**HINCKLEY AND BOSWORTH BOROUGH COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEAL UNDER SECTION 73**

Hinckley & Bosworth Borough Council

**APPEAL BY MRS P TAYLOR AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF 6 DWELLINGS WITH ASSOCIATED ACCESS AT 4 PIPE LANE, ORTON ON THE HILL.**

**HBBC REFERENCE: 11/00602/FUL**

**THE PLANNING INSPECTORATE REFERENCE: APP/K2420/A/12/2169798**

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## 1.0 Section 1: Introduction

1.1 This statement is to be read in conjunction with the previously submitted Appeal Questionnaire papers, in full support of the decision of Hinckley and Bosworth Borough Council to refuse planning permission for the erection of 6 no. dwellings with associated access at 4 Pipe Lane, Orton on the Hill.

## 2.0 Section 2: Site Description and Proposal

2.1 This is a full planning application for 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.

2.2 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.

2.3 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.

2.4 The main issues in this appeal is the impact of the scheme upon the character and appearance of the surrounding area, the impact upon the special character of the area, the lack of pedestrian improvements along Pipe Lane, the siting of the scheme within an un-sustainable location and the lack of provision of affordable housing units.

## 3.0 Section 3: Site History

3.1 An application for the erection of 9 no. dwellings and associated access was returned, and not determined in 2009. Permission was approved for the bungalow in 1979 (ref: 79/002000/4).

## 4.0 Section 4: Government Guidance

4.1 At the time of determination the following national policies were of relevance. Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 5: Planning for the Historic Environment, Planning Policy Guidance 13: Transport, Planning Policy Statement and 25: Development and Flood Risk.

4.2 The National Planning Policy Framework was issued on 27 March 2012 and as such the previous national policy as listed above has now been superseded.

4.3 The Community Infrastructure Levy Regulations 2010 (CIL) requires that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

**5.0 Section 5: The Development Plan Policies**

5.1 The Development Plan policies referred to for the purposes of the application were:

5.2 Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (adopted December 2009);

5.3 Policy 13: 'Rural Hamlets' of the Local Development Framework Core Strategy 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
- Requires 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.

5.4 Policy 15: 'Affordable Housing' of the Local Development Framework Core Strategy 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.

5.5 Policy 16: 'Housing Density, Mix and Design' of the Local Development Framework Core Strategy 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'

5.6 Hinckley and Bosworth Local Plan (adopted February 2001) with all policies referred to within the Local Plan have been 'saved';

5.7 Saved Policy BE1: 'Design and Siting of Development' of the adopted Hinckley and Bosworth Plan states that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area; ensure adequate highway visibility and parking standards; do not adversely affect the amenities of neighbouring properties; incorporate landscaping to a high standard; and would not be prejudicial to the comprehensive development of a larger area of land of which the development forms part.

5.8 Saved Policy BE7: 'Development in Conservation Areas' of the adopted Hinckley and Bosworth Plan 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.

5.9 Saved Policy BE19: 'Open Spaces and Areas of Special Character within Settlements' of the adopted Hinckley and Bosworth Plan 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.

5.10 Saved Policy T5: 'Highway Design and Vehicle Parking Standards' Settlements' of the adopted Hinckley and Bosworth Plan states that in considering proposals for new development and changes of use which involve new access, new highway and other works, the Local Planning Authority will apply the Highway Design Standards set out in the current edition of Leicestershire County Council's "Highway Requirements for Developments".

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

5.12 Copies of the relevant policies and guidance with explanatory text were submitted previously with the Appeal Questionnaire.

**6.0 Section 6: Government Guidance and The Development Plan Policies**

6.1 The NPPF reiterates the statutory requirement that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 In addition, a requirement of the NPPF is to assess all pre 2004 development plan policies for consistency with the NPPF and give weight accordingly. In this case this means assessing the Saved Policies of the Adopted Hinckley and Bosworth Borough Council Local Plan and the Policies of the Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy, against the requirements of the NPPF. The following is an appraisal of the effect of the NPPF on the proposed development:-

6.3 Policy 13: 'Rural Hamlets' of the Local Development Framework Core Strategy. This Policy is considered to be consistent with the NPPF. The relevance of this policy to the reason for refusal is that the council "Require new development to respect the character and appearance of the relevant Conservation Area". In respect of the context of this proposal and the Local Planning Authorities' case in this appeal the specifics within this policy as stated above is considered to be generally consistency with the NPPF. As a result this policy remains relevant to the consideration of this application.

