

POSTED ON INTERNET 23.11.05

REPORT P49

PLANNING COMMITTEE

29.11.2005

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: 05/00684/OUT
Applicant: T Poulton & R Gretton
Location: The Pond Off Ashby Road Hinckley Leicestershire LE10 1SN
Proposal: RESIDENTIAL DEVELOPMENT

Introduction:-

This application is an outline application for residential development of land to the rear of properties on Ashby Road. The scheme has not proposed numbers. However, a range of 22 to 37 dwellings has been given. The Traffic Assessment and access design is based on the provision of 30 dwellings. The site area is 0.75 hectares and only means of access has been included at this stage.

The application site is located to the east of Ashby Road behind No 40-50 Ashby Road, to the north of the cemetery and south of the pond adjacent to Asda.

The site has been used as part of the brickyard clay extraction operation at the adjacent pit. An angling club has also been associated with the land. The character of the area is predominantly residential with a local shopping centre nearby. It is on the main vehicle route north out of Hinckley.

A request for the submission of further information, namely the siting and layout of the proposed dwellings, existing trees and hedges to be retained, provision for landscaping the site (in particular its relationship to the cemetery) and the measures to be taken to ensure a safe environment for the future occupiers of the proposed dwellings was made. However, the submission of this outstanding information can be reasonably secured by condition.

Information submitted in support of the application outlines the application, providing site analysis, design principles and photographs. Also a Traffic and Access Design report, Factual Geotechnical Report and Interpretative Technical Report have been included.

The applicants agent has indicated that in planning terms the site must be considered as previously used land within the built up urban area. It is also a highly sustainable location being very close to a number of shops and is also on a bus route.

The applicant has indicated that, in their opinion, the siting and layout of the site is unnecessary at this stage. The application site is not in a Conservation Area, nor are there listed buildings in the vicinity. The principle of residential development on this previously developed land within the urban area should hardly be in doubt.

History:-

| | | | |
|--------------|--|-----------------------------|----------|
| 05/00683/FUL | Demolition of 42 Ashby Road and construction of Temporary access | Refused | 02.11.05 |
| 95/00266/C | Filling of part of pond for future Residential Development | Recommendation Objection | |

Consultations:-

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

Severn Trent Water Ltd
Leicestershire Constabulary Crime Reduction Officer
Environment Agency
Borough Council's Land Drainage Consultant.

Director of Highways, Transportation and Waste Management have raised no objection subject to standard conditions. The submitted form, location and detail of vehicular access meets the requirements for provision of satisfactory access to the land and would be appropriate for adoption. The likely increase in traffic by the proposed development of (approximately) 30 dwellings would be less than 1% and is therefore not considered material. There is no evidence to suggest that there are any existing specific highway concerns regarding road safety and consequently, there is no justification for such a small increase in traffic to be considered unacceptable in highway safety terms. The proposal is not in anyway contrary to the Highway Authority's Development Control or Access to the Road Network Policies. It would not cause demonstrable harm and there would therefore be no sustainable highway grounds to resist the proposal.

Head of Health and Environment Services has not objected to the application and comments that the construction and daily traffic for the development with adequate protection to the adjacent premises could be acceptable and has been done at other backland development, subject to conditions..

Parks and Countryside Services comment that the applicant needs to demonstrate no further risk of collapse to the public footpath and the site has the potential to be an area of semi natural green space which should be reflected in the proposals.

Site and press notices were provided and neighbours notified. 34 letters and a petition received raising the following concerns:-

- a) noise and extra traffic provided by lorries to and from the site during filling and house building
- b) Ashby Road is very busy and the type and size of vehicles in question will pose a potential danger to other road users and pedestrians
- c) the proposed entrance is close to the ambulance station - this proposal must have delirious 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 effects on health, safety and welfare caused by vermin, noise, dust and disruption of traffic
- g) another junction will only add to all existing problems of traffic volume and traffic backing up bothways 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 expansion of the cemetery?
- k) we understand the footpath is to be increased creating a safety issue for pedestrians
- l) headlights from the additional traffic and new access will cause disruption to living standards
- m) where will the springs/ground water be diverted to?
- n) high risk of subsidence to properties
- o) property value in this area may be greatly reduced

- p) potential privacy/outlook issues
- q) can the roads cope with 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.

No comments have been received at time of writing the report from Director of Environment and Heritage Services (Archaeology).

Development Plan Policies:-

Government Policy

Planning Policy Guidance Note 14 advises local authorities, landowners and developers on planning controls over development on land which is unstable or is potentially unstable. It is advised that information about stability submitted with an application should be sufficient to enable the authority to determine the application. The use of conditions may be a way of securing special precautions to be taken or requiring further information to be submitted.

Structure Plan Policies

Leicestershire, Leicester and Rutland Structure Plan 1996-2016 adopted 7th March 2005 states in Strategy Policy 11 - 'Developer Contributions' seeks to ensure that developers meet the requirements and costs of relevant infrastructure to support the development. Housing Policy 5 'Density and Design' encourages housing development to attain a minimum of 40 dwellings per hectare (net).

Local Plan Policies

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

Policy RES5 assesses residential proposals for development on unallocated sites. Policy BE1 seeks to ensure high quality of new development, that proposals complement and do 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 IMP1 seeks to ensure that appropriate contributions towards the provision of infrastructure and facilities are made which are commensurate with the scale and nature of the development proposed.

Section 1A of the Local Planning Authority's Supplementary Planning Guidance on new residential developments, provides further advice.

The Local Planning Authority's Supplementary Planning Guidance on Play and Open Space would seek a financial contribution for the provision and maintenance of play and open space, equating to £1,850 per each residential unit, where facilities cannot be provided within the site.

Appraisal:-

Density

The application site measures 0.75 hectares with an indicated number of dwellings to be 30 dwelling per hectare. This is above the minimum density level of the local plan of 27 dwellings per hectare and within the requirement of 30 to 50 dwellings per hectare of Planning and Policy Guidance Note 3. This site is a brownfield site within an urban location, close to public transport and a transport corridor.

The proposed density is therefore considered acceptable and appropriate to the character of the area.

The current application does not include design of the proposed dwellings for consideration. The design statement notes that the mix of dwelling types will reflect local circumstances and marketing requirements. A complete range, from sheltered apartments through to modern detached and semi detached dwellings can be found in the immediate vicinity of the site.

Layout

No layout, to include details of the siting and layout of the proposed dwellings, existing trees and hedges to be retained, provision for landscaping the site, in particular its relationship to the cemetery; the measures to be taken to ensure a safe environment for the future occupiers of the proposed dwellings, have been included for consideration. In view of this the privacy/outlook distances, off street parking standards and amenity space provision cannot be judged at this time.

The applicant has identified that within the residential development a new footpath link to the nearest public footpath is proposed. This would enable future residents to access nearby amenities by foot or cycle.

Landscaping

Following the request for details on landscaping of the site, existing trees and hedges and safety measures for future occupiers, the applicant has submitted a plan showing existing trees and hedges at the site. The applicant has commented that there are no trees in the main body of the site with the only vegetation being scrub, bramble and thorn bushes. Trees are located mainly along the boundaries and in the corners of the site. Trees along all the boundaries of the site, within the applicant's control, are to be retained, subject to an expert arboricultural report. The applicant has commented that landscaping of the site is a matter for consideration at the reserved matters stage. To supplement the existing situation along the cemetery boundary new trees and a proper hedge should be planted to create a clear barrier between the two sites. Landscaping of the remainder of the site and particularly the relationship to the pit is a matter for discussion if the principle of development is established.

The applicant also notes that ensuring a safe environment for future occupiers is another matter for consideration at reserved matters stage. The measures to be taken would be the same as any other residential development in the vicinity of a body of water. Again in view of these comments landscaping and creation of a safe environment cannot be considered at this juncture.

Environmental Considerations

The proposed access from Ashby Road will result in vehicle movements adjacent existing residential properties not only during the construction phase but also for the life of the development. This is likely to have an impact on the adjacent residential occupiers and the character of the area. There is the potential for noise, vibration, dust, mud etc due to the proximity of the neighbouring dwellings. However, this form of development and associated access is characteristic of such residential development in the Borough and on its own does not warrant refusal of the application.

Access

As previously discussed the Highway Authority have not raised objections to the proposed access and consider the new access to comply with their design standards and highway policies. They would be unable to demonstrate that the access poses a safety issue, given the likely traffic increase not being material.

Contributions

Developer Contributions will be required for play and open space £1,850 per dwelling, waste management facilities £40.77 per dwelling, education £1,459 per dwelling, and library facilities (based on type of dwelling) in line with policy.

