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**REPORT P43**

**PLANNING COMMITTEE**

**01.11.2005**

**RECOMMENDATIONS OF HEAD OF CULTURE & DEVELOPMENT**

**ON APPLICATIONS FOR DETERMINATION BY**

**THE PLANNING COMMITTEE**

#### **BACKGROUND PAPERS**

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

**Item:** 01  
**Reference:** 05/00683/FUL  
**Applicant:** T Poulton & R Gretton  
**Location:** The Pond Off Ashby Road Hinckley  
**Proposal:** DEMOLITION OF 42 ASHBY ROAD AND CONSTRUCTION OF TEMPORARY ACCESS

**Introduction:-**

This application is for the demolition of 42 Ashby Road, Hinckley and construction of temporary access. The application site boundary only includes the access, visibility splays and dwelling itself. No reference has been made in the description to the reason for the application. Although supporting documentation states that the application is submitted as a consequence of landslip associated with this public footpath. A reason for the application could be to provide access for remedial works to be undertaken to repair the footpath to the east of the site. This footpath collapsed a number of months ago and needs to be reinstated urgently. Various options have been considered to undertake these works and these are explained in detail in the main body of this report.

The site area is circa 225 square metres and permission is required for the temporary access for 1 year. The application site is located to the east of Ashby Road with the proposed access between 40 and 44, with visibility splays running to 76 Ashby Road and almost to the Cemetery's Lodge.

The character of the area is predominantly residential with a local shopping centre, convenience store and take-away. It is on the main vehicle route north out of Hinckley. Information submitted with the application identifies solutions for remediation of the footpath, routes of access for stability works and recommendations. Although it has been made clear by the applicant that these are not for determination with the application, this obviously makes the application difficult to assess. It should be noted that many of the consultation responses have been made on the assumption that the access is for the repair to the footpath. It is understood that a separate application will be required by the County Council for the importation of inert material.

**History:-**

05/00684/OUT	Residential Development	Not yet determined
95/00266/C	Filling of part of pond for future Residential Development	Recommendation Objection

**Consultations:-**

No objections have been received from:-

Environment Agency  
Director of Environment and Heritage Services (Archaeology)  
Leicestershire Constabulary Crime Reduction Officer.

No objections subject to standard conditions have been received from the Borough Council's Land Drainage Engineer.

Director of Highways, Transportation and Waste Management has commented on the assumption that it is essential for the works to be carried out to protect the footpath and that consequently, vehicular access for lorry traffic is needed. When assessing the three options put forward for access to repair the footpath, demolition of 42 Ashby Road and construction of a temporary access was the only option acceptable from the Highway viewpoint. For short-term use as proposed there are no sustainable highway reasons why the application could be refused. In order to limit the noise, dust/mud and visual impact of the expected number of lorries passing the houses, it may be appropriate for a realistic time limit for a permission to be considered.

Head of Health and Environment Services objects on the grounds that there is insufficient information on the proposed engineering operation that this application is intended to provide access for. Without this detail it is not possible to accurately predict the full environmental impact by reason of noise and dust impact.

Parks and Countryside Services comment that the footpath collapsed when the side of the pond/pit subsided removing the support to the land. The applicant is required by law to reinstate this support and the footpath. In view of the instability of the banks, the applicant needs to demonstrate no further risk of collapse affecting Council land, in particular the cemetery.

Site Notice provided and neighbours notified.

34 letters and a petition received raising the following comments:-

- a) noise and extra traffic provided by lorries to and from the site during filling in
- b) amount of traffic required to carry out required repairs
- c) the proposed entrance is close to the ambulance station - this proposal must have a deleterious effect on response times in an emergency
- d) loss of amenity land - recently lottery funds were provided for the provision of fishing sites for the disabled, it seems ridiculous that it is now proposed that the needs of the people be ignored
- e) new roadway will increase the risk of danger to all pedestrians
- f) detrimental effect on health, safety and welfare caused by vermin, noise, dust and disruption of traffic
- g) another junction will only add to existing problems of traffic volume and traffic backing up both ways causing difficulties of access and egress to properties
- h) there are a number of cars parked on a daily basis on that side of Ashby Road
- i) the land is a haven for wildlife
- j) would it not be better to keep this land as a nature reserve or future expand on the cemetery?
- k) we understand the footpath is to be narrowed creating a safety issue for pedestrians
- l) headlights from the additional traffic and new access will cause disruption to living standards
- m) the predicted number of lorry movements will result in a constant stream of traffic arriving at the site
- n) potential inability to access own driveway
- o) the established streetscene of this part of Ashby Road will change for the worse
- p) potential privacy/outlook issues
- q) can the roads cope with the additional traffic, weight etc
- r) the area is prone to flooding as the drains can't cope
- s) measures needed to monitor for toxic waste
- t) has any consideration been given to gaining access to the footpath via the cemetery?
- u) where will the springs/ground water be diverted to?
- v) high risk of subsidence to properties.

## **Development Plan Policies:-**

### Government Advice

Planning Policy Guidance Note 24 requires Local Planning Authorities to ensure that development does not cause an unacceptable degree of disturbance. Noise characteristics and levels, for example, can vary substantially according to their source and the type of activity involved.

Planning Policy Guidance Note 14 requires that Local Planning Authorities ensure that the possible effects on local amenities of any remedial measures proposed for unstable land are properly addressed by the development proposed.

The site is located within the settlement area of Hinckley, as identified in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 seeks to ensure high quality of new development, that proposals complement and not adversely affect the surrounding area or adjacent properties, and ensure adequate privacy and amenity. Policy T5 aims to apply the County Council highway standards and parking standards to new developments. Policy T9 identifies that proposals should safeguard key routes for pedestrians.

## **Appraisal:-**

### Access Options

The applicants had put forward, in information submitted with the application, three alternative access options for the stability works and recommended the one they foresee as the most appropriate.

Access Option 1 is to use the existing track to the side of the Post Office on Ashby Road. It is identified that this access at its best is only 2 metres wide and the track within the site is unsurfaced. It is considered that this access would be unsuitable for the number and type of vehicles required for the works, and there is no provision for vehicle circulation. The track runs in close proximity to the edge of the pit that could result in further landslip. There is a likely traffic nuisance to the adjacent residential occupiers at 72-82 Ashby Road, the post office and users of the post office. In light of these problems this access option was dismissed as inappropriate.

Access Option 2 is access via ASDA car park and through an opening in the fence. This option is judged to require a great deal of cooperation on the part of ASDA as well as its customers. This option is the least practical and a large degree of enabling works would be required to facilitate access to the pit from this route. ASDA have also advised the applicant that this access option is not available, given that delivery traffic and site traffic would be using the same area. Again this possible access has been discounted as a viable option.

Access Option 3 is via a temporary access junction in the location of 42 Ashby Road, which is proposed to be demolished. This would provide direct access to the site and would allow vehicle circulation away from the pit edge. It is considered that this route would provide the least disruption and nuisance to residents.

Following the public meeting, held on Tuesday 26 July 2005, the applicants submitted further information on a fourth option available to potentially provide access to the site. This option is to provide access through a garage court off Stoneygate Drive (between 16 and 22). It is noted that this route does not afford sufficient space between the garages for vehicles. It would be unacceptable for the garages to directly open onto the new road.

The council may own the field from the garage court to the pit and allow access over the land but the garage court is in private ownership. There is also a weight restriction in the Stoneygate Drive area specifically imposed in order to stop HGV traffic. In consideration of all four options, the applicant argues that the access applied for is most suitable.

