordable Housing Officer has requested that the S106 agreement contain a requirement for applicants in the first instance to have a local connection to Twycross parish.

The Council's Affordable Housing Officer has also confirmed that the layout of the affordable units is acceptable.

In response to neighbour letters of objection, the existing amenities and services within a settlement is not a consideration in requesting affordable housing provision. The site lies within a rural area and proposes 4 dwellings or more and therefore triggers the requirement for the provision of 40% in accordance with the requirements of Policy 15 of the Core Strategy.

Accordingly the scheme would meet the requirements of Policies 15 of the adopted Core Strategy, supported by the Council's Supplementary Planning Document on Affordable Housing.

Play and Open Space Contributions

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

Drainage and Flood Risk

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

The Head of Community Services (Land Drainage) states that planning consent should be conditional upon the execution of the sustainable drainage proposals and Severn Trent Water has no objection to the scheme but has requested that a condition be imposed to ensure drainage plans are first submitted to and approved in writing by the Local Planning Authority. Accordingly it is considered necessary to impose a planning condition to this effect.

The scheme has been considered by the Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage) all of whom have no objection subject to the imposition of a planning condition for drainage plans to be submitted. Accordingly it is considered that the proposed works will be in accordance with Policy NE14 of the Local Plan and guidance contained within national planning policy PPS25.

Ecology

The application has been accompanied by a protected species report.

The Directorate of Chief Executive (Ecology) is satisfied with the level of survey work and that the resulting mitigation and compensation is sufficient for bats and has confirmed that the application will have no impact on any designated site of ecological importance. In respect of Great Crested Newts and badgers, the Directorate of Chief Executive (Ecology) recommends an updated survey of the site for badgers and a detailed terrestrial search to be undertaken for Great Crested Newts, prior to the commencement of development.

Accordingly, subject to a number of recommendations contained with the 'Notes to Applicant' it can be concluded that the proposal will not have any adverse impact upon a protected species.

Impact upon Trees

The site contains a chestnut tree and the applicant has indicated a 14 metre radius tree root protection area whereby the details of specialist foundation design will need to be submitted to the Local Planning Authority and there will be a 'no dig' area to provide 5 of the car parking spaces within the parking court area.

The representations from the Head of Corporate and Scrutiny Services (Tree Officer) have yet to be received and as such will be reported as a late item.

Archaeology

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

Other matters

In respect of concerns being raised that there are no site sections showing the levels of the building across the site, and out of date reports, these issues were considered at the validation stage of the application and it was not considered necessary at the time to request additional site levels.

Conclusion

In conclusion, the proposed dwelling would be located within the settlement boundary of Orton on the Hill, where there is a presumption in favour of development subject to all other matters being addressed. The scheme is considered to provide affordable housing in a rural area of identified need and is not considered to give rise to any significant material impacts upon the occupiers of the neighbouring dwelling, highway safety, drainage and flood risk or protected species and is considered to preserve the character and appearance of Orton on the Hill Conservation Area. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION: That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 to provide affordable housing units, the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant planning permission subject to the conditions below. Failure to complete the said agreement by 24 November 2011 may result in the application being refused.

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 considered characteristic of the surrounding area and would not be detrimental to visual or residential amenity, highway safety or protected species and is considered to preserve the character of Orton on the Hill Conservation Area.

Hinckley and Bosworth Local Plan (2001):- Policies IMP1, REC3, RES5, BE1, BE19, T5 and T9.

Hinckley and Bosworth Local Development Framework: Core Strategy (2009): - Policies 13, 15, 16, 17, 19 and 24.

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the following details: Site Layout Drawing No. 02 Rev A; Unit 1 Drawing No. 03 Rev A; Unit 2-6 Elevations Drawing No's 06 and 07; Unit 2-6 Plans GF Drawing No. 04; Unit 206 Plans FF Drawing No. 05; Site Plan and Section Drawing No. 01 Rev A; Storage Building Drawing No. 09; Landscaping Drawing No. 10 Rev A; Property Level and Detail Survey Drawing No. 09/036/02a; Highway and Property Survey Drawing No. 09/036/10/01; Cross Section A-B Drawing No. 09/036/03 received by the Local Planning Authority on 29 September 2011 and Site Layout (showing affordable housing units) Drawing No. 02 Rev B received by the Local Planning Authority on 26 October 2011.

3 Before development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and bin store shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

4 Before development commences, full details of the window and door style, reveal, cill, header treatment and materials of construction shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

5 Before development commences, full details of the eaves and verge treatment, guttering and down pipe (including materials and method of fixing) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

6 Notwithstanding the submitted plans, no development shall take place until full details of both hard and soft landscape works, including defined residential curtilage, 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) Means of enclosure and boundary treatments
b) Hard surfacing materials
c) Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate.
d) Implementation programme.

7 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.

8 Before development commences, a method statement outlining method of working, tree protection plan, including protective tree fencing and foundation design of the proposed bin and cycle store shall first be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details

9 Before first occupation of the dwellings hereby approved, the access drive and forecourt area shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate).

10 Before first occupation of the dwellings hereby approved, the parking spaces shown within Drawing No. 02 Rev A shall be provided and shall not be obstructed and shall thereafter permanently remain available for car parking.

11 Before first occupation of the dwellings hereby approved, visibility splays of 2 metres by 33 metres shall be provided at the junction of the access with Pipe Lane. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.

12 Any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the Highway

boundary and have 4 metres kerbed radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times

13 Notwithstanding the details shown on the approved plans, there shall be no pedestrian access to any of the plots from Pipe Lane

14 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the Highway boundary and shall be hung so as to open inwards only.

15 No development shall commence until drainage plans for the disposal or surface water and foul sewage, incorporating sustainable drainage principles have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the development first being brought into use.