Other Issues

Impact on property value is not a material consideration.

Conclusion

In view of the above and the potential impact on adjacent residential occupiers by vehicle movements associated with the proposed development, it is considered that approval of the proposal should require the submission of a detailed proposal, for mitigation measures to be undertaken, where necessary, and geotechnical information (regarding building on the land). It should be highlighted that while additional information was requested, it is not uncommon or unreasonable to condition an outline application to require submission of specific details in regard to for example, land stability, landscaping etc. Therefore this does not warrant refusal of the application.

RECOMMENDATION:- That subject to (i) the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972, or (ii) imposition of appropriate conditions to provide financial contributions towards play and open space, waste management, education and library facilities, 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 Policy/Policies BE1, RES5, NE12, NE13, NE14, T5 and T9 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to 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 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:
 - i) The siting, design and external appearance of the proposed dwellings
 - ii) The external building materials
 - iii) The provision to be made for vehicle parking on the site
 - iv) The provision to be made for vehicle turning within the site
 - v) The provision to be made for loading and unloading within the site
 - vi) The method of disposal of surface and foul water drainage which shall be on separate systems
 - vii) The provision to be made for screening by walls and fences
 - viii) The provision of open spaces within the site
 - ix) The phasing of the development

- x) The floor levels of the proposed dwellings 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 No development shall take place until a comprehensive and detailed assessment of the impact of the proposed access on adjacent residential properties and mitigation measures to be carried out, to include details of the proposed acoustic walls and fences to be provided along the boundary of the access, have been submitted to and approved in writing by the Local Planning Authority.
- 4 No development shall take place until a comprehensive and detailed assessment of the safety measures to be undertaken along the northern boundary of the site with the pit have been submitted to and approved in writing by the Local Planning Authority.
- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - i) proposed finished levels or contours
 - ii) means of enclosure
 - iii) car parking layouts
 - iv) other vehicle and pedestrian access and circulation areas
 - v) hard surfacing materials
 - vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
 - vii) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
 - viii) retained historic landscape features and proposals for restoration, where relevant
 - ix) planting plans
 - x) written specifications
 - xi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - xii) implementation programme.
- 6 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.
- 7 No development shall take place until details of the proposed footpath link with footpath U76 have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.
- 8 The development hereby permitted shall not commence until details of the drainage works for the disposal of both surface water and foul sewerage have been submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved details.
- 9 All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing and visibility splays and be submitted for approval by the Local Planning Authority in consultation with the Highway Authority before development commences.

- 10 Before first occupation of any dwelling hereby permitted, the vehicular access shown on plan numbered phb 15600_02-Figure 3.dwg shall be completed to the satisfaction of the Local Planning Authority.
- 11 The proposed access road shall only be used for the purposes of residential development within the application site boundary.
- 12 Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and hard standings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- 13 No development approved by this planning permission shall be commenced until:
 - i) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) of the site for all potential contaminant sources, pathways and receptors shall be produced.
 - ii) A site investigation has been designed for the site using the information obtained from the desk study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must enable a risk assessment to be undertaken relating to ground and surface waters both on and off the site which may be affected, and refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements.
 - iii) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been completed.
 - iv) A Method Statement detailing remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to the remediation being carried out on the site. Prior to the commencement of main site works the approved method statement to the satisfaction of the Local Planning Authority. Appropriate validation if the remedial scheme shall be submitted to the Local Planning Authority for written approval.

Reasons :-

- 1 To comply with the requirements of Section 92 of the Town & 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 To safeguard amenities of neighbouring properties to accord with policies BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 4 To safeguard the future occupiers of the dwellings and to accord with policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 5 To enhance the appearance of the development to accord with policies BE1, RES5 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies BE1, RES5 and NE12 of the adopted Hinckley & Bosworth Local Plan.

- 7 To ensure that adequate facilities to encourage walking and cycling to nearby amenities, by residents, is provided to accord with policies T5 and T9 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution. To accord with policy NE13 of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure a satisfactory form of development and in the interests of Highway Safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 To ensure a satisfactory form of access to the site and in the interests of Highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 11 To define the permission and in the interest of residential amenity.
- 12 To prevent pollution of the water environment to accord with policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan.
- 13 To ensure the site is suitable for its intended use, to protect the quality of the water and to accord with policies NE13 and NE14 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 A public footpath passes the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.
- 4 Any street furniture within Ashby Road that requires relocation to facilitate the creation or use of the access as proposed shall be moved entirely at the expense of the applicant, who shall first obtain the separate consent of the relevant authority.
- 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 If the roads within the proposed development are to be adopted by the Highway Authority, the developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the new development.
- 7 Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide traffic calming measures within the new development.
- 8 All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager - (telephone 01455 283341).
- 9 The applicant's attention is directed to the letter dated 4 August 2005 from Leicestershire Constabulary Crime Reduction Officer.

- 10 The applicant is advised that owls and bats are protected species under the Wildlife and Countryside Act 1981 and should work proceed and any of the above species be discovered, the applicant should contact English Nature immediately.

Contact Officer:- K Burnett Ext 5898

Item: 02

Reference: 05/00837/COU

Applicant: Leicestershire Independent Educational Trust

Location: Temple Hall Farm Bosworth Road Wellsborough Nuneaton
Warwickshire

Proposal: RE-LOCATION OF MOBILE CLASSROOM AND CHANGE OF USE TO
CHANGING FACILITIES

Introduction:-

This is an application for the relocation of an existing temporary classroom to the playing field, for use as a changing facility for a temporary period of 5 years. The temporary classroom is currently located within the main school complex, by the access road to the car park.

Wolstan School is located at Temple Hall Farm, which is on the northern side of Bosworth Road in the hamlet of Wellsborough.

The application site is within open countryside and is screened by a low hedge along the boundary with Bosworth Road. The topography of the land falls east increasing the likely vista of the proposed changing facilities.

The proposal measures 150 square metres and is single storey in height. It is to be accessed via existing arrangements and would be used during school hours. It is proposed that conifers will be planted around the temporary building to assist in providing a favourable appearance to the development in this rural location.

History:-

| | | | |
|-----------------|---|----------------------|----------|
| 05/00809/CONDIT | Renewal of Permission 05/00437/TEMP | Withdrawn | |
| 05/00437/TEMP | Retention of Two Mobile Classrooms | Approved | 05.07.05 |
| 02/01309/FUL | Creation of Additional Car Parking and Revised Access Arrangements (Amended Scheme) and Erection of Railings to Front of Building | Approved | 13.11.02 |
| 02/00117/LBC | Additional Car Parking and Revised Access Arrangements | Application Returned | |
| 02/00116/FUL | Additional Car Parking and Revised Access Arrangements | Refused | 18.07.02 |

| | | | |
|--------------|--|----------|----------|
| 02/00036/LBC | Conversion of Part of Farm Buildings to Provide Science and Art Rooms Retention of Railings and Erection of PE Store | Consent | 04.04.02 |
| 02/00035/FUL | Conversion of Part of Farm Buildings to Provide Science and Art Rooms Retention of Railings and Erection of PE Store | Approved | 04.04.02 |
| 00/00222/LBC | Conversion of Farmhouse and Outbuildings to provide Accommodation for Educational Establishment Temporary Buildings for Additional Classrooms and Use of Land for Playing Fields | Consent | 16.08.00 |
| 00/00221/FUL | Conversion of Farmhouse and Outbuildings to provide Accommodation for Educational Establishment Temporary Buildings for Additional Classrooms and Use of Land for Playing Fields | Approved | 16.08.00 |

Consultations:-

No objections have been received from:-

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

No comments have been received at the time of writing the report from:-

Head of Health and Environment Services
Parish Council
Neighbours.

Development Plan Policies:-

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

Structure Plan

Strategy Policy 8 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.

Local Plan

Policy NE5 aims to protect the countryside and only permits 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 BE5 requires that new development in the setting of a listed

building will preserve and enhance the listed building by appropriate control over the developments scale, form siting and design.

Appraisal:-

Wolstan School is preparatory to the Dixie Grammar School in Market Bosworth. The use of Temple Hall Farm, a listed building, has been established for some time. However, it is clear from recent applications that due to expansion of the school, it requires additional accommodation. The Leicestershire Independent Educational Trust are anxious to continue to improve the accommodation and facilities at the school.

Not only does the Local Plan allocation of the site within open countryside restrict the expansion of new buildings into the locality, but also the listed status of the main school building that is adjacent to the application site.