### Stability Solutions

The applicants had also put forward, in information submitted with the application, two possible solutions to provide remediation and stability for the collapsed footpath. They state that repair of the footpath may or may not be the main objective of the application, and as already noted the application site boundary has not included the area in question and the applicant has stipulated that this is not for determination at this time.

Solution 1 involves the importation of suitable inert material to be deposited from the base of the pit up to the southern end of the pit. Material would be compacted in layers, not exceeding 300mm, to be terraced back in 1500mm heights with battered slopes not exceeding 50 degrees. This would create a bund width of 5 metres at footpath level, measured from the footpath to the new edge of the pit (created by the battered slopes). To achieve this 11050 cubic metres of material would need to be imported and placed. Based on a calculation of 18 tonne vehicles importing the material, the operation would require approximately 125 loads per working day for 10 weeks. This is the solution the applicant has opted for in the information submitted with the application.

Solution 2 is the provision of a driven sheet wall sited 17 metres from the footpath edge. Sheet piles would need to be a minimum of 8 metres long with a maximum of 3 metres protruding above the existing slope profile. Approximately 120 linear metres of sheet piling would be necessary and would be required to cut in level platforms for rig placement. Risks have been identified with this solution, namely; further landslip due to vibration of piling and cutting of rig platforms and placement of uncompacted fill leaving the footpath vulnerable to the effects of long term settlement. In view of these risks this solution has been discounted by the applicant.

### Further Assessment

When the footpath first collapsed, Head of Health and Environment Services engaged a consultant to undertake an assessment which assessed the causes of the footpath failure and possible remediation options.

The footpath failure is considered to have been caused by two processes. One being the intermittent surface watercourse that enters the pit at the point of the failure of the slope, and the other being as a result of this slope failure. The surface water now cascades down causing further erosion of the pond/pit sides. In view of these causes it is advised that the surface watercourse should be diverted and enter the pit in a controlled manner.

To remediate the footpath, the importation of material is required to replace the eroded level with new support. The report has identified the significant difficulties of entering the pit, which lacks a haul road and due to soft deposits in the bottom of the pit would make plant movements difficult. Access to the pit, near the footpath would allow material to be tipped into the pond/pit. The material could then be spread with a tracked excavator or bulldozer.

The option of the use of a row of sheet piles along the line of the current footpath. This involves the least number of vehicle movements and importation of material.

With regard to access the report suggests consultation with contractors regarding the feasibility of the proposed access routes. The report does not suggest what may be the most appropriate access route. Comments by the applicant on the report have been requested. Officers consider that further assessment of the piling option should be carried

out by the applicant given the potential nuisance to local residents by vehicle movements and the importation of material by other methods

### Environmental Considerations

The proposed access from Ashby Road together with the predicted vehicle movements and duration of the works to repair the footpath is likely to have a detrimental impact on the adjacent residential occupiers. There is the potential for noise, vibration, dust, mud etc.

It is not considered that a full assessment of the likely impact of the access and works on the adjacent properties, has been undertaken. Information submitted with the application outlining the number of vehicular movements, amount of material to be imported together with the proposed access is considered inappropriate and unacceptable given the residential nature and character of the area. Approximately 125 loads per day, between the hours of 9am and 5pm equates to around 16 lorry movements into the site each hour. There are also the movements out of the site. In theory a lorry could enter or exit the site every two minutes for 8 hours a day. This is considered totally unacceptable for residents adjacent to the access as well as the immediate area.

No information on noise, vibration, dust/mud of these vehicle movements has been submitted as part of the application, nor a written statement outlining the selection and sourcing of material, spreading and compaction methods, traffic control, wheel and road cleaning, dust suppression, control of unsuitable material, site security, site safety, and timetable for completion. The application proposes to stabilise the site of the drained pit. A detailed method statement with final profiles/cross section needs to be submitted to demonstrate fully the proposal and appearance when complete. The additional information was requested and has been received.

### Conclusion

In view of the above and lack of comprehensive assessment, the potential impact on adjacent residential occupiers and the character of the area as a whole, together with the concerns raised by Head of Health and Environmental Services, it is considered that the proposal cannot be fully assessed at this time and given the perceived impact the works will have, the application is recommended for refusal.

### **RECOMMENDATION:- REFUSE, for the following reasons :-**

- 1 In the opinion of the Local Planning Authority, the proposed developments and its implications for the importation of material will be detrimental to the amenities of adjacent and nearby residents as well as the character of the area through, noise, dust and vibration caused by the projected vehicular use of the proposed access contrary to policy BE1 of the adopted Hinckley and Bosworth Local Plan and the provisions of Government advice in Planning Policy Guidance Note 24 with regard to noise.

### **Notes to Applicant:-**

- 1 The applicant is advised that an application to fill in part or all of the pond/pit requires formal permission from Leicestershire County Council.

**Contact Officer:- K Burnett Ext 5898**

**Item:** 02  
**Reference:** 05/00834/OUT  
**Applicant:** Hinckley & Bosworth NHS Primary Care Trust  
**Location:** Sunnyside Hospital Ashby Road Hinckley  
**Proposal:** EXTENSIONS AND ALTERATIONS TO EXISTING HOSPITAL

**Introduction:-**

This is an outline application for Phase 2 of the Sunnyside Hospital, Ashby Road, Hinckley. All matters are reserved and the site measures 3.29 hectares.

The application site is located outside the Hinckley Urban Area. Part of the site currently accommodates the Old Sunnyside Hospital and the remainder is agricultural land. The old hospital buildings are to be demolished. The entrance to the site is from Ashby Road which is used for Phase 1. The site is in the main surrounded by agricultural land.

Phase 1 of the development is operational and the proposal aims to provide additional facilities to complement the existing healthcare services and more facilities than currently provided at the Hinckley and District Hospital and Hinckley Health Centre.

Phase 2 includes single storey extensions at the front and rear of the site and two storey extensions at the rear also. The concept has been to provide a matching design to the existing single storey elements linking in with the existing, with a contrasting style where the development rises to two storey, providing a contemporary design element that comfortably accommodates the new facilities at the location.

The current floor space available at the site is 3137 square metres and the application proposes to increase this to 13744 square metres. 120 staff are employed at the moment and the application proposes that this will be increased to 250 staff members. It is envisaged that 425 cars and 10 light vans (excluding employees cars) will visit the site during the working day. Opening hours vary from 8am to 6pm, 8am to 11pm and 24 hours per day.

Information submitted as part of the application included Design Statement, Transport Assessment, Travel Plan Framework, Healthy Travel Plan, Landscape and Visual Impact Assessment and Supporting Explanatory Statement from Hinckley and Bosworth Primary Care Trust.

Supporting information states that the proposed development will provide much needed and improved facilities for new and existing services. It will enable the delivery of new government initiatives, National Service Frameworks, and the use of modern technology and procedures in a therapeutically appropriate environment. Through communication and involvement with the public, patients and staff there has been considerable support for this scheme.

**History:-**

02/01371/REM	Approval of Reserved Matters	Approved 21.01.2003
02/00893/OUT	Erection of Hospital	Approved 15.11.2002

01/00880/TEMP	Temporary Accommodation to Provide Replacement Ward	Approved 9.10.2001
01/00075/TEMP	Temporary Accommodation to Provide Replacement Ward	Approved 01.03.2001

**Consultations:-**

No objections have been received from Head of Health and Environment Service.

No objections subject to standard conditions have been received from:-

Borough Council's Land Drainage Consultant  
Central Networks  
Director of Highways, Transportation and Waste Management.