16 The demolition hereby permitted shall not be undertaken unless and until:-

a) a binding contract for carrying out of the works of re-development of the site in accordance with the planning permission hereby granted has been entered into, and its contents have been agreed by the Local Planning Authority.

b) a phasing scheme, which shall include a timetable for the scheduling of demolition and construction works for each phase, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed timetable of works.

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.

3-5 To ensure that the development has a satisfactory external appearance to accord with Policies BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.

6&7 In the interests of visual amenity, to accord with Policies BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.

8 To protect a tree during construction in the interests of visual amenity in a Conservation Area in accordance with the requirements of Policy BE7 of the adopted Hinckley and Bosworth Local Plan.

9 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

10 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

11 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

12 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

13 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

14 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

15 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan and guidance contained within Planning Policy Statement 25 Development and Flood Risk.

16 To protect the character and appearance of the conservation area in the interests of visual amenity to accord with Policy BE8 of the adopted Hinckley and Bosworth Local Plan

Notes to Applicant:-

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

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

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

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

5 Should permission be granted, you are reminded to comply with the conditions of application reference: 11/00603/CON.

6 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

7 In relation to condition 8 no dig methods would be required in respect of details submitted.

8 The Highway boundary is the hedge fronting the premises and not the edge of the carriageway/road.

9 The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the Highway works are commenced.

10 The proposed roads do not conform to an acceptable standard for adoption and therefore they will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by all the private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or phone 0116 3056782.

11 In order to provide the visibility splays detailed in condition 12 above, it may be necessary to trim the hedge back to and maintain it at the highway boundary.

12 The applicant is reminded to undertaken the surveyor's recommendations within the protected species reports.

In respect of Great Crested Newts, a detailed terrestrial search must be undertaken prior to works commencing.

In respect of Badgers, it is recommended an updated survey of the site to check for badgers is undertaken prior to works commencing to check that badgers have not moved into the area in the meantime.

In respect of Bats, it is not thought that a license is required for the work providing that recommendations in section 12 of the report are followed:-

Work should be undertaken on the building between 1st October and 31st of April the following year. If this is not possible a European Protected Species license will be required (12.1)

Prior to commencement of disturbing work to the existing dwelling, the replacement roosting as proposed in the outside storage / bicycle store should be created as detailed as in Drawing 9 and incorporating Brown Long-eared and Pipistrelle access points and Brown Long-eared roost details as shown in the survey report.

Immediately prior to demolition or disturbing works to the roof of the current dwelling updating survey work must be undertake as recommended in section 12.8 of the report

Contact Officer:- Ebbony Mattley Ext 5691

Item: 04

Reference: 11/00603/CON

Applicant: Mrs P Taylor

Location: Bungalow 4 Pipe Lane Orton On The Hill Atherstone

Proposal: DEMOLITION OF EXISTING DWELLING AND THE ERECTION OF 6 DWELLINGS WITH ASSOCIATED ACCESS

Target Date: 24 November 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has generated 5 or more objections.

Application Proposal

This application seeks Conservation Area Consent for the demolition of a single storey four bedroomed detached dwelling with integral garage.

Members are advised that this application should be read in conjunction with planning application (ref: 11/00602/FUL) which proposes the erection of 6 no. dwellings with associated access.

As such the dwelling is proposed to be demolished to allow for additional dwellings on site.

The Site and Surrounding Area

The site measuring approximately 0.51 hectares in size is bound to the south by Pipe Lane, to the north and west by residential dwellings and to the south by additional paddock land, under the ownership of the applicant.

The site is currently occupied by no. 4 Pipe Lane, a single storey four bedroomed detached dwelling, with the remainder of the site comprising paddock land, containing a horse chestnut tree, covered by a Tree Preservation Order (ref: 0801/23c/06). The paddock is bound on all sides with mature hedgerows

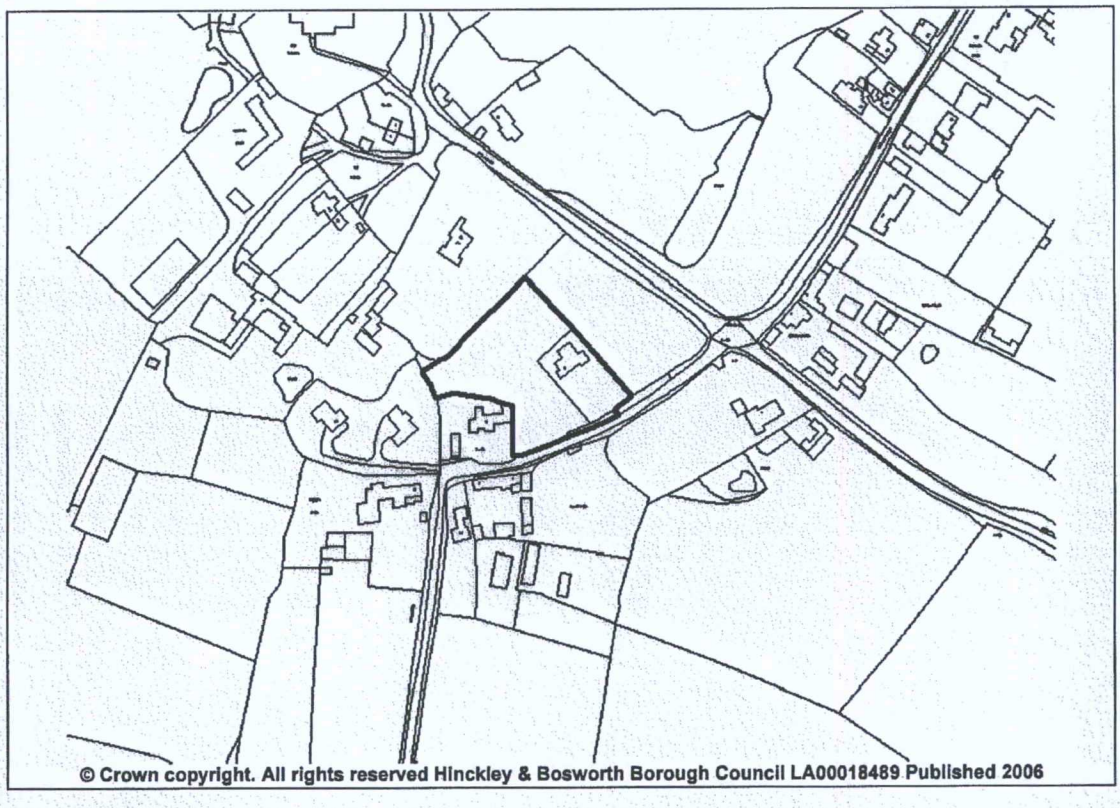
The site is located within the settlement boundary of Orton on the Hill and within Orton on the Hill Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan.