6.4 Policy 15: 'Affordable Housing' of the Local Development Framework Core Strategy. Whilst planning for the delivery of affordable housing is a feature of the NPPF. This Policy is considered to be consistent with the NPPF which seeks to identify the size, type, tenure and range of housing that is required and plan housing development to reflect local needs, particularly for affordable housing. The NPPF states that Local Planning Authorities should where they have identified that affordable housing is needed, set policies for meeting this need on site. Notwithstanding the fact that affordable rent is now within the definition of affordable housing at a national level, Policy 15 is considered to remain relevant to the consideration of this application.

6.5 Policy 16: 'Housing Density, Mix and Design' of the Local Development Framework Core Strategy. This Policy is considered to be consistent with the NPPF which seeks Local Planning Authorities to set out their own approach to housing density to reflect local

circumstances and requires that Local Planning Authority identify the size, type, tenure and range of housing that is required in particular locations. As a result this policy remains relevant to the consideration of this application.

6.6 Saved Policy BE1: 'Design and Siting of Development' of the adopted Hinckley and Bosworth Plan. This Policy is considered to be highly consistent with the NPPF. The NPPF does not appear to support part "j" which relates to comprehensive development of larger sites. Part "j" is not relevant to this application but the over-arching principles of Policy BE1 as defined by parts "a" to "i" remain relevant considerations for this application.

6.7 Saved Policy BE7: 'Development in Conservation Areas' of the adopted Hinckley and Bosworth Plan. This Policy is considered to be consistent with the NPPF which seeks to sustain and enhance the asset and requires an assessment of the significance of the asset, including the setting.

6.8 Saved Policy BE19: 'Open Spaces and Areas of Special Character within Settlements' of the adopted Hinckley and Bosworth Plan. This Policy is considered to have limited consistency with the NPPF. There is no mention within the NPPF of such a local landscape designation. As a result this policy should be given only limited weight in consideration of the application.

6.9 Saved Policy T5: 'Highway Design and Vehicle Parking Standards' of the adopted Hinckley and Bosworth Plan. This Policy is considered consistent with the NPPF and as such the policy remains a relevant consideration for this application.

**7.0 Section 7: The Case for the Local Planning Authority**

7.1 On the basis of the reasons set out below, the Council contends that the planning permission should be refused.

7.2 <u>Reason for Refusal 1: Impact upon the Conservation Area and Surrounding Area.</u>

7.3 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.

7.4 Both development plan Policies BE1 and BE7 are considered to be consistent with the NPPF, whilst requiring new development to respect the character and appearance of the relevant Conservation Area, as stated in Policy 13 of the Core Strategy is also considered to the consistent with the NPPF. Therefore the Council's contends that the application remains 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 the overarching intentions of the NPPF.

7.5 Paragraph 53 within the NPPF states that Local Planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens,

for example where development would cause harm to the local area. In addition, Paragraph 58 states that planning decisions should aim to ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and respond to local character and history, and reflect the identity of local surroundings and materials. In this case it is considered that the development would not add to the overall quality of the area and would be a form of inappropriate development which causes harm to the local area.

7.6 Local Plan Policy BE1 seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. Criteria a) includes ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, design, materials and architectural features'. This consideration ties in with the intentions of paragraph 53 of the NPPF for Local Authorities to prevent overdevelopment and development that is out of keeping with the character of the surrounding area. The development is considered to be harmful to the character and appearance of the locality, contrary to the intention within the NPPF and development plan policy.