Voluntary Action Hinckley and Bosworth have raised concerns about the transport aspects of the planning proposal. It is believed that the transport plans are not adequate and should be looked at again. The hospital could be overwhelmed with cars creating gridlock on the site and overspill onto a major road at a dangerous bend. As buses will not enter the site there will be a problem of walking to the rear of the site and that pedestrian routes are not feasible, either physically for some people or in terms of distance to walk.

The Carers Federation Ltd have consulted with the public on the proposals. The public have expressed to them concerns on the accessibility to the new hospital facilities, adequate car parking and bus services available.

A number of questions/comments have been raised:-

- 1) Realistically will a total of 182 parking spaces be sufficient for both staff and patients?
- 2) If the car park is full where will patients park?
- 3) There are currently very limited bus routes. Buses will not enter the site and it will be a long walk to the rear of the site
- 4) Many people access Hinckley Health Centre on foot and motorised scooters/wheelchairs. This will not be possible at the new site
- 5) Will the speed limit on Ashby Road be reduced and a crossing provided?

The Environment Agency has objected on the grounds that the application may present a significant flood risk from the generation of surface water run-off and that the application is not accompanied by a Flood Risk Assessment as required by Planning Policy Guidance note 25.

Site notice and advert posted. Six letters received raising the following concerns:-

- a) The current hospital is fairly central and reasonable to travel to
- b) hospital facilities moved to the outskirts of the town, everyone will need to make a considerable journey with additional costs
- c) staff cars will swallow up available parking
- d) the A447 has now become an extremely busy route with many heavy vehicles
- e) the NHS should be looking to improve the current facilities
- f) the Health Travel Plan is only applicable to the staff, not patients
- g) how are less able persons going to be able to access the hospital?
- h) result in an increase in traffic and risk of accidents
- i) would the bus station not be a better location?
- j) phase 1 seems to cover a huge area for the amount of patient care
- k) a sound proof fence should be considered along the southern boundary.



## **Development Plan Policies:-**

The application site is located within open countryside, adjacent to the Hinckley Urban Area, as identified within the adopted Hinckley and Bosworth Local Plan.

### Structure Plan

Strategy Policy 8 of the Leicestershire, Leicester and Rutland Plan 1996-2016 states that development in the countryside will only be acceptable if the general appearance and character of the landscape and countryside is safeguarded or enhanced.

Strategy Policy 10 requires that good design will be promoted by ensuring that development provides for the efficient use of land, protects or enhances the form and local character and distinctiveness of the built and natural environment, incorporates comprehensive landscaping within and around the development on a scale appropriate to the scale and impact of the development and minimises traffic nuisance and develops a high quality walking and cycling network.

Accessibility and Transport Policy 1 identifies that developers will be expected to maximise the potential for access to and from new development by walking, cycling and public transport. Other appropriate measures should also be taken to minimise the traffic generated by the development, including the formation of travel plans. Development should not impair road safety, have an unacceptable effect on the environment or exceed the capacity available on the local highway system.

### Local Plan

Policy NE5 of the adopted Hinckley and Bosworth Local Plan aims to protect the countryside and only permit development where it is either important to the local economy, cannot be provided within/adjacent an existing settlement, change of use/reuse of buildings of historic value or for sport or recreational purposes. The development should not pose a detrimental impact on the landscape, should be in keeping with existing buildings and be effectively screened, and will not generate traffic likely to impact on road safety.

Policy NE10 defines particular areas within the Borough as landscape improvement areas where any proposals should include comprehensive landscaping proposals.

Policy BE1 seeks to ensure high quality of new development, that proposals complement and not adversely affect the surrounding area or adjacent properties, and ensure adequate privacy and amenity.

Policy T5 aims to apply the County Council highway standards and parking standards to new developments.

Policy CF3 states that development of land currently in use for health care provision or extensions to existing health care facilities will be permitted subject to appropriate design, access, amenity and car parking considerations.

## **Appraisal:-**

### Principle

The principle of a hospital in this location has already been established by development of Phase 1 of the new Sunnyside Hospital, now completed, and the majority of the older hospital buildings still being in use at the rear of the site. While it is appreciated the application site is within open countryside the Borough Council welcomes the proposals for

new and improved facilities to benefit residents in Hinckley. The policy for healthcare provision, that covers part of the site, identifies development on land currently used for health care, in this case the older buildings and Phase 1 or extensions to the facilities would be permitted subject to appropriate design, access, amenity and car parking. In terms of design, access etc. while an indication has been given in the design statement and transport assessment, they are not actually for consideration at this time. However, it is important to emphasise that the indicative proposals are appropriate and should be the basis of a reserved matters application.

The majority of Phase 2 is situated on the land allocated within the local plan as CF3, to replace the existing buildings at the rear of the site that already have a footprint and visual impact on the appearance of the open countryside. It is on this policy basis that the principle of health care development (part of Phase 2) at this location has been considered acceptable. The other part of Phase 2 is at the front of Phase 1. This is not on land allocated within plan as CF3, it is open countryside. Development is only considered acceptable in open countryside if it does not have an adverse effect on the appearance and character of the landscape and is in keeping with existing buildings. The proposed extension at the front is intended to reflect the existing buildings of Phase 1 and is close to a built development. While part of the development is within open countryside, the benefit of the Borough receiving improved healthcare in a location or adjacent a location allocated for healthcare, outweighs the general restrictions of preventing development in open countryside. However, the proposal has been advertised as a departure from the Local Plan.

#### Highway Considerations

The Highway Authority provided an initial response regarding the proposal advising that they required clarification from the applicant's traffic consultant on some points within the Transport Assessment. The further information has been assessed and a formal response has now been provided.

The applicant is understood to be prepared to a) improve the main vehicular and pedestrian access from the A447 Ashby Road to include a right turning lane, refuges, a relocated bus lay-by, bus shelters with seating and raised and lowered kerbs, b) a contribution to the Startrack real time bus information system, c) a scheme of advanced direction signing including at the A47 junction and access junction, d) travel passes and a travel plan, e) on site car parking provision of 291 spaces, f) secure cycle parking.

The internal layout has been designed to allow buses to enter and turn round and an emergency access is shown on the farm track along the north side of the site.

Assessment of all the documents has highlighted that refinements to the Travel Plan Framework and Healthy Travel Plan are needed. These documents should then be combined to form a composite Travel Plan Document. Subject to these refinements; the applicants entering into a s106 to provide staff travel passes, a contribution to the Startrack system and provision of advance direction signage; and appropriate conditions placed on any approval of the application; no objections have been raised by the Highway Authority to the application.

#### Environmental Considerations

Following the recommendation of refusal due to the lack of a Flood Risk Assessment to establish whether the development poses a significant flood risk from surface water run off, the applicant has submitted further details to the Environment Agency for comment and an update on this issue will be included as a late item.

## Conclusion

The principle of the hospital expansion, known as Phase 2, is considered acceptable. While design has not been included for consideration at this stage, it has been clearly indicated that the expansion would follow and complement the footprint and design of Phase 1. Highway safety, capacity and improvements are acceptable to the Highway Authority. However, until the Environment Agency are able to confirm that they adequate details have been submitted in regard to a Flood Risk Assessment to allay their initial concerns, the recommendation could be subject to change.