The application site is currently very open, with low hedges running along the boundary of the playing field. Despite the small size and scale of the building, it is considered that it would be very prominent and visible. The site is located on the edge of the hamlet of Wellsborough with open views from the main road. The topography of the land does not assist in reducing its openness.

The proposed building, even on a temporary basis, has the potential to have a detrimental impact on the character and appearance of the landscape. Although additional screening has been proposed as part of the application, this is likely to attract more attention to the temporary changing facility as the screening would appear unnatural and 'foreign' to the existing character of the area, in particular due to the suggestion of using a conifer screen.

The building has been at the school site for a number of years, but it was located within the main complex rather than extending out into this area of open countryside and was only to be temporary solution to an accommodation problem. The changing facilities would be better provided in an existing school building.

Conclusion

As previously noted, the principle of a school use at this location is already established. However, expansion of the school should not be to the detriment of the open countryside nor the listed building. While the current proposal is not considered to have a detrimental impact on the listed building given its siting, further expansion of the school may well. Additional accommodation for the school should be provided in existing buildings. A building, even for a temporary period will result in a precedent being set for expansion of the school outside of the existing school complex into open countryside. The proliferation of temporary buildings such as this would be visually harmful and conflict with Structure Plan and Local Plan Policy.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, the proposal would result in an unwarranted and unacceptable form of development intruding into open countryside with a consequential loss of visual amenity due to its siting design and proposed screening. Therefore the proposal is contrary to Strategy Policy 8 of the adopted Leicestershire, Leicester and Rutland Structure Plan and Policy NE5 of the adopted Hinckley and Bosworth Local Plan.

- 2 In the opinion of the Local Planning Authority, 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. Therefore the proposal is contrary to Strategy Policy 8 of the adopted Leicestershire, Leicester and Rutland Structure Plan and Policy NE5 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- K Burnett Ext 5898

Item: 03

Reference: 05/00849/FUL

Applicant: Mr And Mrs D Garland

Location: Land Off Ratcliffe House Lane Ratcliffe Culey Atherstone,
Warwickshire

Proposal: SITING OF A MOBILE HOME IN CONNECTION WITH AGRICULTURE

Introduction:-

This is a full planning application for the siting of a mobile home in connection with agriculture on land at Ratcliffe House Lane, Ratcliffe Culey, Atherstone.

The proposal arises due to the dissolving of a farming company by the applicant's father. This has resulted in the farmhouse at Mythe Farm, which is currently occupied by the applicants being passed to Mr Garland's brother, together with the farm buildings, and approximately 30 hectares of the farmland situated at Mythe Farm. The remaining farmland which Mr D Garland, the applicant will farm, comprises 44.5 hectares of owned land, 201.9 hectares of rented land and 204.46 hectares taken on insecure short-term lets in the area.

The permanent 247 hectares of land is cropped with approximately 81 hectares of winter wheat, 45 hectares of barley, 16 hectares of beans, 28.5 hectares of oil seed rape, and 81 hectares of grassland. 24 hectares of grassland is mown for silage each year. The grassland is currently stocked with 150 ewes and lambs, for finished lamb production, and 100 single suckler cows and their calves which are currently sold as reared calves/store cattle. It is proposed to increase the suckler herd to 150 cows and to finish the calves.

The mobile home will be sited on land south of Ratcliffe House Lane adjacent to 2 existing agricultural buildings and will be accessed by an existing farm track. The mobile home will measure approximately 13 metres in length by 6 metres wide with a ridge height of approximately 3.7 metres above ground level.

Supporting evidence submitted with the application includes a design statement providing a site analysis and a document stipulating the existing agricultural system, present number of standard man-days and Ordnance Survey plans showing the locations of the current holdings.

An application by the same applicants for the erection of grooms quarters and hay barn was refused in August 2003 and a subsequent appeal was dismissed in October 2004. It was considered that the bulk of the building would be detrimental to the appearance of the

countryside and that the justification of the grooms quarters would not be sufficient to outweigh the presumption against new housing development in the countryside.

History: -

| | | | |
|--------------|-----------------------------------|----------|----------|
| 05/00088/GDO | Erection of agricultural building | Approved | 25.02.05 |
| 05/00207/GDO | Erection of agricultural building | Approved | 24.03.05 |

Consultations:-

No objections have been received from:-

Head of Health and Environment
Director of Highways, Transportation and Waste Management
Borough Council's Land Drainage Consultant.

Parish Council have raised the following concerns:-

- a) They believe that there is adequate housing for these families and that business decisions are not a reason to build a house on a Greenfield Site.
- b) In view of the refusal for a conservatory on an adjoining property, it is felt that it would be incongruous to allow a new property to be built.

The Director of Property Services is satisfied that the applicants are no longer in possession of the existing farmhouse and advises that the holding does pass the functional test as there is agricultural support for a mobile home for a maximum of three years. After this time the applicant would be required to demonstrate that the holding is capable of sustaining the cost of a permanent dwelling to pass the functional test.

No comments have been received from:-

Site Notice. There are no nearby neighbours.

Development Plan Policies:-

The application site is in an open countryside location and outside any defined settlement boundary as designated in the adopted Hinckley and Bosworth Local Plan.

Government Advice

Planning Policy Statement 7 states that in relation to new agricultural dwellings in the countryside there will be some cases in which the demands of the farming industry or forestry work may make it essential for one or more of the people engaged in this work to live at or very close to the site of their work. Whether this is essential in any particular case will depend on the needs of the farm or forestry enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years be provided by a caravan or other temporary accommodation. Nevertheless there are strict criteria to follow when scrutinising this point.

Structure Plan

Strategy Policy 8 of the adopted Leicestershire, Leicester and Rutland Structure Plan states that the countryside will be protected for its own sake, but dwellings essential for agricultural or forestry need will be considered. Strategy Policy 3 of the adopted Leicestershire, Leicester and Rutland Structure Plan reiterates this point.

Local Plan

Policy NE5 of the adopted Hinckley and Bosworth Local Plan limits development in the open countryside to that which is required in connection with the operational requirements of agriculture, horticulture, forestry, recreation, public utilities and tourism. Another provision of the policy is that development should be capable of being accommodated by the highway network and should not impair road safety.

Development in the countryside should not have an adverse effect on the character of the landscape and should be in keeping with the scale and character of existing buildings and the general surroundings. Development, where necessary, should be effectively screened by landscape or other methods.

Policies RES11 and RES12 make provision for new mobile agricultural dwellings so long as it can be demonstrated that the accommodation is needed for the security and efficient working of the unit; that the unit is sufficiently viable to sustain any additional worker in full time employment; and that there is no other suitable alternative accommodation in the local housing market. Furthermore, where the principle of a new agricultural dwelling is supported, every effort should be made to locate it within or adjacent to an existing farm complex or other groups of buildings.

Appraisal:-

Policy RES11 states residential mobile homes may receive planning permission in exceptional circumstances for a limited period in connection with the development of an agricultural holding. Policy RES12 states that to ensure that the proposed agricultural dwelling is genuine and that the associated agricultural activities will materialise and are capable of being sustained in the longer term, specific evidence must be submitted to the Local Planning Authority, together with an agricultural appraisal, justifying the scheme from both a financial and functional point of view.

One specific criteria laid down in Planning Policy Statement 7 is that there is clear evidence of a firm intention and ability to develop the enterprise concerned. The investment in new farm buildings is often a good indication of intentions and the applicant has received planning permission for two agricultural buildings over the last year which have both now been erected.

An agricultural appraisal has been completed and based on the advice of Leicestershire County Council's Director of Property, it is considered that the submitted evidence would pass the functional test. He considers that there is agricultural support for a mobile home on this holding for a maximum of three years after which time the applicant would be required to demonstrate that the holding is capable of sustaining the cost of a permanent dwelling. However, if the holding was unable to sustain the cost of a permanent dwelling at this time, it should be made clear to the applicants that the mobile home/caravan would have to be removed from the site and no residential accommodation would be approved on this holding.

Taking into account the amount of land the applicant rents, either on full agricultural tenancy or on a ten year farm Business tenancy, the onus will be on the applicant to demonstrate that they can meet the requirements for a permanent dwelling in three years

time, as it would be unsatisfactory to grant successive extension to a temporary permission over a period of more than three years.