7.7 In addition, the proposal is also located within Orton on the Hill Conservation Area. Since the determination of the application the NPPF has been released and of relevance is Chapter 12 on 'Conserving and enhancing the historic environment'. Paragraph 129 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by the proposal (including by development affecting the setting of a heritage asset). The NPPF requires that Local Planning Authorities should refuse consent that would lead to substantial harm to the significance of a designated heritage asset and the asset's conservation. At a local level, Saved Local Plan Policy BE7 requires the preservation or enhancement of the special character of Conservation Areas. Planning permission for proposals which would harm their special character or appearance will not be granted.

7.8 Land levels vary on site and rise to the rear of the site (north) and the site is therefore elevated from Pipe Lane. It is consdiered that the majority of the residential dwellings are set to be located to the rear of the site, and with ridge heights reaching 7.8 metres.

7.9 The current pattern and grain of the development in the immediate locality is of low density development, set well back from the road frontage and within single and two storey proportions. The character of the site at the time of determining the application is one that is largely un-development and open in appearance.

7.10 It is therefore considered that given the un-developed nature of the site, combined with the scale of the units proposed, with the elevated levels creates an uncharacteristic and over prominent development. The resultant massing of the units is considered to adversely alter the open character of the site.

7.11 In light of the changes to government guidance, the Council's contends that the proposal remains contrary to Saved Polices BE1 (criteria a and b) and BE7 of the adopted Hinckley and Bosworth Local Plan, Policy 13 of the adopted Hinckley and Bosworth Core Strategy and the overarching intentions of the NPPF.

7.12 Reason for Refusal 2: Impact upon the Special Character of the Area.

7.13 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.

7.14 The Local Plan states that the spaciousness created by the absence of buildings can make significant contributions to the attractiveness of a settlement.

7.15 The character of the site at the time of determining the application is one that is largely un-development and open in appearance and provides important views which are also considered to contribute to the character and appearance of the Orton on the Hill Conservation Area. This site is considered to make a positive contribution to the special character of the settlement.

7.16 The resultant scheme would by its nature, adversely impact upon the openness and feeling of spaciousness which currents provides a visual break between buildings and it is therefore also on this basis that the scheme is considered to be un-acceptable.

7.17 It is considered that this area of land if a non-designated asset, but is considered to contribute to the special character. It has been considered that with regards to the scale and design there would be harm and loss of this non designated asset, contrary to the intentions of the NPPF.

7.18 Whilst limited weight can be attributed the Local Plan Policy, it is considered that the development would be contrary to the intentions of the NPPF and Saved Policy BE19 of the development plan.

7.19 Reason for Refusal 3: Lack of Pedestrian Improvements.

7.20 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.

7.21 Paragraph 32 of the NPPF states that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people.

7.22 The Local Plan states that the Borough Council will ensure that they promote continued safety and efficiency of the highways throughout the plan area to benefit all users be they public transport, private vehicles, pedestrians and cyclists.

7.23 Save for the first 30m from its junction with Sheepy Lane, which is a 30mph zone, the road is subject to the national speed although driven speeds are fairly low. The width of Pipe Lane in the vicinity of the appeal site is narrow and two-way flow is difficult without over-running onto the grass verges. The road is also unlit and has no pedestrian footways.

7.24 Pedestrians are the most vulnerable group of highway users and accordingly Manual for Streets 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.

7.25 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.

7.26 Without a footway, pedestrians from the development, including children will need to walk on the carriageway which is narrow and unlit. As such it is considered necessary than an informal pedestrain footway along the southern side of Pipe Lane between the site access and the Sheepy Lane junction should be imposed.

7.27 In the absence of any approved scheme it is considered that the development would fail to provide any pedestrian improvements and would therefore lead to an increase in danger for pedestrians and it is on this basis that the Council contends that the planning permission should be refused. The scheme would be considered contrary to national planning guidance contained with the NPPF.

7.28 During the course of the application, the Director of Environment and Transport (Highways) requested a condition requiring the details of a scheme for pedestrian improvements along Pipe Lane to the Sheepy Lane junction. The Local Planning Authority at the time of writing did not consider that a scheme could be brought forward due to the presence of third party land and that the suggested condition was neither necessary or reasonable and therefore considered that the requirements of Circular 11/95 would not be met. The Highway Authority maintains that a scheme for pedestrian improvements could be secured by a condition.