**RECOMMENDATION:- That subject to the execution of an Agreement under section 106 of the Town and Country Planning Act 1990 and section 111 of the Local Government Act 1972, to provide staff travel passes, a contribution to Startrak system and signage, the Head of Culture and Development be granted powers to issue planning permission subject to the following conditions:-**

**SUMMARY OF DECISION - The proposal is in conformity with Policies NE5, NE10, BE1, T5 and CF3 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to the following conditions.**

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than whichever is the later of the following dates:
  - (a) Five years from the date of this permission; or
  - (b) Two years from the date of approval of the last of the reserved matters to be approved.
- 2 Before the development is commenced, full details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority:
  - a) The siting, design and external appearance of the proposed building
  - b) the external building materials
  - c) the means of access
  - d) the provision to be made for vehicle parking on the site
  - e) the provision to be made for vehicle turning within the site
  - f) the provision to be made for loading and unloading within the site
  - g) the method of disposal of surface and foul water drainage which shall be on separate systems
  - h) the provision to be made for landscaping of the site
  - i) the existing trees and hedges on the site which are to be retained
  - j) the provision to be made for screening by walls and fences
  - k) the floor levels of the proposed hospital in relation to the existing ground level and the finished levels of the site.

The development shall be implemented in accordance with the approved details.

- 3 The premises shall be used as a hospital and for no other purpose including any other purpose in Class C2 of the Town & Country Planning Use Classes (Amendment) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
- 4 No development shall take place until details of the soundproofing barrier to be erected along the southern boundary have been submitted to and approved in writing by the Local Planning Authority.

- 5 The design of the scheme shall be of a similar standard to that shown on the submitted indicative plans.
- 6 Prior to the development being brought into use, the main vehicular and pedestrian access at A447 Ashby Road shall be improved by providing a right turning lane, refuges, a relocated bus lay-by with retaining structure on the east side, bus shelters with seating, and raised and lowered kerbs. All details shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document, and have the approval of the Highway Authority and the Local Planning Authority.
- 7 The design and layout of the access roads, car parking, secure cycle parking, and servicing submitted as part of the reserved matters to the Local Planning Authority for approval, shall be surfaced in bound material and marked out prior to the development being brought into use.
- 8 The main internal access roads shall have a minimum carriageway width of 6 metres.
- 9 The access roads shall be laid out to include a bus loop, which allows a bus to enter and leave the site.
- 10 There shall be no use of the access track adjacent to the north boundary of the site except in emergency or for occasional maintenance.
- 11 Prior to the development being brought into use, a Travel Plan document shall be prepared to include a Travel Plan Framework and Healthy Travel Plan, together with:-
  - a) the details of the measures to be adopted;
  - b) the mechanisms and time scales of implementing those measures;
  - c) the targets;
  - d) the details of how the Travel Plan shall be kept under review to achieve continual improvement in the reduction in the number of car journeys to the site. This shall include a monitoring report to be submitted annually, on the anniversary of the approval of the Travel Plan, to the Director of Highways, Transportation and Waste Management, which shall set out:
    - i) details of progress in implementing the plan;
    - ii) details of any enhancement or additional measures or other amendments to be implemented in the light of the monitoring report;
    - iii) details of how failures to implement the measures or achieve the targets in the approved Travel Plan are to be remedied.
- 12 No gates shall be erected to the vehicular access.
- 13 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.

**Reasons :-**

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 The site lies within an area where the Local Planning Authority would not normally grant permission for development on this scale to accord with Strategy Policy 8 of the adopted Leicestershire, Leicester and Rutland Structure Plan and policy NE5 of the adopted Hinckley and Bosworth Local Plan.

- 4 To safeguard amenities of neighbouring properties to accord with BE1, NE5 and CF3 of the adopted Hinckley and Bosworth Local Plan.
- 5 The site lies within an area where the Local Planning Authority would not normally grant permission for development on this scale to accord with Strategy Policy 8 of the adopted Leicestershire, Leicester and Rutland Structure Plan and policy NE5 of the adopted Hinckley and Bosworth Local Plan.
- 6 In the interests of vehicular and pedestrian safety, and sustainable travel. To accord with Accessibility and Transport Policy 1 of the adopted Leicestershire, Leicester and Rutland Structure Plan and policies T5 and CF3 of the adopted Hinckley and Bosworth Local Plan.
- 7 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 neighbourhood. To accord with Accessibility and Transport Policy 1 of the adopted Leicestershire, Leicester and Rutland Structure Plan and policies T5 and CF3 of the adopted Hinckley and Bosworth Local Plan.
- 8 In the interests of safety and the free flow of traffic. To accord with Accessibility and Transport Policy 1 of the adopted Leicestershire, Leicester and Rutland Structure Plan and policies T5 and CF3 of the adopted Hinckley and Bosworth Local Plan.
- 9 In the interests of sustainable travel and to accord with Accessibility and Transport Policy 1 of the adopted Leicestershire, Leicester and Rutland Structure Plan and policies T5 and CF3 of the adopted Hinckley and Bosworth Local Plan.
- 10 In the general interests of Highway safety and to accord with Accessibility and Transport Policy 1 of the adopted Leicestershire, Leicester and Rutland Structure Plan and policies T5 and CF3 of the adopted Hinckley and Bosworth Local Plan.
- 11 In the interests of sustainable travel and to accord with Accessibility and Transport Policy 1 of the adopted Leicestershire, Leicester and Rutland Structure Plan and policies T5 and CF3 of the adopted Hinckley and Bosworth Local Plan.
- 12 To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway. To accord with Accessibility and Transport Policy 1 of the adopted Leicestershire, Leicester and Rutland Structure Plan and policies T5 and CF3 of the adopted Hinckley and Bosworth Local Plan.
- 13 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users and to accord with Accessibility and Transport Policy 1 of the adopted Leicestershire, Leicester and Rutland Structure Plan and policies T5 and CF3 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 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.
- 2 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.
- 3 The applicants attention is directed to the letter from Central Networks dated 23rd August 2005.

- 4 The applicant will be required to enter into an S278 or similar legal agreement with Leicestershire County Council, prior to commencing the works on the highway.
- 5 C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Area Manager.
- 6 There are additional design checking and inspection fees for any highway structure (e.g. retaining wall, culvert). The Highway Authority normally requires a commuted sum for the future maintenance of any highway structure to be adopted.
- 7 The applicant is advised that the design of the scheme shall be of a similar standard to that shown on the submitted indicative plans.

**Contact Officer:- K Burnett Ext 5898**

**Item: 03**

**Reference: 05/00884/FUL**

**Applicant: AP Garratt**

**Location: Land R/o 9 West End Barton In The Beans**

**Proposal: ERECTION OF AGRICULTURAL BUILDING**

**Introduction:-**

This is an application for the erection of an agricultural building on land to the rear of 9 West End, Barton in the Beans.

The proposed building is sited near to Main Street on the bend with Congerstone Lane. The building will be visible from a number of directions and will be within 60 metres of properties on Main Street. The site is partially screened from Main Street by hedgerow and is surrounded by agricultural land. The topography of the land falls north increasing the likely vista of the proposed building.

The application site measures 2 hectares. The proposed agricultural building measures 25.6 metres by 12.5 metres and reaches a height of 8 metres to the ridge. The proposal also includes a new access road to the building measuring 30 metres in length by 3 metres in width.

**History:-**

05/00884/GDO	Agricultural Building Converted to full application	
03/01450/FUL	Creation of Hard Surface to Form Track Extending From Existing Access	Approved 11.12.2003
01/00515/FUL	Erection of Stable and Storage Building	Approved 23.05.2001

**Consultations:-**

No objections subject to standard conditions have been received from:-

Borough Council's Land Drainage Consultant

Severn Trent Water Ltd  
Director of Environment and Heritage Services (Archaeology).

Parish Council have raised the following concerns:-

- a) This is a very small holding and the Parish Council find it impossible to believe that an agricultural building of this scale is required in such a modest holding
- b) we would urge the Borough Council to require substantive evidence of agriculture before granting any planning permission.