Owing to the proposed site being well related to the existing agricultural buildings and being well screened by extensive hedging and trees from Main Road in Ratcliffe Culey and from Atterton Road by over 1km and 600m respectively, the actual siting of the proposed mobile home within the open countryside along with the existing access track, of which the Highway Authority have no objection to, is considered acceptable.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies RES11, RES12, BE1, NE14 and NE5 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 This permission is limited to the period expiring on 25th December 2008. Immediately on the expiry of that period the mobile home hereby permitted shall be removed unless in the meantime a further planning permission has been granted.
- 2 Before any development commences full details of the external finishes and colours to the mobile home shall be submitted to and approved by the Local Planning Authority. The approved external finishes and colours shall be implemented within two months of the siting on the mobile home on site.
- 3 The occupation of the mobile home shall be limited to the person(s) wholly or mainly employed, or last employed locally in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in accordance with the approved details.

Reasons :-

- 1 The site lies within an area where the Local Planning Authority would not normally grant permission for residential development and the materials to be used in the construction of the building make it unsuitable for permanent permission to accord with policies RES11 and RES12 of the adopted Hinckley and Bosworth Local Plan.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 3 The site lies within an area where the Local Planning Authority would not normally grant permission for residential development. But for the special circumstances of the applicant the Local Planning Authority would not have been prepared to grant permission to accord with policies RES11 and RES12 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 suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.
- 4 The septic tank proposal will require the consent of the Environment Agency and must comply with that Authority's conditions.
- 5 The applicant should not that if the holding was unable to sustain the cost of a permanent dwelling by 25th December 2008, the mobile home shall be removed from the site.

Contact Officer:- K Garman Ext 5680

Item: 04

Reference: 05/00887/FUL

Applicant: Jan & Tom Wightman

Location: Jan And Tom Wightman 27 Regent Street Hinckley Leicestershire
LE10 0AZ

Proposal: INSTALLATION OF STEEL ROLLER SHUTTERS AND ALTERATIONS
TO SHOP FRONT

Introduction:-

This application was deferred from the previous planning committee to allow for further negotiations in respect of the proposed design and to also allow for consultation with the Leicestershire Constabulary Crime Reduction Officer. An updated copy of the report follows for Members' consideration.

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.

The Leicestershire Constabulary West Area Crime Reduction Officer has recommended that roller shutters with small puncture holes to allow in light or printed shutters would be more in keeping with the street scene.

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 had been suggested that the applicant considered 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.

Following consultation with the Leicestershire Constabulary, the crime and incident data for Regent Street highlights that Regent Street is a high incident area. Whilst the data provided does not directly relate to the Village Jewellery Shop it is apparent that the shop is located within the heart of the area. The recommendation received is that any proposed roller shutters should be either solid steel with small puncture holes to allow in light or should incorporate a printed design. Further discussions with the applicant has indicated, that both the use of a silicon filled, external roller grille shutter or a printed shutter, are being explored as alternatives. During this discussion planning officers' preference for the silicon filled grille was communicated, however, no revised plans have yet been received.

As part of the current 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. Notwithstanding this however, the proposed canopy has reduced the projection of the existing, in order to accommodate the shutter box, whilst attempting to prevent the proposal from looking more prominent than the existing canopy.

In respect of the proposed pilasters, it is considered that this will improve the shop frontage by providing a more traditional appearance.

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. Accordingly, in the absence of an amended proposal planning officers are minded to refuse the application for the reasons set out below.

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: 05/00916/REM
Applicant: FE Downes
Location: Land Adjacent To 32 - 36 Derby Road Hinckley Leicestershire
Proposal: ERECTION OF 18 FLATS

Introduction:-

This is a reserved matters application for the erection 18 flats on an area of vacant land and recently demolished buildings associated with a former knitwear factory.

The site is bounded to the west by Derby Road and to the east by Mill View. To the north and south of the site is a mix of residential, office and industrial uses. The surrounding area is primarily residential although there are many commercial uses in the locality.

The scheme comprises of two two-storey blocks of four flats fronting Derby Road and two two-and-a-half-storey blocks to the rear of the site adjacent Mill View. Vehicular access to the development would be off Derby Road, although six parking spaces are provided off Mill View. Twenty-one off-street car-parking spaces are shown within the curtilage of the site, making a total provision of twenty-seven (150%). Existing factory parking on Mill View would also be retained (six spaces).

Outline planning permission for the erection of flats was granted in 2003 with siting and access approved at that stage. Since the grant of outline planning permission, an adjacent site has been acquired by the applicants. This is the subject of a separate detailed application for a block of four maisonettes of similar design to that of this application and utilising the same access off Derby Road. The application follows on this agenda.

History:-

| | | | |
|--------------|---|----------|----------|
| 02/00534/OUT | Erection of flats | Approved | 24.02.03 |
| 97/00058/4 | Conversion of former offices to two flats | Approved | 21.02.97 |

Consultations:-

No objection has been received from:-

Head of Health and Environment Services
Environment Agency.

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

Borough Council's Land Drainage Consultant
The Director of Highways, Transportation and Waste Management
Severn Trent Water Limited.

The Director of Community Services (Developer Contributions) requires a financial contribution towards education and library facilities. It should be noted, however, that financial contributions were subject to a Section 106 legal agreement at the time of the outline approval.

Development Plan Policies:-

The site is identified in the Hinckley & Bosworth Local Plan as an existing employment site. Policy EMPI (b) of the Local Plan relates to this area, south of John Street, where existing industrial uses are acceptable but where applications for alternative uses will be considered on their own merits. The Council's Employment Land and Premises Study recommends that the site be retained for employment, although the Study was produced in 2004 and therefore subsequent to the grant of outline planning permission for residential development.

Policy BE1 of the Local Plan states that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area; where they comply with appropriate design, layout, highways and parking standards to ensure that it does not detract from the general character of the area or the amenities of adjoining residents; and incorporate landscaping to a high standard.

The Council's Supplementary Planning Guidance on new residential development provides further advice on such developments.

Appraisal:-

Although the site is in an area of mixed uses it nevertheless remains adjacent to established residential areas, and, in any case, the principle of its development for residential purposes has already been established with the grant of the outline planning permission.

In terms of the siting of development, the proposal complies with the Council's separation standards.

The submitted details show blocks with strong gable features and projecting front steps. In respect of the Derby Road frontage only, this is not a common element of the surrounding development. In this case, the applicant's agents have agreed to amend those particular blocks by deleting the gables and reducing the projection of the steps.

Although no private gardens are shown, the layout does show some limited areas of communal amenity space for each block. In terms of achieving an appropriate high density layout in this location, however, this is not considered to be a significant objection.

Notwithstanding Condition 4 of Outline Planning Permission ref.no. 02/00534/OUT, and further to the latest highway design guidance (September 2004), the Highway Authority now recommends that, in the interests of highway safety, the access off Derby Road is provided with an effective width of 4.8 metres (5.8 between walls). The applicant's agents have been advised of this and have agreed to amend the access details accordingly.

RECOMMENDATION :- Permit subject to the following conditions :-

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

- 1 This permission relates to the application as revised by amended plan received by the Local Planning Authority on ****

Reasons :-

- 1 To define the permission.

Notes to Applicant:-

- 1 You are reminded that Conditions attached to the Outline Planning Permission for the development of this site (ref.no.02/00534/OUT) remain to be complied with, and that the development is also subject to a Section 106 legal agreement relating to financial contributions towards off-site public open space and education facilities.

Contact Officer:- N Wright Ext 5605.

Item: 06

Reference: 05/00960/FUL

Applicant: Persimmon North Midlands

Location: Land Adj Beulah House Station Road Market Bosworth Nuneaton, Warwickshire

Proposal: MODIFICATIONS TO APPROVED SCHEME INCLUDING SUBSTITUTION OF HOUSE TYPES ON PLOT NOS 1-30 AND 37-48 INCLUSIVE

Introduction:-

This is a full application for modifications to the approved scheme including substitution of house types. The application site is phase 2 of the residential development scheme at Station Road, Market Bosworth.

The site is prominent on the approach to Market Bosworth from a westerly direction and is between the Ashby-de-la-Zouch canal and the Battlefield Line. Phase 1 has been completed and is partially occupied.

The total area of the site of the revised scheme is 0.91 hectares with the office element of the application measuring 362.9 square metres.

The proposal is a mixed use development of residential and employment use (part live/work).

Phase 2 has been amended due to a lack of car parking, little usable garden area, no variation in mix of house types and the internal design of some houses. Phase 1 of the approved scheme has been slow to sell and/or attract purchasers according to the applicant. Therefore the current application amends phase 2 in an attempt to overcome some of these problems.