Technical Document submitted with application

The application is accompanied by a planning and Heritage Statement which acknowledges the dwelling being designated a 'weak area/building' within the Council's Orton on the Hill Conservation Area Appraisal.

History:-

11/00602/FUL	Demolition of existing dwelling and erection of 6 no. dwellings with associated access	Pending	
08/00569/FUL	Erection of 9 no. dwellings and associated access	Returned	20.05.09
79/002000/4	Erection of bungalow	Approved	10.05.79



Consultations:-

No objection from Directorate of Chief Executive (Archaeology).

Site notice and Press notice were displayed and neighbours notified.

17 letters of objection have been received overall.

One letter has raised concerns over the un-necessary demolition of bungalow which only needs some cosmetic repairs to exterior and internal refurbishing, with the remainder of the representations concerning 11/00602/FUL.

Twycross Parish Council have similarly objected to the application 11/00602/FUL.

At the time of writing the report comments have not been received from Head of Corporate and Scrutiny Services (Tree Officer).

Policy:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Statement 5 (PPS5): 'Planning and the Historic Environment' sets out how applications affecting heritage assets should be determined; it requires Local Planning Authorities to assess impacts on the historic environment.

Regional Policy

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that it is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

No relevant.

Local Development Framework Core Strategy 2009

Policy 13: 'Rural Hamlets' states that the council will require new development to respect the character and appearance of the relevant Conservation Area by incorporating locally distinctive features of the conservation area into the development.

Hinckley and Bosworth Local Plan 2001

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

Policy BE8: 'Demolition in Conservation Area' states that applications for the demolition of buildings in conservation areas will be refused except where it can be demonstrated that the loss of the building will not be detrimental to the character or appearance of the conservation area and that there are proposals for its replacement which would preserve or enhance the character or appearance of the conservation area.

Other Material Policy Guidance

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

The Conservation Area appraisal has identified the dwelling and its curtilage as 'Weak Areas/Building'.

Appraisal:-

The main consideration in the determination of this application is the impact of the demolition of the dwelling upon the character and appearance of the Conservation Area.

Impact upon the Character and Appearance of the Conservation Area

The proposed development involves the demolition of a single storey four bedroomed detached dwelling with integral garage constructed following planning approval in 1979 (ref: 79/002000/4) and is therefore of a late 1970's, early 1980's design.
The dwelling and garden have been considered as part of the Orton on the Hill Conservation Area Appraisal and identified as 'Weak Areas/Building'. On this basis it is not considered that the dwelling makes a significant positive contribution to the streetscene and character and appearance of Conservation Area to deem it worthy of retention. It is considered that the dwelling currently detracts from the character and appearance of the Conservation Area, and as such there is no in principle objection to its removal.

Saved Policy BE8 requires redevelopment proposals to be in place where structures/buildings are to be demolished within Conservation Areas. It is noted that there is development proposed and being assessed under planning application ref: 11/00602/FUL, for the erection of six dwellings.

It is considered that the development put forwarded under planning application 11/00271/FUL proposes development upon the wider area of the site which is considered to at least preserve the character of the Orton on the Hill Conservation Area. As such the replacement is considered in accordance with Saved Local Plan Policy BE8 of the adopted Local Plan.

Due to the siting of the development within the Conservation Area, it is considered necessary to prevent the demolition until immediately prior to redevelopment, to ensure that the clearance following a demolition does not have a negative impact on the Conservation Area. As such it is considered necessary to impose a planning condition to ensure this.

In response to the neighbouring letter of objections, these relate to and have been appraised within application 11/00271/FUL.

Conclusion

In conclusion, the proposed demolition involves the removal of one dwelling which is considered detrimental to the character and appearance of the Orton on the Hill Conservation Area. There is a comprehensive replacement scheme currently under consideration for the wider site which is considered to preserve the character and appearance of the Conservation Area. The impact of demolition upon the Conservation Area and the potential for construction to follow within a reasonable timeframe can be controlled by the imposition of an appropriate condition to ensure that the cleared site does not blight the Conservation Area for a long period of time. If Members are minded not to approve planning permission for the redevelopment of the site then Conservation Area Consent should also be refused until such time as a satisfactory redevelopment scheme is in place.

Accordingly it is recommended that Conservation Area Consent is granted, subject to the imposition of planning conditions.

RECOMMENDATION:- to grant conservation area consent for the demolition, 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 considered that the demolition of the garage would not be detrimental to the character and appearance of the Conservation Area.

Hinckley and Bosworth Local Plan (2001):-Policy BE8.
Hinckley and Bosworth Local Development Framework: Core Strategy (2009): - Policy 13.

1 The demolition hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The demolition hereby permitted shall not be carried out otherwise than in complete accordance with the details: OS Sitemap (Scale 1:2500) and plan entitled survey, drawing no. 010 A received on 29 September 2011

3 The demolition hereby permitted shall not be undertaken unless and until:-

a) a binding contract for carrying out of the works of re-development of the site in accordance with the planning permission (ref: 11/00602/FUL) hereby granted has been entered into, and its contents have been agreed by the Local Planning Authority.

b) a timetable for the scheduling of demolition and construction works for each phase, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed timetable of works.