Site notice erected and neighbours notified. Five letters received raising the following concerns:-

- a) The visual intrusion into open countryside would be of enormous proportions
- b) the building would be the first thing people would see when entering the village and it would also overshadow a very popular and well used bridle path
- c) the building would spoil the character of the area and detract hugely from the beauty of the village
- d) potential safety issues with extra traffic entering and exiting on a corner of Main Street
- e) building would cause problems with noise and smells
- f) what is the need for another agricultural building?
- g) the building itself looks totally inappropriate to the surrounding area
- h) the entrance from Main Street is on an extremely hazardous bend - which on many occasions has had near accidents
- i) the proposed siting and large scale of the building means it will impose directly on the vista from Main Street and the bridleway
- j) the landscape will be changed considerably
- k) overdevelopment of the site is a precursor to development of a different sort
- l) the size of the building appears to bear no relation to the size of the field in which it is proposed to be sited
- m) the proposed building should be resited.

No comments have been received from:-

Director of Highways, Transportation and Waste Management  
Head of Health and Environment.

### **Development Plan Policies:-**

The site is located within open countryside, adjacent to the settlement boundary of Barton in the Beans, as identified in the adopted Hinckley and Bosworth Local Plan.

#### Structure Plan

Strategy Policy 8 of the adopted Leicestershire, Leicester and Rutland Structure Plan states that development in the countryside will only be acceptable where the general appearance and character of the landscape and countryside is safeguarded or enhanced.

#### Local Plan

Policy NE5 of the adopted Hinckley and Bosworth Local Plan aims to protect the countryside and only permit development where it is either important to the local economy, cannot be provided within/or adjacent to an existing settlement, change of use/reuse or extension of buildings particularly shown of historic value or for sport or recreational purposes. The development should not have a detrimental impact on the landscape, should be in keeping with existing buildings and the general surroundings and be effectively screened, and will not generate traffic likely to impact on road safety.

Policy BE21 states that proposals for new agricultural buildings should a) be sited, of a scale and built of materials to minimise their impact in the landscape nor adversely affect nearby residential areas; b) where necessary include an appropriate landscaping scheme to further reduce the visual impact of the new building; c) not generate traffic on a scale likely to affect the rural character of the area or amenities of nearby residents; and comply with applicable layout design, parking and highway standard.

### **Appraisal:-**

#### Environmental Considerations

The application site is currently very open, other than a hedge running along the southern boundary of the site. Given the size and scale of the building, even with the existing screening, the building would be very visible. The site is located on the edge of Barton in the Beans with open views from both Main Street and the bridle path that runs along the southern boundary. The topography of the land does not reduce its openness. The proposed building has the potential to have a detrimental impact on the character and appearance of the landscape. No additional screening has been proposed as part of the application and there are no other large agricultural buildings in the immediate vicinity of the site.

The use of the building for agricultural purposes, within open countryside, is not considered likely to have an adverse impact on the character and appearance of the landscape and adjacent properties if the building was to be resited. The use is characteristic of open countryside but the building should be sited in a more suitable location.

#### Highway Considerations

The Highway Authority have also been unable to provide formal comments due to additional information being required. However, they have indicated that the acceptability of the proposal in regard to highway safety and appropriate access will ultimately depend on the actual use of the building.

#### Conclusion

The siting and dimensions of the proposed building is considered likely to have a detrimental impact on the character and appearance of the area and visual amenity of the occupiers of the adjacent residential properties. The building should be resited to reflect the landscape and not dominate the street scene of this part of Barton in the Beans.

The principle of agricultural buildings within open countryside is not disputed, however, the building in question could be repositioned to reduce its dominance within the landscape.

### **RECOMMENDATION :- REFUSE, for the following reasons :-**

- 1 In the opinion of the Local Planning Authority, the proposal would form an unwarranted and unacceptable development intruding into the open countryside with a consequential loss of visual amenity. Therefore the proposal is contrary to policies NE5 and BE21 of the adopted Hinckley and Bosworth Local Plan.

### **Notes to Applicant:-**

- 1 The applicant is advised that should the building be resited to prevent it dominating the streetscene and be adequately and effectively screened, the proposal maybe considered more favourably.

**Contact Officer:- K Burnett Ext 5898**



**Item:** 04  
**Reference:** 05/00887/FUL  
**Applicant:** Jan & Tom Wightman  
**Location:** Jan And Tom Wightman 27 Regent Street Hinckley  
**Proposal:** INSTALLATION OF STEEL ROLLER SHUTTERS AND ALTERATIONS TO SHOP FRONT

**Introduction:-**

The application is for the installation of solid steel roller shutters and the addition of pilasters to the shop front of 27 Regent Street. The premises are currently occupied by goldsmiths and operates for the design, production and sale of jewellery and are situated in a row of commercial properties within the town centre.

The shop front currently consists of two large display windows, a central entrance with recessed doorway, and timber fascia, having 3 projecting canopies.

**History:-**

02/00290/COU                      Change of use of premises to A3                      Approved 18.07.02

**Consultations:-**

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

Neighbours  
Press Notice  
Site Notice.

No objections received from:-

Director of Highways, Transportation and Waste Management  
Head of Health and Environment Services.

**Development Plan Policies:-**

Policy BE1 of the adopted Hinckley and Bosworth Local Plan seeks to ensure that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area and comply with appropriate design and architectural features.

Policy BE7 of the adopted Hinckley and Bosworth Local Plan relates to development in Conservation Areas where the primary planning policy is for the preservation or possible enhancement of their special character and appearance.

Policy BE9 of the adopted Hinckley and Bosworth Local Plan relates to shop fronts in Conservation Areas and seeks to ensure that proposals for new shop fronts are of a high quality design, appropriate to the character of the building, the street scene and wider townscape.

Policy BE10 of the adopted Hinckley and Bosworth Local Plan seeks to ensure that the installation of security fittings in Conservation Areas do not have an adverse effect on the character or appearance of the Conservation Area.

The Borough Council's Supplementary Planning Guidance relating to Shopping and Shop Fronts provides advice in respect of appropriate design components for shop fronts and security measures.

### **Appraisal:-**

Whilst it is accepted that shop owners may require physical security measures to protect shop fronts, consideration needs to be given to the provision of such measures, to ensure that the shutters provided do not impact on the character of the shop front or street scene, in particular, within Conservation Areas. The current proposal is for a solid steel roller shutter. It is stated within the Borough Council's Supplementary Planning Guidance relating to Shopping and Shop Fronts, that the use of inappropriate security shutters can have a major impact on the visual appearance of the shop front, particularly during evenings and weekends when such use can result in a fortress feel to shopping centres. Solid shutters can prove to be problematic with their attraction for graffiti. As the site lies within the Hinckley Town Centre Conservation Area the consideration of design is particularly important.

The Borough Council's Supplementary Planning Guidance states that whilst solid shutters or those with micro perforations can create a dead frontage, grilles and punched lath shutters provide a more favourable appearance. Ideally, the use of internal grilles provides a more favourable outward appearance whilst offering the required increased security. It has been suggested that the applicant considers the use of either an internal grille or an external roller grille shutter to reduce the potential impact on the appearance of the conservation area and street scene, and to accord with the relevant plan policies and supplementary planning guidance relating to such matters.

As part of the application the roller shutters are to be concealed behind a shutter box during opening hours. The shutter box is then proposed to be located behind canopy blinds. Whilst officers welcome the use of canopies to conceal roller shutters, there is concern for the resulting projection of the canopy blinds. The Borough Council's Supplementary Planning Guidance states that when housed behind the fascia sign, shutter boxes will not be permitted if they result in advertisement fascia signage projecting forward unacceptably. In addition, in relation to fascia signs it is recommended that these do not project more than 400 mm. Currently, the combined projection of the shutter box and canopy blinds is approximately 800 mm. It has been suggested that the applicant explores alternatives or considers omitting the canopy blinds from the proposal. If the canopy blinds were removed, careful consideration would need to be given to the design of the shutter box.