History:-

| | | | |
|--------------|---|----------|----------|
| 04/00577/REM | Repositioning of Pumping Station and Plots 26-41 Inclusive Change to House Type | Approved | 17.06.04 |
|--------------|---|----------|----------|

| | | | |
|--------------|---|-----------|----------|
| 03/00652/REM | Mixed Use Redevelopment (185 Residential and 16 Class B1 Units) with Associated Landscaping and Engineering Works | Approved | 04.09.03 |
| 02/00845/OUT | Mixed Use Redevelopment (Residential and Class B1 Units) with Associated Landscaping and Engineering Works | Approved | 02.10.02 |
| 01/01230/OUT | Residential Development with Associated Access Improvements | Withdrawn | |

Consultations:-

No objections have been received from:-

Environment Agency
 Central Networks
 English Nature
 Head of Health and Environment Service
 British Waterways.

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

Leicestershire Constabulary Crime Reduction Officer
 Director of Highways, Transportation and Waste Management.

Parish Council have objected on the following grounds:-

- a) disappointed that most dwellings are still three storey - these obviously do not sell well
- b) the whole site shows little improvement
- c) it is also deplorable that three storey flats are proposed along the canal side
- d) these will be detrimental to the views when approaching Market Bosworth from the west
- e) the site is unattractive, properties are not selling and a development of one or two storey buildings would enhance the site and probably be more appealing to the buying public.

No comments have been received at the time of writing the report from:-

Borough Council's Land Drainage Engineer
 Severn Trent Water Ltd
 Neighbours.

Development Plan Policies:-

The site is located within open countryside, as identified in the adopted Hinckley and Bosworth Local Plan, on a site allocated for employment purposes.

Policy RES5 assesses residential proposals for development on unallocated sites. Policy BE1 seeks to ensure high quality of new development, that proposals complement and do 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 REC7 seeks to provide a strip of land each side of the Ashby Canal as a recreational and wildlife corridor. Policy EMP1 (b) states that alternative uses of the site are to be considered on their merits.

Section 1A of the Local Planning Authority's Supplementary Planning Guidance on new residential developments, provides further advice.

Appraisal:-

Principle

As shown under planning history, both phase 1 and 2 were approved under previous applications. This proposal makes alterations to the approved phase 2 and includes the addition of 4 new residential units. Therefore the principle of residential development (with employment provision) has already been established.

Design

The site layout identifies a mix of types of dwellings including work units. The mix includes 4 two bedroomed houses, 10 three bedroomed houses, 19 four bedroomed houses and 15 two and three bedroomed flats. There are 6 work units proposed. Phase 1 also has a mix of types of dwellings.

The layout of the site is based on the principles already established under the previous approval. However, the main changes to the layout are along the canal and fronting the spine road. The changes involve alternative footprints and types of dwellings. The general form of the site, blocks of dwellings and spine road, are repeated. However the flats fronting the canal are closer than previously approved, removing the footpath between the canal and development. Given the concern about this part of the proposal an amended plan has been submitted moving the flats and dwellings back from the canal.

Density

The application site measures 0.91 hectares, which, with 48 dwellings, gives a density of around 53 dwellings per hectare. This is above the minimum density level of the local plan of 27 dwellings per hectare, and above the Planning Policy Guidance Note 3 guidance that requires 30-50 dwellings per hectare. Given the mix of dwellings, ie flats and houses, a slightly higher density than 30-50 dwellings is considered acceptable. Flat and apartment developments more often than not result in higher densities.

Highways

In regard to parking and access for the scheme, the proposed parking area for the flats 1-15 and the location of the proposal, it is considered that the level of off street car parking shown is inadequate to cater for the numbers of vehicles likely to be associated with the proposed flats. This shortfall in parking could potentially result in vehicles parking on the shared private drive way outside the curtilage of the flats, rather than vehicles parking on the access roads in the vicinity of the flats, due to the positions of other private accesses and road junctions. Some of the landscaping features proposed may also restrict access to the proposed flats and parking spaces.

The proposed shared private drive shown to serve plots 41 - 44, appears to lack visibility allowing 2 vehicles to pass. Standards for shared private drives, serving between two and five dwellings, requires a minimum effective width of 4.25 for the first 5 metres from the Highway boundary. The proposed access seems to be in the region of 3 metres wide and therefore would not allow vehicles to pass.

Conclusion

In view of these comments from the Highway Authority and the requirements for conditions to provide appropriate width of driveways and visibility splays, the scheme has been amended to meet the Highway Standards. The Highway Authority has been consulted on the amended plan to check compliance and their comments will be reported as a late item. In view of amended plans being received, the principle of mixed use development at the site has already been established and with the revised phase 2 complementing phase 1, the proposal to considered acceptable subject to developer contributions and appropriate conditions.

RECOMMENDATION:- That subject to (i) the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972, or (ii) imposition of appropriate condition to provide financial contributions towards play and open space, health facilities, education library facilities and waste management, 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 Policy/Policies BE1, RES5, NE12, NE14, 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 This permission relates to the application as revised by amended plan SL.02 Rev A received by the Local Planning Authority on 14 November 2005
- 3 No development shall commence on site until such time as the existing and 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.
- 4 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification development within Schedule 2, Part 1 Class A-E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 6 None of the proposed dwellings shall be occupied until works for the disposal of surface water and foul water have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 7 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

- 8 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - i) proposed finished levels or contours
 - ii) hard surfacing materials
 - iii) planting plans
 - iv) written specifications
 - v) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- 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.
- 10 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.
- 11 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 12 Notwithstanding the plans submitted, details of the required bin store shall be submitted to and approved in writing by the Local Planning Authority.
- 13 Any garage and car port doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller/shutter doors, 5.6 metres for up-and-over doors or 6 metres for doors opening outwards and thereafter shall be so maintained.
- 14 The gradients of any access drives shall not exceed 1:12 for the first 5 metres behind the Highway boundary.
- 15 The car parking and any turning facilities shown within the curtilage of each dwelling and workspace shall be provided before the dwelling/workspace is occupied and shall thereafter permanently remain available for such use.
- 16 Before first occupation of any dwelling or first use of any workspace, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained at all times.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 In the interests of visual amenity to accord with policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

- 4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 5 To safeguard amenities of neighbouring properties to accord with policy BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure satisfactory provisions are made for the drainage of the site to accord with policies BE1 and NE14 of the adopted Hinckley and Bosworth Local Plan.
- 7 To avoid water pollution to accord with policies BE1 and NE14 of the adopted Hinckley and Bosworth Local Plan.
- 8 To enhance the appearance of the development to accord with policy BE1 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 9 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 10&11 To safeguard the health of future occupiers of the residential properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 12 To provide adequate storage for wheelie bins to safeguard amenities of neighbouring properties and future occupiers to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 13 To enable a vehicle to stand clear of the highway whilst the garage doors 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.
- 14 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 15 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 and to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 16 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.

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 applicant's attention is directed to the letter from Central Networks dated 28th September 2005.
- 4 The applicant's attention is directed to the letter from English Nature dated 4th October 2005.

- 5 The applicant's attention is directed to the letter from Leicestershire Constabulary dated 10th October 2005.
- 6 The applicant's attention is directed to the letter from British Waterways dated 14th October 2005.
- 7 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager - (telephone 01530 262380).
- 8 The applicant's attention is drawn to the requirement contained in the Highway Authority's design document to provide Traffic Calming measures within the new development.
- 9 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.

Contact Officer:- K Burnett Ext 5898

Item: 07

Reference: 05/00985/FUL

Applicant: Mr D Gardner

Location: Topps Wine Bar 3 Chapel Street Barwell Leicester LE9 8DE

Proposal: CREATION OF FIRST FLOOR BALCONY

Introduction:-

This application was deferred at Planning Committee on 1st November 2005 in order to carry out further consultations with Leicestershire Constabulary's Crime Reduction Officer. The Crime Reduction Officer's comments and observations will be reported as a late item. The report to last months committee is repeated for members information.

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 | 08.11.01 |
|--------------|---|----------|----------|

Consultations:-

No objections have been received from: -

Borough Council's 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 adopted 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: 08

Reference: 05/00997/FUL

Applicant: Mrs Crow

Location: Spinney Farm Barlestone Road Newbold Verdon Leicester LE9 9NF

Proposal: ERECTION OF REPLACEMENT DWELLING

Introduction:-

This full application for the replacement of an existing single storey dwelling with a larger dormer bungalow was deferred at the previous Planning Committee on 1st November 2005 to allow further discussions to take place with the applicant with a view to amending the proposed replacement dwelling. The Committee decided following a site visit that whilst the agricultural support was not substantiated in this instance, that due to the presence of an existing unattractive bungalow on the site and the need for additional accommodation to support the farming activities undertaken by the applicant's son, a reduced scheme would be supported. Amended plans have now been received that substantially reduce the additional floor-space and mass of the proposed bungalow by removing the accommodation in the roof space, although the footprint remains as previously proposed. The report to last months meeting has been repeated for member information and updated with a revised recommendation.