7.29 Should the development be found acceptable and the appeal be allowed, the Council respectfully requests that pedestrian improvements scheme be secured via the imposition of a planning condition.

7.30 <u>Reason for Refusal 4: Un-sustainable Location.</u>

7.31 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.

7.32 Previous prevailing planning guidance sought to site new development in sustainable locations where residents can benefit from genuine transport choices including walking, cycling and public transport and reducing the number and length of motorised journeys. These principles were enshrined in PPS1, PPS7, PPG13. PPS1 1, 7 and 13 have subsequently been superseded by the NPPF.

7.33 Paragraph 34 within the NPPF states that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

7.34 Paragraph 35 within the NPPF states that development should be located and designed where practical to (amongst other criteria) give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

7.35 The primary constraint against the appeal proposal is therefore the remote and unsustainable location of the site which in the opinion of the Council, would result in an increase in the length and number of motorised journeys contrary to the locate development where the need to travel would be minimised, and have access to high quality sustainable transport modes, advice as set out in the NPPF.

7.36 The application site is located in the rural hamlet of Orton-on-the Hill. Rural Hamlets have limited, if any services and generally rely on Key Rural Centres of surrounding urban areas for schooling, employment and the provision of goods and services.

7.37 Orton on the Hill is relatively remote, certainly from local centres and lacks community and health facilities, shops, public transport and employment areas and therefore scores very poorly from a sustainability point of view. It is therefore considered that the propsoal located remote from key services and public transport, is contrary to the key aims of government planning enshrined in the NPPF.

7.38 Reason for Refusal 5: Lack of Affordable Housing Provision

7.39 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.

7.40 Planning Policy Statement 3 and Circular 05/2005 Planning Obligations have subsequently been superseded by the NPPF. It is considered that Policies 15 and 16 are both consistent with the NPPF as such the Council contends that the application would still be contrary to Policies 15 and 16 of the adopted Hinckley and Bosworth Core Strategy and the overarching intentions of the NPPF.

7.41 This reason for refusal was included as there was no signed Section 106 agreement to ensure that there was a binding commitment to provide such a provision.

7.42 Paragraph 50 within the NPPF states local planning authorities should identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand and where they have identified that affordable housing is needed, set policies for meeting this need on site. Paragraph 54 states that local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing.

7.43 In accordance with the requirements of Policy 15 of the Adopted Hinckley and Bosworth Core Strategy (2009) 40% affordable housing provision is sought on sites within 4 dwellings or more, or 0.13 hectares or above.

7.44 In this case the triggers are met and to ensure compliance with the development plan and to make the development acceptable an affordable housing contribution of 2 no. of the total number of dwellings is requested to secure compliance with Policy 15.

7.45 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 Council's Housing Register at the time confirmed 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 the Twycross Parish, and the provision in this development is welcomed.

7.46 The provision of affordable housing is a developer contribution and must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL).

7.47 CIL confirms that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. In such cases, and where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what is to be the balance of contributions made by developers and by the public sector infrastructure providers in its area supported.

7.48 The provision of affordable housing is embedded with the recently adopted Core Strategy and there is sound planning justification for the provision of further affordable housing within the Borough. Policy 15 has been carefully considered and only formed part of the development plan after being found sound at the Core Strategy Examination in Public. Accordingly, the Borough Council has no doubt that the Policy is up-to-date and reflective of the current deficiencies in housing provision locally. The affordable housing provision requested in respect of the proposal is considered necessary to make the development acceptable (to secure compliance with the development plan), to be directly related to the nature of the proposal and is reasonably related in scale and kind to the development.

7.49 During the course of the application the provision of the affordable housing was being secured through the draft S106 agreement submitted with the application.

7.50 In the absence of a signed S106 agreement, there is no commitment that formalises the provision of affordable housing and the development is therefore unacceptable. The council contends that the scheme would be contrary to the intentions of the NPPF and the requirements of Policy 15 and 16 of the adopted Core Strategy.

7.51 Should the development be found acceptable and the appeal be allowed, the Council respectfully requests that affordable housing provision be secured via a planning obligation and that requirement for applicants in the first instance to have a local connection to Twycross parish is incorporated.