In respect of the proposed pilasters, it is considered that in principle this will improve the shop frontage by providing a more traditional appearance. However, further information has been requested from the applicant in respect of the proposed projection of this feature.

### Conclusion

By virtue of the type of shutter proposed and the resulting projection of the shutter box and canopy blinds, officers consider that the proposal is unacceptable for the reasons stated. Whilst the applicant has given other examples within the town centre, and it is appreciated there are concerns for security, there are examples where improvements have resulted from the types of shutters fitted on other retail premises in the town centre, and it is important that we continue to help improve the appearance of the town centre and Conservation Area, both during the day and in the evening.

**RECOMMENDATION :- REFUSE, for the following reasons :-**

- 1 In the opinion of the Local Planning Authority, the proposed solid steel roller shutters and associated shutter box and canopy blinds are considered to create an unsatisfactory overall appearance, to the detriment of the street scene and Hinckley Town Centre Conservation Area, contrary to the intentions of Policies BE1, BE7, BE9 and BE10 of the adopted Hinckley and Bosworth Local Plan and the Borough Council's Supplementary Planning Guidance relating to Shopping and Shop Fronts.
- 2 The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the Local Planning Authority would also object, but which would consequently be difficult to resist.

**Contact Officer:- E Macdonald Ext 5682**

**Item: 05**

**Reference: 05/00902/FUL**

**Applicant: Mr And Mrs M Iliffe**

**Location: 10 Oakdale Road Earl Shilton**

**Proposal: EXTENSION AND ALTERATIONS TO DWELLING**

**Introduction:-**

This application is being reported to Planning Committee at the request of a local Councillor.

The application seeks planning permission for a single and two-storey extension to the front of 10 Oakdale Road, Earl Shilton. The site is located to the west of Oakdale Road almost opposite the junction with Ash Road and consists of a semi-detached two storey dwelling. The extension is proposed to extend the full width of the dwelling with the single storey element being closest to the boundary with the adjoining neighbour.

**History:-**

No relevant history.

**Consultations:-**

No objections have been received from:-

Earl Shilton Town Council.

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

Head of Health and Environment Services  
Director of Highways, Transportation and Waste Management.

Neighbours notified, 2 letters have been received raising concerns that a front extension will be out of keeping and character with the streetscene.

## **Development Plan Policies:-**

Policy BE1 of the adopted Hinckley and Bosworth Local Plan seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. It provides measures to ensure development does not have an adverse impact on the environment; occupiers of neighbouring properties; or highway users.

Policy RES7 of the adopted Hinckley and Bosworth Local Plan provides that householder development: respects the scale and character of the existing dwelling and streetscene; retains adequate parking provision; is designed to mirror the existing building to create an unified overall appearance; does not adversely affect the occupiers of neighbouring properties; and is carefully sited.

Adopted Supplementary Planning Guidance for Householder development provides additional advice on the design elements and locational factors of new development.

## **Appraisal:-**

The extension comprises of a single storey section, which is closest to the adjoining neighbour, and a two-storey extension. The extension projects 1.8 metres from the front of the dwelling. It is considered that the projection of the extension is in line with policy guidance and that the impact on the adjoining neighbour will be minimal.

Comments received raise concerns that the extension is out of keeping with the streetscene as no other dwelling has this type of extension. Whilst there are no other extensions like this within the immediate vicinity it is considered that the extension has been designed sympathetically with the existing dwelling. Furthermore, the nature of Oakdale Road is such that the properties are not in one continuous line, the road bends further along resulting in a variation in the frontages from the highway. There is also a step back between Nos 4 and 6 and again between Nos 8 and 10 therefore the extension will not project further forward than the adjacent pair of semis. A similar extension has been approved in Cedar Avenue which is similar in character to Oakdale Road.

In conclusion, it is considered that the extension proposed complies with the general design principles contained in policy guidance in that it respects the scale and character of the dwelling and will not be a dominant feature within the streetscene, it has a lower ridge height and therefore does not overwhelm the existing house or neighbouring property; and finally the design of the roof reflects that of the main dwelling.

SUMMARY OF DECISION - The proposal is in conformity with Policies BE1 and RES7 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

## **RECOMMENDATION :- Permit subject to the following conditions :-**

**SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1 and RES7; of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy RES7 of the adopted Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

- 1 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.
- 2 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.

**Contact Officer:- T Miller Ext 5809**

**Item: 06**

**Reference: 05/00985/FUL**

**Applicant: Mr D Gardner**

**Location: Topps Wine Bar 3 Chapel Street Barwell**

**Proposal: CREATION OF FIRST FLOOR BALCONY**

**Introduction:-**

The proposal is for the creation of first floor balcony at an existing Wine bar in the centre of Barwell known as 'Topps Wine Bar', 3 Chapel Street. The existing first floor external elevation would be altered in order to accommodate the balcony, and it would be accessed via the insertion of two 1.2m wide 2.3m high patio style doors, and at either side there are two windows. The property is split over three floors offering a wine bar and lounge on ground and first floor, whilst residential accommodation is available on second floor. The balcony protrudes around 2.5m from the front elevation of the property and is 6.5m in length. The overall height of the structure is 4.2m to balustrade level. The balcony would be enclosed with decorative balustrade.

The Wine Bar is located close to the junction between Chapel Street and High Street; Shilton Road is to its north. Opposite the premises situated on the corner is a Public House. A number of residential dwellings are situated along the street frontage, and there is residential accommodation above various commercial premises.

**History:-**

01/00981/COU	Change of use of 1st floor to wine bar and second floor to living accommodation together with alterations	Approved 08.11.2001
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## **Consultations:-**

No objections have been received from: -

Land Drainage Engineer  
Head of Health and Environmental Services.

Director of Highways, Transportation and Waste Management comments that having considered the proposal, including visiting the site, the Highway Authority has no formal comment to make on the submission.

Four letters of objections have been received from neighbours raising the following concerns:

- (a) annoyance to neighbours if live music is to be played
- (b) balcony will give additional drinking area thus causing noise and nuisance
- (c) loss of privacy
- (d) anti-social behavioural problems.

## **Development Plan Policies:-**

The site is within the settlement boundary for Barwell and within a Local Shopping Centre as defined in the adopted Hinckley & Bosworth Local Plan. The site is also adjacent to the Barwell Conservation Area.

Policy BE1 seeks to ensure that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area; comply with appropriate design, layout, highways and parking standards as well as not adversely affecting the occupiers of neighbouring properties.

Policy Retail 14 seeks to ensure that planning permission for extensions to existing shops do not have a seriously detrimental effect on the amenities enjoyed by occupiers of adjoining residential properties; that the proposed extension can be accommodated within the existing curtilage; would not result into a loss of off-street car parking; will be designed sympathetically and will not result in an intensified use of an access or the creation of a new access.

## **Appraisal:-**

There are two issues to consider when appraising this proposal. These are the impact of the balcony upon the occupants of nearby residential properties, and the impact of the proposed balcony upon the character and appearance of the surrounding area.

On face value the creation of a balcony may appear acceptable but a deeper analysis reveals that controlling the use of the balcony attached to a Wine Bar will be difficult. The use will inevitably be a cause of concern to nearby residents due to noise and nuisance. Residents already have a real concern regarding anti-social behaviour. Although valid planning conditions can be attached to control the use of the balcony, the enforcement of such conditions may prove impractical. An ineffective control of the use of the balcony will lead to a serious loss of residential amenity to occupants living close to the premises.