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 two 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 for a larger dormer bungalow 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 may be more acceptable to the Local Planning Authority. 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 |
| 96/00404/FUL | Extension to Dwelling | Approved | 19.07.96 |

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:-

Newbold Verdon Parish Council.

The Director of Property and Resources (Agricultural Appraisal) has provided an agricultural appraisal that confirms that there is no agricultural support for the proposed replacement dwelling.

Development Plan Policies:-

Government Advice

Planning Policy Statement 7 states that isolated new houses in the countryside require special justification for planning permission to be granted and that new permanent dwellings should only be allowed to support the existing agricultural activities on well established agricultural units providing there is a clearly established functional need and the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to part-time requirement. New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. It further states that agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long term should not be permitted.

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 proposed bungalow is located between Newbold Verdon and Barlestone outside of any established settlement boundary and is therefore in open countryside. The existing single storey dwelling 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.

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 to comply with Strategy Policy 8 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016 and to Policies NE5 and RES10 of the adopted Hinckley and Bosworth Local Plan. The land holding of approximately 12.85 hectares is intended to provide only part time agricultural employment for the applicant's son. The Director of Property and Resources (Agricultural Appraisal) has confirmed that there is no agricultural support for a replacement dwelling as the holding fails the functional and financial tests as set out in Annex A of Planning Policy Statement 7 and the occupiers will be unable to comply with any Agricultural Occupancy Condition imposed as they will not be wholly or mainly employed in agriculture.

Notwithstanding this, the amended proposal has substantially reduced the additional floor-space and mass of the proposed bungalow by removing the accommodation in the roof-space and reducing the height of the ridge by 1 metre. The proposed footprint will still increase by 65 square metres (an increase of approximately 57% on the existing footprint) however the overall proposal is now considered to be more modest in relation to the original proposals and may be considered to be more of an extension to the existing dwelling than a replacement dwelling. The amended plans also help to reduce the impact that the proposed dwelling would have on the visual amenities and appearance of the countryside. In addition, it is considered that the replacement of the poorly constructed timber element at the front of the dwelling with a new brick built element with a traditional pitched roof will also improve the appearance of the dwelling itself.

The existing dwelling is currently screened by a row of tall conifers that will be removed as part of the proposed development. No screening or landscaping scheme has been included in the application to screen or enhance the development to comply with policies BE1 and NE5, however this can be covered by an appropriate condition.

Conclusion

In strict policy terms a replacement dwelling in open countryside without special justification is contrary to Development Plan Policies. However, the current amended proposals have substantially reduced the proposed accommodation in terms of floor-space, scale and mass and could be considered to be more of an extension to the existing dwelling than the original proposal that was for a large dormer bungalow. In view of this and given Members comments at the previous Planning Committee, the proposed development is considered to be more acceptable in policy terms.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, NE5, RES10 and T5 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 This permission relates to the application as revised by amended plan 05/00997/A/FUL received by the Local Planning Authority on 16 November 2005
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking (or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Class A-E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 5 Before any development commences a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate the treatment proposed for all ground surfaces together with the species and materials proposed and their disposition.
- 6 The approved landscaping scheme shall be carried out during the first appropriate planting season following the date when the proposed dwelling is ready for occupation. The scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs that 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.
- 7 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.

- 8 Before first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
- 9 Before first occupation of the dwelling hereby permitted turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 To safeguard the character and appearance of the surrounding area to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 6 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.
- 7 To enable a vehicle to stand clear of the highway whilst the gates are opened.
- 8 In the interests of road safety and to reduce the possibility of deleterious materials (loose stones etc) being deposited in the highway.
- 9 To ensure that vehicles may enter and leave the site in a forward direction in the interests of road safety to accord with policy BE1 of the 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 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.
- 3 The septic tank proposal will require the consent of the Environment Agency and must comply with that Authority's conditions.
- 4 The applicant's attention is drawn to the contents of the attached report provided by Central Networks.

- 5 In relation to Condition 5, the landscaping scheme should include the planting of native trees and shrub species appropriate to this open countryside location.

Contact Officer:- R Wright Ext 5894

Item: 09
Reference: 05/01015/FUL
Applicant: Rosemound Developments Ltd
Location: Land Adj Sketchley Lane Industrial Estate Watling Street Hinckley
 Leicestershire LE10 3HZ
Proposal: DISTRIBUTION CENTRE AND ANCILLIARY OFFICES (RESUBMITTED SCHEME)

Introduction:-

This is a full planning application for the erection of a storage and distribution building to be constructed on a roughly rectangular plot of land of approximately 1.91 hectares located between the A5 and the primary estate road within the Logix Park development. The overall floor space amounts to 8963 square metres (96,500 square feet) incorporating 279 square metres (3,000 square feet) of offices on the elevation of the building facing the main estate roadway. The proposal also includes car parking for 96 vehicles, facilities for cyclists and disabled drivers as well as a substantial service area on the north western side of the building which will be screened by adjacent new development and mounded landscaping.

The building will be 16.3 metres in overall height with eaves at approximately 12.2 metres and will incorporate architectural elements previously approved for other buildings on the Logix Park development. These include accentuated curved roof profiles with pronounced eaves overhanging, external bracing features and contrasting elevational treatments.

History:-

| | | |
|--------------|---|--------------------------------|
| 97/01066/OUT | Outline for general industry (Class B2 and warehousing (Class B8) including a new traffic island to the A5 and link road to Sketchley Lane Industrial Estate. | Approved on appeal 23.03.99 |
| 0/01167/REM | Siting, design and external appearance of six industrial units, layout of the estate and structural landscaping. | Approved 19.07.01 |
| 03/00331/FUL | Primary infrastructure for whole estate comprising roads, footpaths, cycleways, drainage and structural landscaping. | Withdrawn 10.10.03 |
| 03/01217/FUL | Resubmission of primary infrastructure incorporating a Design and Development Framework Document. | Approval 13.01.04 |
| 04/01150/FUL | Erection of building for use within Classes B2 and B8, offices, parking and landscaping | Approved 17.12.04 |

Consultations:-

The Highways Agency considers that the maximum permissible gross external floor space for buildings within the specified B2/B8 use classes permitted under the outline planning permission will not be exceeded as a result of this application and the proposal therefore falls within the original outline consent and the predicted traffic flows. Consequently no objection is raised to the proposal subject to a condition limiting the floorspace to that which is applied for.

No objection subject to standard conditions received from:-

The Director of Highways, Transportation and Waste Management
Severn Trent Water
Environment Agency.

The Leicestershire Constabulary Crime Reduction Officer reports that the scheme follows advice on lighting CCTV, landscaping, fencing and security contained in their Design Guide for Business/Industrial Parks.

The Health and Safety Executive have previously indicated that they would not advise against granting planning permission on safety grounds.

Central Networks have no objection but point out the location of their equipment within the vicinity of the site.

No objections have been received from:-

British Waterways
Inland Waterways Association
Borough Council's Land Drainage Engineer.

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

Rugby Borough Council
Press and Site Notices
Neighbouring properties and businesses.

Development Plan Policies:-

The application site forms part of a larger area identified in the adopted Hinckley and Bosworth Local Plan as being the Borough Council's principal employment allocation. Policy EMP3(c) states that planning permission will be granted for industry or for storage and distribution purposes provided various criteria are complied with, including improvements to the A5, a comprehensive landscaping scheme and the safeguarding of future access to land to the north.

The approved Leicestershire, Leicester and Rutland Structure Plan (1996-2016) states that the use of employment land for storage and distribution purposes will be permitted on sites with good access to the Principal Road Network (Employment Policy 6).

The Employment Land and Premises Study undertaken by consultants on behalf of the Borough Council has confirmed the need to retain the Logix Park site for employment purposes as a distribution park for the local and regional logistics sector.

A Planning Brief for the site was published in October 2000 which included a framework for development highlighting issues such as design principles, archaeology, noise, contamination, drainage, landscaping and infrastructure.

Policy BE1 of the adopted Local Plan seeks to ensure a high standard of design in order to secure attractive development and enhance the existing environment.

Appraisal:-

The Logix Park site is identified in the adopted Development Plan as being a principal employment area for the Borough and its importance as a regional distribution location has been confirmed by employment consultants. A detailed planning permission for industrial and warehousing purposes was granted in 2001 and substantial infrastructure in the form of a new traffic island access off the A5 as well as internal roadways, footpaths and cycleways, drainage, street lighting and structural landscaping have been completed or are in the process of being implemented in accordance with permission given in January 2004.