Reasons:-

1 To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, as amended by 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 the character and appearance of the Conservation Area in the interests of visual amenity to accord with Policy BE8 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:- Ebbony Mattley Ext 5691

TOWN AND COUNTRY PLANNING ACT 1990

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

HINCKLEY AND BOSWORTH LOCAL PLAN

REPORT OF A PUBLIC LOCAL INQUIRY INTO OBJECTIONS TO THE PLAN

Inspector: Professor Edgar A Rose Msc Dip Arch Dip TP ARIBA FRTPI
Assistant Inspector: Mrs. Susan Holland MA Dip TP MRTPI

Dates of Inquiry: 29,30,31 October 1996
5,6,7,12, 13, 15, 28 November 1996
6,10,11,12,13 December 1996
14,15,22,23,29,30,31 January 1997
4,5,7,19,20,21,25,26,27,28 February 1997;
4,5,6,11,12,14,18,19,20,21 March 1997
20,21,22 May 1997
26 June 1997

The proposed allocation would also establish development in depth behind the existing frontage. Both these forms of development would be alien to the pattern of the existing village, and would be out of scale and character. The objection sites contain a farmstead about to become redundant under the farm rationalisation plan being implemented by the Gopsall Estate. However, this factor is not sufficient to outweigh the harm to the character of the village which would flow from the development of the objection site. Neither the allocation nor the further extension of the village boundary is therefore supported.

Recommendation

2.3.512. That the Plan be modified in accordance with Proposed Change BC7, but that no further change be made in respect of this objection.

RES1 Land at The Green

Objector: 1004/1/2 Mrs P R Taylor

2.3.513. The objector proposes the allocation of approximately 0.9 hectares of open land within the settlement boundary for housing.

Inspector's Comments

2.3.514. Consideration of Objection 1004/1/1 relating to Policy BE17 appears in the Built Environment Chapter. Objection 1004/1/2 relating to the allocation for housing raises key issues concerning location strategy and the effect of the proposal upon the scale and character of the village.

2.3.515. Orton-on-the-Hill is not a Transport Choice location. The Council suggests that the capacity of the objection site is 24 dwellings. Development of this order would represent significant expansion in this small village and would conflict with the location strategy of the Plan (see the consideration of the previous objection, above).

2.3.516. In Orton-on-the-Hill, most dwellings occupy generous plots and front onto one of the village spine roads. There is no development in depth. An estate-type development of as many as 24 dwellings on a site of less than 1.0 hectare would be out of scale and character with the existing village, and on that account would not conform to the location strategy of the Plan.

2.3.517. However, the objector suggests only four dwellings for the site. Such a small development could be arranged in a pattern similar to that of its surroundings. In that event there would be no significant expansion, and no harmful effect upon the scale and character of the village. Accordingly, a development of only four houses would not conflict with the location strategy. Equally, however, such a small development would not merit a specific allocation. The site lies within the village boundary, and could be developed subject to other Plan policies. See coverage of objection 1004/1/1 under Policy BE17.

Recommendation

2.3.518. That no modification be made to the Plan in respect of this objection.

RATBY

RES1 (af) Land south-east of Ferndale Drive.

Objectors: 350 objections listed at pages 47-53 of Appendix B.

2.3.519. This site is now a commitment (Change H64).

Recommendation

2.3.520. That RES1 (af) be deleted from the Plan.

RES1 (ag) Land north of Ferndale Drive

Objectors:

62/1/2	**Councillor R G R Bennett**
435/1/2	**Cawrey Ltd**
435/2/4-6	**Cawrey Ltd**

and 342 other objections listed at pages 53-59 of Appendix B.

2.3.521. These objections are considered together with those relating to Site RES1(ah), immediately below.

4.13 POLICY BE16 Archaeological Investigation And Recording

Objectors:

102/1/5	David Wilson Homes Ltd
330/1/47	The HBF

Inspector's Comments

4.13.1. The objections raise an issue concerning the extent to which development of a site should be delayed whilst archaeological investigations are carried out. On large sites it may not be necessary to delay development on any but the area of archaeological interest and its immediate surroundings, to allow for safe access and movement about the investigation site. Change Be7 would modify the policy to restrict it to the area of archaeological interest.

Recommendation

4.13.2. That the Plan be modified in accordance with Change Be7.

4.14 POLICY BE17 Open Spaces And Areas Of Special Character Within Settlements

Whole Area

Objectors:

342/1/7	National Farmers Union (NFU)
837/1/1	The Leicester Diocesan
837/1/2	Board of Finance
1224/1/1	Mrs P R Taylor

Inspector's Comments

4.14.1. The NFU queries the extent to which Policy BE17 ought to protect open spaces within settlements. The Diocesan Board of Finance and Mrs Taylor question the clarity of the term 'significant built development'.

4.14.2. The NFU considers that, as currently worded, Policy BE17 seeks to protect **all** open spaces or visual breaks within settlements regardless of their significance to the visual character of the settlement. That is not the case. The policy protects 'any open area of land or visual break between buildings as identified.....as making a contribution to the special character of a settlement.' The insertion into the sentence of the words 'on settlement inset plans and the proposals map' makes the policy somewhat harder to read correctly. These words would be better included at the end.

4.14.3. The term 'significant built development' is not explained in the text. The Council's proposed Change Be8 would delete the controversial term. However, Change Be8 substitutes wording which emphasises 'special character' rather than open space. The primary concern of Policy BE17 is with individual important open spaces.

To extend the policy to cover other and less localised forms of special character not only leads to awkwardness in wording and interpretation but also overlaps unnecessarily with the protection available for Conservation Areas. Such areas are better protected solely by Policy BE7 (see Objection 1224/1/1 re The Green, Orton-on-the-Hill below).