The proposed development would also create an incongruous feature to the front elevation of what appears to be an attractive shop front. The existing projecting mono-pitch style covering runs along the full length of the premises offering a covered outdoor drinking area. This structure then wraps around the front elevation forming a covered entrance feature. Although the property is not within the Barwell Conservation Area, it is considered that the proposed development will be out of character and visually intrusive in the street scene.

**RECOMMENDATION :- REFUSE, for the following reasons :-**

- 1 In the opinion of the Local Planning Authority, the proposed use of the balcony is likely to be detrimental to the occupants of nearby residential properties by virtue of potential noise and disturbance, contrary to policy BE1 and RETAIL 14 of the Hinckley & Bosworth Local Plan.
- 2 In the opinion of the Local Planning Authority, the design of the proposed balcony would result in an incongruous feature in the street scene and would be out of keeping with the character of the locality and would be detrimental to the visual amenities, contrary to policy BE1 of the adopted Hinckley & Bosworth Local Plan.

**Contact Officer:- A Ghafoor Ext 5775**

**Item: 07**

**Reference: 05/00992/DEEM**

**Applicant: Hinckley & Bosworth Borough Council**

**Location: Land Fronting 24 - 28 Ratby Road Groby**

**Proposal: CREATION OF DISABLED ACCESS AND GRANITE WALL**

**Introduction:-**

The application relates to the erection of a 1.1m high stonewall and the installation of an access ramp for the disabled in order to satisfy other legislative requirements. The majority of the access ramp exists together with a steel effect handrail. The access ramp will be extended to provide levelled access to other shops along the parade. New handrails will be installed along the re-laid steps to the northern boundary, and along the newly installed level access way to the shops. The new access way is around 2.1m wide and is 16.3m in overall length.

The scheme is part of the Environmental Improvement Programme jointly funded by Leicestershire County Council and the Local Authority.

**History:-**

No relevant planning history.

**Consultations:-**

No objections received from: -

Head of Health and Environmental Services  
Neighbours.

Director of Highways, Transportation and Waste Management comments that the Highway Authority has no objection to the principle of the proposed development, however, does have some concerns with the loss of visibility that would occur at the junction of Fir Tree Lane with Ratby Road. The Highway Authority would prefer to see a revised application showing a wall at a height no greater than 0.9 metres above the level of the adjacent carriageway, which would provide the maximum level of visibility across the site's frontage.

Director of Highways, Transportation and Waste Management consulted on the amended site layout plan.

The Borough Council's Conservation Officer has been consulted.

Groby Parish Council has the following objections: -

- (a) The plan does not take account of the disabled access being of a width to allow two wheel chairs to pass each other
- (b) In light of existing problems the village is experiencing with young people the Council does not wish to have a stone wall near the foot way as litter will gather behind it and it will add yet another place for young people to gather
- (c) In relation to the planters the Council will agree to these if they are of stone construction
- (d) The project should be subject to consultation with shop owners and the landowner.

### **Development Plan Policies:-**

The site is within the settlement boundary for Groby and within a Local Shopping Centre as defined in the adopted Hinckley & Bosworth Local Plan.

Policy BE1 seeks to ensure that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area; comply with appropriate design, layout, highways and parking standards as well as not adversely affecting the occupiers of neighbouring properties.

Policy BE2 seeks to ensure that the design and layout of new development to which the general public have access, should have regard to the needs of wheelchair users, other people with disabilities and elderly people as well as those with young children.

Policy RETAIL 14 seeks to ensure that planning permission for extensions to existing shops do not have a seriously detrimental effect on the amenities enjoyed by occupiers of adjoining residential properties; that the proposed extension can be accommodated within the existing curtilage; would not result into a loss of off-street car parking; will be designed sympathetically and will not result into an intensified use of an access or the creation of a new access.

### **Appraisal:-**

The proposed development satisfies adopted Local Plan policies and will be a positive improvement to the area. The improved accessibility is an important consideration and should be given due weight. It is considered that the proposal will improve the overall appearance on environmental grounds, and also improve access for the disabled to the various shops.

The Parish Council's objections have been considered. The development will be subject to a Building Regulations application, but Building Control section have been consulted. With regards to litter being collected although this is not a direct planning matter, adequate provision of litterbins could be provided to mitigate this concern. The issue in relation to 'young people' and the potential of the wall being used as 'another place for young people to gather' is again not directly related to planning, nor is a material consideration.

On balance, the erection of the stone wall and wider improvements to the landscape will be a positive contribution towards this part of Groby. Although the Parish Council's concerns are genuine, on planning merits alone the proposal is considered to be acceptable.

Observations received from the Director of Highways, Transportation and Waste Management have been considered. The amended site plan addressed this concern and



proposed the wall to be slightly set in from the edge of the pedestrian path which indicate a 5m x 50m visibility splay to the north easterly direction. This does not affect highway visibility and the Highway Authority's response to the amended plan consultation will be reported as a late item.

**RECOMMENDATION :- Permit subject to the following conditions :-**

- 1 The development hereby permitted shall be carried out in accordance with 05/00992/DEEM/A received on 15th September 2005, and amended Site Layout Plan received on 18th October 2005.

**Reasons :-**

- 1 For the avoidance of doubt and to define the permission.

**Notes to Applicant:-**

- 1 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.

**Contact Officer:- A Ghafoor Ext 5775**

**Item: 08**

**Reference: 05/00997/FUL**

**Applicant: Mrs Crow**

**Location: Spinney Farm Barlestone Road Newbold Verdon**

**Proposal: ERECTION OF REPLACEMENT DWELLING**

**Introduction:-**

This is a full application for the replacement of an existing single storey dwelling with a larger dormer bungalow. Part of the existing dwelling that is of poor timber construction would be demolished and replaced with a larger brick built element to provide a new dwelling with three bedrooms for the applicants' son and his family. The existing brick built element would provide one bedroom accommodation for the applicant in the form of a granny annexe. The dwelling is located in open countryside on Barlestone Road, Newbold Verdon.

A similar previous application was refused planning permission under delegated powers in June 2005. The applicant was advised that a smaller proposal that would constitute an extension and alteration to the existing dwelling rather than a replacement dwelling might be more acceptable to the Local Planning Authority. The current application for a replacement dwelling has been amended in terms of its design but the overall footprint remains the same. The applicant requires the additional accommodation for her son and his family in order that he can carry out part time farming activities on the land.

**History:-**

05/00377/FUL	Erection of Replacement Dwelling	Refused	30/06/05
00/00104/GDO	Erection of Agricultural Building	GDO	28/02/00

**Consultations:-**

No objection has been received subject to standard conditions from:-

Director of Highways, Transportation and Waste Management  
Central Networks  
Land Drainage Engineer.

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

Director of Property and Resources (Agricultural Appraisal).

**Development Plan Policies:-**Structure Plan

Strategy Policy 8 states that all development proposals in the countryside will be considered against landscape character assessments featured in local plans. The countryside will be protected for its own sake and development will only be acceptable if the general appearance and character of the landscape and the countryside is safeguarded or enhanced. Built development should be well integrated in relation to existing development and designed sympathetically to fit into the local surroundings.

Local Plan

The site lies outside any established settlement boundary as defined in the adopted Hinckley and Bosworth Local Plan in an area designated as being in open countryside.