## 8.0 Section 8: Comments on Appellant's Grounds of Appeal

8.1 The appellant states that they will refer to the policies of the Core Strategy, in particular Policy 13 that supports house building on sites within the residential development boundary of Orton on the Hill. As such the appellant contends that the principle of constructing new residential development in Orton on the Hill is supported by current Development Plan Policy.

8.2 The appellant refers to the Orton on the Hill Conservation Area which identifies the site as a 'potential development area' and a 'weak area/building'. The appellant considers that the size and massing of the proposed development combined with its proposed materials would result in a form of development which is entirely appropriate to its context. Overall the appellant consider that that development will procure a significant enhancement to site and preserve and enhance the character and appearance of the Conservation Area.

8.3 The appellant intends to produce evidence to demonstrate that the development has a satisfactory means of access which will not cause harm to highway safety or in the interests of any road users including pedestrians. The appellant also states that the concerns of the Planning Authority are capable of being addressed through appropriate conditions upon any planning permission that may be granted.

8.4 The appellant intends to produce evidence to demonstrate that the proposed development will deliver two affordable housing units, through a Unilateral Undertaking based upon the draft Section 106 Agreement agreed with the Local Planning Authority prior to the refusal of planning permission.

8.5 The Local Planning Authority considers that the scheme fails to either preserve or enhance the character and appearance of the Orton on the Hill Conservation Area and these matters have been addressed within sections 7.2 – 7.16 of this report.

8.6 In respect of the pedestrian improvements, the Local Planning Authority contends that the means of access and pedestrian improvements are two separate matters. The access and visibility are not subject to scrutiny within this report. The issue relates to the lack of pedestrian improvements along Pipe Lane, which without a scheme would result in an increase in dangers for pedestrians and the development is therefore un-acceptable.

8.7 In the opinion of the Local Planning Authority, in the absence of a signed Unilateral Undertaking, there is no commitment that formalises the provision of affordable housing and the development is therefore un-acceptable and at odds with the requirements of Policy 15 of the adopted Core Strategy.

**9.0 Section 9: Conclusions & Conditions**

9.1 With regard to the information contained in this statement and that submitted with the Appeal Questionnaire, Hinckley and Bosworth Borough Council respectfully requests that the appeal be dismissed. However, if the Inspector is minded not to do so, the Local Planning Authority requests the inclusion of the following conditions:

9.2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission. *REASON: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*

9.3 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. *REASON: For the avoidance of doubt and in the interests of proper planning.*

9.4 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. *REASON: To ensure that the development has a satisfactory external appearance to accord with Policies BE1 (criteria a) and BE7 of the adopted Hinckley and Bosworth Local Plan.*

9.5 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. *REASON: To ensure that the development has a satisfactory external appearance to accord with Policies BE1 (criteria a) and BE7 of the adopted Hinckley and Bosworth Local Plan.*

9.6 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. *REASON: To ensure that the development has a satisfactory external appearance to accord with Policies BE1 (criteria a) and BE7 of the adopted Hinckley and Bosworth Local Plan.*

9.7 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 (criteria a) and BE7 of the adopted Hinckley and Bosworth Local Plan.*

9.8 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.

*REASON: In the interests of visual amenity, to accord with Policies BE 1(criteria a and e) and BE7 of the adopted Hinckley and Bosworth Local Plan.*

9.9 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. *REASON: In the interests of visual amenity, to accord with Policies BE1 (criteria a and e) and BE7 of the adopted Hinckley and Bosworth Local Plan.*

9.10 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. *REASON: 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 the NPPF.*

9.11 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. *REASON: 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.*

9.12 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). *REASON: 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.*

9.13 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. *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 to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.*

9.14 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 that way thereafter. 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 to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.*

9.15 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 to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.*

9.16 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 to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.*

9.17 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 provided to 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.

*REASON: 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.*

9.18 Should the Inspector be minded to approve the application and consider that the following condition would meet the tests within Circular 11/95 the Council respectfully requests that the following condition should be imposed:-

9. 19 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 Local Planning Authority. 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 to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.*

Appendix 1 - Site Photographs