Recommendation

4.14.4. That Policy BE17 be modified along the following lines (incorporating Change Be8 only in part):

THE LOCAL PLANNING AUTHORITY WILL SEEK TO RETAIN ANY OPEN AREA OF LAND OR VISUAL BREAK BETWEEN BUILDINGS IDENTIFIED AS MAKING A CONTRIBUTION TO THE SPECIAL CHARACTER OF A SETTLEMENT. PLANNING PERMISSION WILL NOT BE GRANTED WHERE DEVELOPMENT WOULD ADVERSELY AFFECT THE CONTRIBUTION OF THE DESIGNATED AREA TO THAT SPECIAL CHARACTER. DESIGNATED AREAS ARE IDENTIFIED ON SETTLEMENT INSET PLANS AND ON THE PROPOSALS MAP.

Working Farms

Objector:

54/1/3	Shackerstone Parish Council

Inspector's Comments

4.14.5. The objection raises an issue concerning the desirability of extending the protection of Policy BE17 to working farms, which the objector considers form part of the special character of some villages, notably Congerstone.

4.14.6. Policy BE17 is primarily a policy concerned with protecting open spaces within settlements, recognising the contribution which such spaces can make to the character of a settlement. It should be applied only where the open space is the prime ingredient of special character. It is not a policy to protect special character deriving from other features.

4.14.7. Working farms can and do contribute to the character of some villages. Where the open space offered by a working farm is of particular importance to a village, the opportunity exists for the Council to apply Policy BE17 to that individual space. There is no evidence that working farms collectively contribute so many spaces of high visual quality that the policy ought to be applied to them in general. The Objector does not point to the particular features of any individual working farm in Congerstone, and none has been identified by the Council.

Carlton Village Green

Objector: 15/1/5 Carlton Parish Council

Inspector's Comments

4.14.19. The objection raises the issue of the precise extent of the area to be designated as the village green.

4.14.20. The area designated by the Plan under Policy BE17 omits three small pieces of land which are included in the registered Village Green. Two are driveways and the third is the ground area of a former building, unauthorised and now demolished. Even though the driveways are surfaced and not grassed, however, their omission is likely to cause confusion over what constitutes the 'real' Village Green. Each of the omitted pieces of ground is open and contributes to the coherent whole. To fragment the designated area results in an awkward shape without historical authenticity.

Recommendation

4.14.21. That the boundaries of the designated area be re-drawn to correspond to those of the registered Carlton Village Green.

Land at The Green, Orton-on-the-Hill

Objector: 1224/1/1 Mrs P R Taylor

Inspector's Comments

4.14.22. The objection raises issues concerning the purpose and wording of Policy BE17 and the contribution made by the objection site to the Area of Special Character in the vicinity of The Green.

4.14.23. In all but one element of its title - "AND AREAS OF SPECIAL CHARACTER", Policy BE17 concerns important open spaces within settlements. Most of the areas designated under this policy are open spaces. However, in the case of the objection site the policy is used to protect the character of a much wider area which is not entirely open.

4.14.24. Policy BE17 covers virtually all the western end of the village. The Area of Special Character includes the majority of the older village houses standing in grounds or large gardens and separated by mature trees and hedges. It is the manner of development rather than its absence, which forms the character of the designated area.

4.14.25. The objection site is an intervening open field, bounded by hedgerows. The site is not a focal point of the old village; nor does it have a vital role as a refreshing contrast to neighbouring built development; nor does it form a foreground or backdrop to that development, much of which is largely hidden behind trees. For this reason, the objection site could be developed acceptably provided that the scheme included the liberal use of incidental open space and landscaping, to conform to the surroundings. Change Be8 removes from the policy the controversial words "for significant built development in these areas" and substitutes "where development would have an adverse effect on the special character of the area". If the recommendation made at paragraph 4.14.4 above were followed, Policy BE17 would admit some development of the objection site provided that the special character of the area as a whole were maintained. The same objective could be achieved through the designation of a conservation area.

Recommendation

4.14.26. That Policy BE17 be modified along the following lines, incorporating Change Be8 only in part:

THE LOCAL PLANNING AUTHORITY WILL SEEK TO RETAIN ANY OPEN AREA OF LAND OR VISUAL BREAK BETWEEN BUILDINGS IDENTIFIED AS MAKING A CONTRIBUTION TO THE SPECIAL CHARACTER OF A SETTLEMENT. PLANNING PERMISSION WILL NOT BE GRANTED WHERE DEVELOPMENT WOULD ADVERSELY AFFECT THE CONTRIBUTION OF THE DESIGNATED AREA TO THAT SPECIAL CHARACTER. DESIGNATED AREAS ARE IDENTIFIED ON SETTLEMENT INSET PLANS AND ON THE PROPOSALS MAP.

That no other modification be made to the Plan in respect of this objection.

Land West of Chapel Lane, Ratby

Objector: 53/1/9 Ratby Parish Council

Inspector's Comments

4.14.27. The objection raises the issue of the contribution which the objection site makes to the character of the settlement.

4.14.28. The objection site is an expanse of elevated open ground, set well above the buildings fronting Station Road and bounded on its frontage to Chapel Lane by a retaining wall some 2m high. The site is not conspicuous from the highway, and appears to contain few if any trees. The open space above the site does not form a foreground or a backdrop for any adjacent buildings. The site is not a focal point within the village.

4.14.29. The Conservation Area itself includes the objection site. Consequently, development of the site is subject to Policy BE7 which requires the preservation or enhancement of the special character of the area. The open space is not so important to the character of the area that it should necessarily be kept entirely open.