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

Policy RES10 of the adopted Hinckley and Bosworth Local Plan states that planning permission for replacement dwellings in the countryside will initially be considered in terms of the countryside policies and that where the Borough Council is satisfied that there is special justification it will only be permitted where it is of a similar size and scale to that of the original dwelling and built on a similar footprint.

Policy BE1 of the adopted Hinckley and Bosworth Local Plan seeks to ensure a high standard of design and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area and ensure adequate highway visibility for road users and incorporate landscaping to a high standard.

**Appraisal:-**

The proposal is located between Newbold Verdon and Barlestone outside of any established settlement boundary and is therefore in open countryside. The existing bungalow is set back from the highway by some 25 metres and has an existing vehicular access with poor visibility towards vehicles approaching from Newbold Verdon. Despite this the Highway Authority do not object to the application on the grounds that they would not

be in a position to demonstrate that there would be a material increase in vehicle movements using the access.

The proposed replacement dwelling represents a substantial increase to both the footprint and mass of the existing bungalow. The proposed footprint would increase by 65 square metres (an increase of approximately 57% on the existing footprint) and the floor-space would increase by approximately 177 square metres (an increase of approximately 155% on the existing floor-space).

Such proposals for replacement dwellings in the open countryside are contrary to Strategy Policy 8 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016 and to Policy NE5 of the adopted Hinckley and Bosworth Local Plan which seek to protect the appearance and character of the open countryside and limit new development to that which is appropriate to sustain a healthy rural economy, for example development which can be shown to be for the operational requirements of agriculture, horticulture, forestry, recreation and tourism. The development of a much larger dwelling on this plot would be considered to have an adverse impact on the visual amenities and character of this rural area.

The proposal is also contrary to Policy RES10 of the adopted Hinckley and Bosworth Local Plan in that no evidence has been submitted with the application to suggest that there is special justification for the development of a replacement dwelling in this case. The land holding of approximately 12.85 hectares is intended to provide only part time agricultural employment for the applicants son, and, notwithstanding this, the proposed dwelling is of a much larger size and scale to that of the original dwelling and on a larger footprint. At the time of writing the report an agricultural appraisal had not been received. An update on this issue will be included as a late item.

#### Conclusion

Therefore, the current proposals are considered to be contrary to Strategy Policy 8 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016 and Policies NE5, RES10 of the adopted Hinckley and Bosworth Local Plan in that they constitute a replacement dwelling, without special justification, that would have an adverse impact on the visual amenities and character of this open countryside location. Approval of such a proposal would set a precedent for future applications of a similar nature to which the Local Planning Authority would also object but would subsequently be difficult to resist.

**Contact Officer:- R Wright Ext 5894**

#### **RECOMMENDATION :- REFUSE, for the following reasons :-**

- 1 In the opinion of the Local Planning Authority the proposed development constitutes a replacement dwelling in an open countryside location, without special justification, which would have an adverse impact on the visual amenities and character of this rural location. The proposed development is therefore contrary to Strategy Policy 8 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016 and Policies NE5 and RES 10 of the adopted Hinckley and Bosworth Local Plan.
- 2 The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the Local Planning Authority would also object, but which would subsequently be difficult to resist.

**Item:** 09  
**Reference:** 05/01052/REM  
**Applicant:** Harbot Builders Ltd  
**Location:** Land Adj 3 Park Avenue Markfield  
**Proposal:** ERECTION OF DWELLING (AMENDED SCHEME)

**Introduction:-**

This is a reserved matters application for the erection of a two-storey dwelling on an infill plot of land adjacent to 3 Park Avenue, Markfield that was previously used as a side garden area. The principle of a dwelling on this plot has already been established by the approval of an outline application for a 3 or 4 bed dwelling in January 2004. The proposed site measures 28 metres in depth by 9.5 metres in width, is located adjacent to existing residential properties fronting onto Park Avenue and is within the settlement boundary of Markfield. The site is relatively flat and is bounded by existing hedges, trees and fencing providing screening on the western boundary, by an existing electricity sub-station and access to the rear and it is proposed to erect a 1.8 metre high wall and fencing to the eastern boundary to retain privacy to the amenity area of the existing house at 3 Park Avenue, Markfield. A similar previous application was withdrawn earlier this year for amendments to be made prior to determination.

**History:-**

05/00431/REM	Erection of one dwelling and detached garage	Withdrawn	04/08/05
03/01109/OUT	Erection of one dwelling	Approved	13/01/04
00/00456/FUL	Erection of rear conservatory	Approved	19/06/00

**Consultations:-**

No objection has been received from:-

Friends of Charnwood Forest  
Land Drainage Engineer.

No objection has been received subject to standard conditions from:-

Director of Highways, Transportation and Waste Management  
Environment Agency.

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

Markfield Parish Council  
Central Networks  
National Forest Company  
Head of Health and Environment.

Neighbours have been notified and at the time of writing this report no response has been received.

**Development Plan Policies:-**

The site lies within the settlement boundary of Markfield and within an established residential area, as defined within the adopted Hinckley & Bosworth Local Plan.

Policy RES5 of the adopted Local Plan states that on sites which are not specifically allocated in the plan for housing, planning permission will only be granted if the site lies within the boundaries of a settlement and the siting, design and layout do not conflict with the relevant plan policies.

Policy BE1 of the adopted Local Plan seeks to ensure a high standard of design and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, and materials, not adversely affect the occupiers of neighbouring properties, ensure adequate highway visibility for road users and adequate provision for off-street parking together with manoeuvring facilities.

Policy T5 states that in considering new development proposals the Local Planning Authority will apply current highway design standards and parking targets unless a different level of provision can be justified.

Further guidance is provided within the Borough Council's Supplementary Planning Guidance on New Residential Development that states that such development should be designed to complement the character of the surrounding built form, materials should reflect the surrounding buildings. The layout should ensure careful integration with the existing site features and landscaping and safe and convenient vehicular and pedestrian access should be provided to dwellings together with adequate off-street parking and private amenity space.

#### **Appraisal:-**

The proposed 3 bed two-storey dwelling is set back from the highway by approximately 8 metres and provides off-street parking and turning facilities within the curtilage. Vehicular access is central to the plot in order to achieve adequate visibility spays either side of the access. The layout retains many existing trees and shrubs and proposes further planting to enhance the appearance of the development.

The surrounding area is characterised by modern two-storey detached and semi-detached houses of similar scale and proportion. However, there is a detached bungalow on a large plot to the west of the site. The footprint of the proposed dwelling extends slightly forward of and 2 metres to the rear of the existing dwelling at 3, Park Avenue and there is a distance of 2 metres between the side elevations. There is also a distance of 1.8 metres to the western boundary of the site in order to allow for access to existing underground electricity apparatus linked to the sub-station to the rear of the site.

The proposed dwelling has been designed to be in keeping with the existing two-storey houses in the surrounding area and is to be built of similar materials. The western elevation (facing the bungalow at 142 Main Street, Markfield) has two high level windows at first floor level to an en-suite and bathroom together with a kitchen window, small lounge window and door at ground floor level. Given the screening to the western boundary provided by existing vegetation and fencing this is not considered to have an unduly detrimental impact on the privacy of the bungalow or any other neighbouring dwelling. Adequate provision has been made for off-street parking and private amenity space for both the existing and proposed dwelling.

**RECOMMENDATION:- That subject to no significant objections being raised by the expiry of the consultation period ending on 4th November 2005, the Head of Culture and Development be granted powers to issue planning permission subject to the following conditions:-**

**SUMMARY OF DECISION - The proposal is in conformity with Policies BE1, RES5 and T5 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to the following conditions:-**

- 1 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.

**Reasons :-**

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

**Contact Officer:- R Wright Ext 5894**