This application site is the same as the one on which planning consent was granted for a combined Class B2/Class B8 unit in December 2004, designed for an established local business but which is not now required. The proposed building has a marginally larger floorspace (8965 square metres rather than 8918 square metres) and it is a speculative, wholly warehousing, development, incorporating integral office space. The overall height has been increased from 14.5 metres to 16.3 metres but the design of the building incorporates similar architectural features to proposals which have been previously permitted and which meet the principles of the approved Design and Development Framework Document for the whole estate as well as complying with adopted Local Plan Policies and the Design Brief which seeks to achieve a high standard of design in new developments.

The proposed warehousing use for the building accords with the original outline planning approval for the site and complies with the Development Plan in land use terms. On the basis of current employment rates for this type of use it is anticipated that the development is likely to create 75-100 jobs. The Highways Agency confirms the proposal is acceptable in terms of traffic generation figures and parking arrangements within the site meet the parameters laid down by the appeal Inspector at the outline stage. The financial contribution towards off-site highway improvements, which was a legal requirement of the outline consent, has already been paid.

Subject to conditions covering facing materials, the implementation of an agreed comprehensive landscaping scheme, the continuing monitoring of archaeological remains, drainage of the site and implementation of parking and servicing arrangements as well as the incorporation of a Green Travel Plan, it is recommended that the application is approved.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies EMP3 (c), BE1 and T5; 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 This permission relates to the application as revised by amended plan 4068-7a received by the Local Planning Authority on 15 November 2005.

- 3 Notwithstanding the submitted details, no development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed building have been deposited with and approved in writing by the Local Planning Authority. The approved materials shall be incorporated into the development hereby permitted.
- 4 Before any development commences, the colour and treatment of the proposed fencing shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented as part of the development hereby approved
- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - i) proposed finished levels or contours
 - ii) hard surfacing materials
 - iii) planting plans
 - iv) written specifications
 - v) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - vi) implementation programme.
- 6 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.
- 7 The net floor area including mezzanine accommodation shall not exceed 8965 square metres unless agreed otherwise in writing by the Local Planning Authority in consultation with the Highways Authority.
- 8 Before the development hereby approved is first brought into use details of a Green Travel Plan for the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented as part of the permitted development.
- 9 Before the development hereby approved is first brought into use the car and lorry parking areas, service areas and access roads shall be surfaced in accordance with the approved plans and retained for those purposed at all times thereafter.
- 10 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- 11 No development shall commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as part of the development.
- 12 No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant t this condition. The archaeological works shall be carried out by a suitable qualified body acceptable to the Local Planning Authority.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3&4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 6 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.
- 7 To restrict the size of the buildings and the ability to generate traffic movements in order to ensure the safe and efficient movement of traffic upon the A5 Core Trunk Road as part of the national system of routes for through traffic and for highway safety to accord with Policy T5 of the Hinckley and Bosworth Local Plan.
- 8 In the interests of sustainability of the site to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure that adequate car parking and servicing facilities will be available to serve the premises when they are brought into use.
- 10&11 To ensure satisfactory provisions are made for the drainage of the site.
- 12 To ensure satisfactory archaeological investigation and recording to accord with policy BE1 of the 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 The applicant is reminded of the requirements of the original outline planning permission for the Logix Park site (Ref 97/01066/OUT) as well as the accompanying legal undertaking and the need to comply with the requirements of the Infrastructure Permission (Ref 03/01217/FUL) particularly in relation to the Design and Development Framework Document.
- 3 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is a multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land ground or strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

- 4 In accordance with Section 76 of the Town and Country Planning Act 1990, the developer's attention is directed to the following items regarding the detailed design of the development hereby permitted in relation to buildings to which Section 175 of the Factories Act 1961 applies :-
- a) Relevant provisions in Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and any subsequent amending legislation and
 - b) The Code of Practice for Access for the Disabled to Buildings by the British Standards Institution, reference BS 5810:1979.
- 5 The applicant is advised that Condition 7 is attached at the Direction of the Highways Agency.
- 6 The applicant is advised that Central Networks East have apparatus in close proximity of the site and it is advisable to contact Roger Bedford on 01332 393238 prior to commencement of development.

Contact Officer:- C Merriman Ext 5774

Item: 10

Reference: 05/01020/FUL

Applicant: Mr R Green

Location: 22 Teign Bank Road Hinckley Leicestershire LE10 0EE

Proposal: ERECTION OF ONE BUNGALOW

Introduction:-

The application is a full application for erection of a single dwelling at the rear of 22 Teign Bank Road, Hinckley.

The application site is surrounded by residential properties and the land is currently used as a garden to No. 22. Access is proposed from Magee Close, a private road serving a cul-de-sac of bungalows. The properties along Teign Bank Road are two storey semi-detached dwellings. The proposed dwelling is a two bedroomed detached bungalow with parking at the side.

A design statement has been submitted by the applicant stating that the new bungalow will be integrated with the adjacent properties in Magee Close and would be consistent and compatible with the scale and character of the settlement.

History:-

None relevant.

Consultations:-

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

Director of Highways, Transportation and Waste Management has no formal comments to make on the submission.

No comments have been at the time of writing the report from:-

Head of Health and Environment Service
Neighbours.

Development Plan Policies:-

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

Policy RES5 assesses residential proposals for development on unallocated sites. 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.

Section 1A of the Local Planning Authority's Supplementary Planning Guidance on new residential developments, provides further advice.

The Local Planning Authority's Supplementary Planning Guidance on Play and Open Space would usually seek a financial contribution for the provision and maintenance of play and open space, equating to £1,850 per each residential unit, where facilities cannot be provided within the site.

Appraisal:-

Density

The application site measures approximately 216 square metres and gives a density of around 47 dwellings per hectare. This is above the minimum density level of the local plan of 27 dwellings per hectare, and within Planning Policy Guidance Note 3 guidance that requires 30-50 dwellings per hectare. The density is judged appropriate given the sites location and density of nearby dwellings, and character of the area.

Design and Layout

The design of the proposed bungalow is simple with no particular features, although this style does match with the appearance of adjacent bungalows and the overall character of Magee Close. As you enter Magee Close, the proposed bungalow will be screened by the existing trees, landscaping and fencing and only the roof of the bungalow will be visible.

The Supplementary Planning Guidance requires a distance of 25 metres between facing windows and 14 metres between facing windows and gable walls. While the distances between the proposal and existing properties does not fully comply with the required privacy/outlook distances, for example, between the proposed bungalow and 22 Magee Close the distance is only 22 metres, the proposed bungalow and 30 Magee Close is just over 16 metres and the distance between the proposal and 12 Magee Close is approximately 21.5 metres. However, given the relationship between the existing properties in Magee Close this is not considered to be any worse. There is an existing fence and landscaping around the application site that is to be retained and will mitigate against the shortfall in distances.

The Supplementary Planning Guidance requires that 60 square metres of amenity space should be provided for a two bedroomed dwelling and the proposal meets this requirement.

Parking and Access

Adequate off street parking provision must be provided per the number of bedrooms proposed. The parking standards require a minimum of two spaces for 3 bedrooms or less. The proposal makes provision for two parking spaces, one behind the driveway gates and the other in front of the gates. The Highway Authority have not objected to the proposal. Magee Close is not adopted highway.

Conclusion

In light of the above and the principle of residential development in urban areas being acceptable and encouraged not only by local but national guidance, the erection of a dwelling in this location, which is in keeping with the surrounding properties, is considered appropriate.

RECOMMENDATION:- That following 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, or the receipt of a one-off payment, or imposition of an appropriate condition to provide financial contributions for off-site public open space provision and no adverse comments being received following the expiry of the consultation period, 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 Policy/Policies BE1, T5 and RES5; of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

RECOMMENDATION :- Permit subject to the following conditions :-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed 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.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification development within Schedule 2, Part 1 Class A-E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 4 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.
- 5 The existing screen fencing shall be retained at all times unless otherwise 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 policies BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.

- 3 To safeguard amenities of neighbouring properties to accord with policies BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 4 To enable a vehicle to stand clear of the highway whilst the gates are opened to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 5 To safeguard amenities of neighbouring properties to accord with policies BE1 and RES5 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.
- 3 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.