Jane Steel

From: planning@hinckley-bosworth.gov.uk
Posted At: 04 October 2011 16:34
Conversation: ConsulteeAccess for Planning - Application Comments (11/00603/CON)
Posted To: Inbox

Subject: ConsulteeAccess for Planning - Application Comments (11/00603/CON)

ConsulteeAccess for Planning - Application Comments (11/00603/CON)

"conservation" has used the ConsulteeAccess for Planning website to submit their comments on a Planning Application. You have received this message because you are the Case Officer for this application or because this is a designated mailbox for ConsulteeAccess comments submissions.

ConsulteeAccess for Planning - Application Comments for 11/00603/CON "conservation" you have been sent this email because you or somebody else has submitted a comment on a Planning Application to the planning department using your email address.
A summary of your comments is provided below.
Comments were submitted at 04/10/2011 16:33:37 from Application Summary

---

Application Number: 11/00603/CON
Address:
Bungalow
4 Pipe Lane
Orton On The Hill
Atherstone
Leicestershire
CV9 3NF
Proposal:
DEMOLITION OF EXISTING DWELLING AND THE ERECTION OF 6 DWELLINGS WITH ASSOCIATED ACCESS.
Case Officer:
Ebbony Mattley
Customer Details

Name:
conservation
Address:
empty
Comments:
The proposal will improve the conservation area and is supported
ConsulteeAccess for Planning. (c) CAPS Solutions Ltd.

ConsulteeAccess for Planning. (c) CAPS Solutions Ltd.

Jane Steel

From: planning@hinckley-bosworth.gov.uk
Posted At: 04 October 2011 16:32
Conversation: ConsulteeAccess for Planning - Application Comments (11/00602/FUL)
Posted To: Inbox

Subject: ConsulteeAccess for Planning - Application Comments (11/00602/FUL)

ConsulteeAccess for Planning - Application Comments (11/00602/FUL)

"conservation" has used the ConsulteeAccess for Planning website to submit their comments on a Planning Application. You have received this message because you are the Case Officer for this application or because this is a designated mailbox for ConsulteeAccess comments submissions.

ConsulteeAccess for Planning - Application Comments for 11/00602/FUL "conservation" you have been sent this email because you or somebody else has submitted a comment on a Planning Application to the planning department using your email address.
A summary of your comments is provided below.
Comments were submitted at 04/10/2011 16:32:01 from Application Summary

---

Application Number: 11/00602/FUL
Address:
Bungalow
4 Pipe Lane
Orton On The Hill
Atherstone
Leicestershire
CV9 3NF
Proposal:
DEMOLITION OF EXISTING DWELLING AND THE ERECTION OF 6 DWELLINGS WITH ASSOCIATED ACCESS.
Case Officer:
Ebbony Mattley
Customer Details

Name:
conservation
Address:
empty
Comments:
This is a good scheme whcih is supported. My only comment is that the boundary treatments need to be controlled to avoid close boarded fencing and the line of the rear fence line would be improved if it avoided a strictly rectangular plan.
ConsulteeAccess for Planning. (c) CAPS Solutions Ltd.

ConsulteeAccess for Planning. (c) CAPS Solutions Ltd.

REVISED OBSERVATIONS

Leicestershire County Council

PLANNING APPLICATION CONSULTATION RESPONSE

Report of the Director of Environment and Transport to the Planning Authority relating only to the Highway aspects.

DETAILS OF APPLICATION

Planning Ref No: 2011/0602/04
CE/EN Ref: Previous on Plan-Con 2009/6009/04 2008/0569/04
KK491
Application Address: 4, PIPE LANE, ORTON-ON-THE-HILL,
ATHERSTONE, CV9 3NF
Parish: Twycross
Applicant: Mrs P Taylor
District Planning Case Officer: Ebbony Mattley
Brief Description of Development: DEMOLITION OF EXISTING DWELLING AND THE ERECTION OF 6 DWELLINGS WITH ASSOCIATED ACCESS.

OBSERVATIONS

(a) On any Improvement lines: None

(b) On Access Arrangements:

New vehicular access:	Yes	**New pedestrian access:**	No
Altered vehicular access:	Yes	**Altered pedestrian access:**	No

(c) On effect on Rights of Way: No

(d) On any new road proposal: No

(e) On application in general:

21/61 Pipe Lane - Unclass - Please, check highway boundary

County Councillor Mr. I. D. Ould

RECOMMENDATIONS

Notes to Planning Officer

Since my original comments dated 17/10/1 and the sustainability concerns raised therein, the LPA has confirmed in writing that they intend to support the proposal and consider it to be in accordance with their Core Strategy policies. In view of this the LPA would not support a refusal of the application of sustainability grounds.

Notwithstanding the above, there are a number of matters which need to be addressed before a favourable highway recommendation can be given. My original comments included a request for an informal pedestrian footway along the southern side of Pipe Lane between the site access and the Sheepy Lane junction. It is unclear at this stage whether the applicant is prepared to fund this improvement.

Without a footway, pedestrians from the development, including children will need to walk on the carriageway which is narrow and unlit. Pedestrians are the most vulnerable group of

highway users and accordingly MfS recommends that their needs should take precedent over all other highway users in the design and decision making process. Whilst, the number of pedestrian trips is likely to be small in absolute terms, the risk of conflict is nevertheless real and should not be overlooked.

As such the proposals are considered acceptable subject to the following conditions:

Conditions

1) If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the Highway boundary and shall be hung so as to open inwards only.
Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

2) Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.

3) Before development commences, a scheme of pedestrian improvements along Pipe Lane to the Sheepy Lane junction shall be submitted to and agreed in writing by the LPA. The scheme so approved shall be completed prior to first occupation of the dwelling hereby approved.
Reason: The Highway fronting the site has no separate facility for pedestrians and the proposal would lead to an increase in pedestrian movement along the Highway. The footway is therefore required for the safety of pedestrians.

4) Before first use of the development hereby permitted, the access and forecourt area shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate). The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.
Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

5) Before first use of the development hereby permitted, visibility splays of 2 metres by 33 metres shall be provided at the junction of the access with Pipe Lane. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.
Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

6) Any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the Highway boundary and have 4 metres kerbed radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times.
Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

7) Notwithstanding the details shown on the approved plans, there shall be no pedestrian access to any of the plots from Pipe Lane

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

Notes to Applicant
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- (telephone 0116 3052202.)

The Highway boundary is the hedge fronting the premises and not the edge of the carriageway/road.

The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the Highway works are commenced.

The proposed roads do not conform to an acceptable standard for adoption and therefore they will NOT be considered for adoption and future maintenance by the Highway Authority.

The Highway Authority will, however, serve APCs in respect of all plots served by all the private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.
Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded.
For further details see www.leics.gov.uk/htd or phone 0116 3056782.

In order to provide the visibility splays detailed in condition 5 above, it may be necessary to trim the hedge back to and maintain it at the highway boundary.

Date Received	Date Of Inspection	Inspector	Signed Off
03/10/2011		Dominic Young	28/10/11

ITEM 03 **11/00602/FUL** **Mrs P Taylor**

Introduction:-

The applicant has confirmed that the areas of land surrounding the residential properties but excluded from the residential curtilage are to be managed by a management company and has agreed for a clause to be added within the Section 106 Agreement to secure this.

Consultations:-

The Director of Environment and Transport (Highways) has no objection to the scheme, subject to the imposition of planning conditions including a condition requiring the details of a scheme for pedestrian improvements along Pipe Lane to the Sheepy Lane junction. The Director of Environment and Transport (Highways) recommends refusal should this condition not be imposed.

The Head of Corporate and Scrutiny Services (Tree Officer) states that the most prominent individual tree is T7 a horse chestnut tree which continues to be of a high amenity value. To implement the design in relation to T7 a tree surgery method statement should be provided which should identify shortening and crown lifting of two lateral branches on this side of the canopy in accordance with BS3998:2010 Tree Work Recommendations. In addition, the Head of Corporate and Scrutiny Services (Tree Officer) recommends to install the no-dig drive and parking area prior to any other construction work on site so that roots are protected at all time. Group of trees G3 has not been thoroughly surveyed and the drive installation would require construction of a retaining wall outside the 4 metres root protection area. Group of trees G1 in particular the tulip tree is of high future value, the actual branch spread differs from that shown and the root protection areas shown in the schedule is inadequate. The Head of Corporate and Scrutiny Services (Tree Officer) recommends that the hedgerow ash is important for retention but the spruce is not. The trees identified as T1-T6 should be unaffected by the proposals and G2 and G4 apple trees are of lesser amenity value.

Appraisal:-

Principle of Development

Policy 13 of the adopted Core Strategy states that development in Rural Hamlets will be confined to infill housing development. Infill development refers to sites that fall within settlement boundaries, where there is a presumption in favour of sustainable development. It is the intention of the policy to further strengthen the council's presumption against development that falls outside of the settlement boundaries of rural locations. The site by virtue of its siting within the settlement boundary of Orton on the Hill therefore constitutes infill development.

It is also considered that part of the use of land is already a residential use, given the existence of No. 4 Pipe Lane, and the site is bound by residential curtilage to the north, south and west.

In summary, the site is therefore already partly residential in its use, is largely bound by residential development and falls within the settlement boundary of Orton on the Hill and is therefore in compliance with the intentions of confining development to

infill housing development within Rural Hamlets as stated within Policy 13 of the adopted Core Strategy.

It should also be noted that Policy 13 also supports development within settlement boundaries that provides for a mix of housing types and tenures. The scheme proposes 5 three bedroomed properties and 1 four bedroomed property and the provision of 2 affordable housing units for social rented housing and is therefore considered to provide a mix of house types and tenures in conformity with Policy 13 of the adopted Core Strategy.

In respect of the land falling outside of the residential curtilages, these have been proposed as areas of common land to ensure that the proposed dwellings have been given modest gardens commensurate to the size of the houses so as to avoid a proliferation of garden paraphernalia. The applicant has confirmed that the areas of common land are to be managed by a management company and has agreed for a clause to be added within the Section 106 Agreement.

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

In response to previous letters of representation, for the avoidance of doubt a right to a view is not a material planning consideration. However, in terms of views of the Conservation Area, views can be considered to contribute to the character of an area, however it is considered that the development would not significantly impact upon the views of the Church or be detrimental to the views within the vicinity.

Highway Considerations

The Director of Environment and Transport (Highways) had no objection to the scheme, subject to the imposition of planning conditions, including a condition requiring the details of a scheme for pedestrian improvements along Pipe Lane to the Sheepy Lane junction. The Borough Council does not consider that this condition is either necessary or reasonable and as such would fail to meet the requirements of Circular 11/95. It is also considered a footpath/footway from the proposed access drive to the junction could involve the removal of hedgerows and would be to the detriment of the Conservation Area. As such this Borough Council does not consider that this condition should be carried forward and the Director of Environment and Transport (Highways) therefore subsequently recommends refusal.

Impact upon Trees

Whilst Condition 8 provides for further information to be submitted, following the submission of representations from the Head of Corporate and Scrutiny Services (Tree Officer) it is considered that this condition be strengthened to include further information including potential tree surgery and implementation programme, in line with the officer's comments.

Conclusion

Notwithstanding the Director of Environment and Transport (Highways) revised recommendation for refusal, it is considered that the provision of a footpath to the village centre is not necessary to make the development acceptable and such a provision would alter the character and appearance of the country lane to the detriment of the conservation area. As such the application is recommended for

approval, contrary to the advice of the local highway authority, without the imposition of the condition for provision of a footway.

Recommendation:-

Condition 6 amended as follows:-

Notwithstanding the submitted plans, no development shall take place until full details of both hard and soft landscape works, including defined residential curtilage, 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) means of enclosure and boundary treatments including definition of residential curtilage
b) hard surfacing materials
c) schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate
d) implementation programme.

Condition 8 amended as follows:-

Before development commences, a method statement outlining method of working, potential tree surgery, tree protection plan, including protective tree fencing and implementation programme for trees T7, G1 and G3, and foundation design of the proposed bin and cycle store, shall first be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.

Additional Condition

17 Notwithstanding the submitted plans, no development shall commence until such time as the proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

Reason: To ensure the development is compatible with the character and appearance of the existing streetscene, in accordance with the requirements of Policy BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.

Note to Applicant Amended as follows:-

In relation to condition 8 no dig methods would be required in respect of details submitted. The tree surgery method statement could include shortening and crown lifting of two lateral branches on this side of the canopy in accordance with BS3998:2010 Tree Work Recommendations.

Clare Ford

From: Chris Timothy [plan@ctplanning.co.uk]
Sent: 26 October 2011 15:38
To: 'Ebbony Mattley'
Subject: RE: 4 PIPE LANE
Attachments: Addendum to Planning and Heritage Statement Oct 2011.pdf

Ebbony

Please find attached an addendum to my Planning Statement in which I address the sustainability issue. I trust that it is of some assistance to you

Regards

Chris

From: Chris Timothy [mailto:plan@ctplanning.co.uk]
Sent: 26 October 2011 14:34
To: 'Ebbony Mattley'
Subject: RE: 4 PIPE LANE

Ebbony

If the highway safety objection is not strong enough on its own to justify refusal, how on earth can the county justify a request for a footpath. I am sure you are ahead of me on this point but a footpath across the front of the site would be a footpath to nowhere; furthermore it would have an urbanising effect on the conservation area. The footpath could only be justified if it was necessary to enable the development to proceed and as such the application had to be refused if there was no footpath. Dominic has clearly confirmed that this is not the case

Please call me if you need to discuss this point

Regards

Chris

Christopher Timothy
CT Planning
Trafalgar House
20A Market Street
Lichfield
Staffordshire
WS13 6LH

T 01543 418779
F 0844 854 9787
M 07973 845411

From: Ebbony Mattley [mailto:Ebbony.Mattley@hinckley-bosworth.gov.uk]
Sent: 26 October 2011 14:14
To: plan@ctplanning.co.uk
Subject: FW: 4 PIPE LANE

Chris,

FYI

Kind regards,

Ebbony

From: Dominic Young [mailto:Dominic.Young@leics.gov.uk]
Sent: 26 October 2011 14:00
To: Ebbony Mattley
Subject: RE: 4 PIPE LANE

Ebbony

My view on this one is that the highway safety argument as a stand alone reason for refusal is not sufficiently strong. The visibility reason was very much seen as a secondary reason to the sustainability argument. If, as seems to be the case, the LPA are minded to support housing in this location, then I would reluctantly withdraw our objection as I do think I could defend a reason on visibility grounds alone.

I have emailed the Highway Consultant direct today to see whether the applicant would be willing to fund the pedestrian footway I refer to in my consultation response.

Should they be willing to accept a condition I would be prepared to make a more favourable recommendation.

Dominic

Hinckley & Bosworth Borough Council - rated an excellent council by the Audit Commission

---

CT Planning

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78
APPEAL BY MRS P TAYLOR
SITE AT: 4 PIPE LANE, ORTON ON THE HILL, ATHERSTONE, CV9 3NF

PINS REFERENCE: APP/K2420/A/12/2169798
APP/K2420/E/12/2169799
LPA REFERENCE: 11/00602/FUL and 11/00603/CON

APPENDIX 17

SUGGESTED CONDITIONS

Having regard to the advice contained in Circular 11/95, it is submitted that should the Inspector be minded to allow this appeal and grant planning permission. Any such permission could be subject to the following conditions:-

1. The development hereby permitted shall begin before the expiration of 3 years from the date of this decision.
2. No development shall take place until samples to be used in the construction of the external surfaces of the dwelling and garage hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
3. No development shall take place until measures within the site, to protect trees on land adjacent to the site, have been carried out in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. Measures thereby approved shall be maintained in place for the duration of excavation and construction works.
4. No development shall take place until full details of both hard and soft landscape works, including programmes for their implementation, have been submitted to and approved in writing by the Local Planning Authority, and these works shall be carried out in the manner and at the time thereby approved. Those details shall include proposed

finished ground levels; means of enclosure; vehicle and pedestrian access and circulation areas; hard surfacing materials; and minor artefacts and structures, such as lighting. Soft landscaping details shall include planting plans and schedules of plants, noting species, plant sizes and proposed numbers/densities. Any trees or plants which within a period of 5 years from the completion of the development die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

5. No development shall take place until details of finished floor levels of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Those details shall show the relationships to ground levels at the base of existing fencing on the northern and southern boundaries of the site. Development shall be carried out in accordance with the approved details.

6. No development shall take place until full details of the access drive, parking, turning and manoeuvring areas, including the layout, method of construction, surfacing and alterations to land levels, have been submitted to and approved in writing by the Local Planning Authority. The submitted layout shall include the provision of a visibility splay of 2 metres by 33 metres. The dwelling hereby permitted shall not be occupied until the areas have been provided in accordance with the approved details. These areas shall be retained for access, parking, turning and manoeuvring of vehicles thereafter.

7. None of the dwellings shall be occupied until works for the disposal of foul and surface water have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

8. The demolition hereby permitted shall not be undertaken unless and until:

CT Planning

(a) A binding contract for carrying out the works of redevelopment of the site in accordance with the planning permission hereby granted has been entered into, and its contents have been agreed by the Local Planning Authority.

(b) A phasing scheme, which shall include a timetable for the scheduling of demolition and construction works for each phase, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the timetable of works.

CET/3448

12th March 2012