Contact Officer:- K Burnett Ext 5898

Item: 11

Reference: 05/01034/OUT

Applicant: Mr J E Allen And Berridge Ltd

Location: Land Adj Medworth Desford Road Ratby Leicester LE9 9BF

Proposal: CHANGE OF USE TO B1 and B8

Introduction:-

This is an outline application for the use of the site for B1 and B8. The site consists of an existing employment site (Berridge Waste Paper) and an area of undeveloped land to the south of Desford Lane. The application site area covers some 1.97 ha; the undeveloped area is bordered on the north by a leylandii hedge, residential to the east, residential and employment to the west, and open countryside to the south. Berridge Waste Paper is accessed off Desford Lane and forms part of a larger employment area, and sits to the south of Timkin.

The application has been submitted in outline with all details except means of access reserved for subsequent approval should this application be successful. A covering letter submitted by the applicant's agent suggests that should this proposal be successful Berridge Waste Paper would close and their site would be incorporated into the undeveloped area to be developed as a whole. It states that the current access point to the Berridge site would be terminated and access to the site would be via the existing access to

the undeveloped land, thus removing the current unsatisfactory and dangerous access and providing a much safer arrangement with turning provision.

History:-

| | | |
|--------------|--|------------------------------|
| 98/00829/OUT | Erection of warehouse vehicle maintenance workshop ancillary parking and circulation areas | Dismissed at 06.05.99 Appeal |
|--------------|--|------------------------------|

Consultations:-

Ratby Parish Council raises concern if any of the trees to be felled have Tree Preservation Orders on them.

The Director of Highways, Transportation and Waste Management comments that the application lacks adequate detail to enable full and detailed comments to be provided in that the applicant has not demonstrated the form of vehicular access that is proposed to serve the development site. Furthermore, further details of the size and scale of the proposed development are required to ensure the proposal would not result in additional dangers to road users.

No objection subject to conditions has been received from Borough Council's Land Drainage Engineer.

No comments have been received at the time of writing the report from:-

Head of Health and Environment Services
Neighbours
Site Notice.

Development Plan Policies:-

National Policy Guidance

Planning Policy Statement 7 seeks the protection of the countryside and the provision of sustainable forms of development.

Local Policy Guidance

Strategy Policy 8 of the Leicestershire, Leicester and Rutland Structure Plan seeks to protect the countryside for its own sake. It also provides criteria for development exceptions in the countryside.

The site forms two halves with the western half falling within an existing employment site as defined by the Hinckley and Bosworth Local Plan (Policy EMP1 and EMP2). The eastern half lies within an area of open countryside beyond the settlement boundaries of Desford and Ratby as identified in the Hinckley and Bosworth Local Plan (Policy NE5). This policy sets out criteria for development exceptions in the countryside, although the general presumption is to seek to protect the countryside for its own sake.

Policy BE1 of the adopted Hinckley and Bosworth Local Plan seeks to achieve a high standard of design to secure attractive development that will safeguard and enhance the existing development.

Policy T5 of the Hinckley and Bosworth Local Plan requires access and parking in accordance with highway standards.

Appraisal:-

The application seeks B1 and B8 use on a site that essentially has two characters. The western half forming the Berridge Waste Paper business and the eastern half being a vacant area of land. The whole of the site is located within the countryside with it being located a considerable way from both Ratby's and Desford's settlement boundary.

Whilst the proposal to use the Berridge Water Paper site for B1 and B8 would not be contrary to policy, the extension of the employment site into open countryside would constitute an unwarranted and visually intrusive development that would further erode the rural character of the area.

In 1998 an application was submitted which sought the construction of a warehouse, vehicle maintenance workshop, ancillary parking and circulation area on the area outside of the employment site (the eastern half of the current application site). This was refused on the grounds of impact on the countryside and highway safety. This was subsequently dismissed at appeal with the Inspector concluding that whilst the proposal was visually screened it was not consistent with the Council's general aim of protecting the countryside for its own sake. Furthermore, it had not been demonstrated that there were any specific overriding arguments to indicate that the expansion of the appellant's business could not be achieved elsewhere.

Whilst the Inspector's decision was made some 6 years ago, current national guidance, Planning Policy Statement 7 issued in July 2004 further reinforces the Council's aim to protect the countryside. It states that new building development in the open countryside away from existing settlements, or outside areas allocated for development in the development plan should be strictly controlled. It goes on to state the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

It is considered that the proposal, within its inclusion of part of the adjacent employment site does not overcome the overriding objection to the principal of development in the countryside, even though the proposal would replace the existing use with a cleaner use and remove a poor highway access.

Due to the principle of development being contrary to policy, the additional information required by County Highways has not been requested to be submitted as part of the application, but a letter has been sent to the agent to inform him of their concerns.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority it is considered that the proposal represents an unwarranted and inappropriate form of development in a rural location and it would therefore have an unacceptable adverse impact on the visual appearance and character of the open countryside. The development is therefore contrary to Policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan as well as the adopted Leicestershire, Leicester and Rutland Structure Plan, 1996-2016, Strategy Policy 8.
- 2 In the absence of sufficient information the Local Planning Authority is unable to fully assess the impact of the development on the public highway, in line with the requirements of Policies BE1, EMP2 and T5 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- T Miller Ext 5809

Item: 12
Reference: 05/01061/FUL
Applicant: Mr Les Warren
Location: Barons Parks House Desford Lane Kirby Muxloe Leicestershire LE9 9BE
Proposal: EXTENSIONS TO EXISTING NURSING HOME

Introduction:-

This is a full planning application for a substantial extension of the existing Barons Park Nursing Home on the western edge of Kirby Muxloe. The existing home is based on a substantial Edwardian house set in mature grounds containing protected trees. A similar extension was approved in November 1998, this permission has now expired.

The proposed scheme involves a two and three storey extension, including rooms in the roof space attached to the eastern side of the original building. The extension includes hipped roofs and architectural detailing that reflect certain elements of the original property.

The application proposes an additional 18 bedrooms, staff employed would increase from 7 to 15. Further details are awaited from the agent regarding the increase in residents resulting from the proposals, and improvements to the elevational appearance which reduces the dominance of the extension.

History:-

| | | | |
|--------------|---------------------------|----------|----------|
| 98/00484/FUL | Extension to nursing home | Approved | 11.11.98 |
|--------------|---------------------------|----------|----------|

Consultations:-

Environment Agency raises objections to the proposal in the absence of additional information to demonstrate that the use of a cess pool or septic tank is the only feasible option for foul drainage.

The Borough Council's Arboricultural Consultant comments that the proposal will result in the loss of several trees most of which have little merit. However two are of some merit and will be lost; one is a Blue Cedar and the other an English Oak. Sufficient space is available within the grounds to accommodate a number of replacements should this be considered appropriate. Careful consideration would have to be given to the siting of replacement trees due to the presence of Honey fungus infestation, which has already caused the loss of a mature Beech. Should consent be granted, prior to development commencing work should be carried out to two protected trees, T18 and T19; a Scots Pine and an Austrian Pine.

No objection has been received from Blaby District Council.

No comments have been received at the time of writing the report from:-

Director of Planning, Transportation and Waste Management
Desford Parish Council
Severn Trent Water Ltd
Neighbours
Site Notice.

Development Plan Policies:-

The site is located within the countryside as designated in the Hinckley and Bosworth Local Plan. Policy NE5 states the countryside will be protected for its own sake. Planning permission will be granted for built development provided it is important to the local economy and cannot be provided within or adjacent to an existing settlement. Criteria that should be complied with include: the development should not have an adverse impact on the appearance or character of the landscape; it should be in keeping with the scale and character of existing buildings and where necessary it should be effectively screened by landscaping or other methods.

Policy CF8 of the adopted Hinckley and Bosworth Local Plan states that permission will be granted for extensions to existing residential care homes and nursing homes where the proposal complements and enhances the character of the surrounding area with regard to scale, materials and architectural detail and does not have a detrimental impact on neighbours. In addition, the premises should be of a suitable size, have adequate grounds and car parking facilities.

Policy BE1 of the adopted Hinckley and Bosworth Local Plan seeks to achieve a high standard of design to secure attractive development that will safeguard and enhance the existing development.

Policy T5 of the Hinckley and Bosworth Local Plan requires access and parking in accordance with highway standards.

Appraisal:-

The existing residential care home at Barons Park has operated for a considerable number of years providing a valuable local community facility on the edge of Kirkby Muxloe. The original home has been extended in the past and the current proposal seeks consent for a significant additional expansion of the facilities.

The existing building is set well back from Desford Lane in mature grounds. The proposal as submitted does not fully reflect or respect the original building, however negotiations to improve the extension have taken place and revised plans are expected. Whilst the extension is substantial it is considered that with minor revisions, their location, design and relationship to the original building, site boundary peripheral landscaping and adjacent farm buildings render them acceptable in terms of the policy criteria for this type of development in open countryside.

The proposal results in the loss of trees within the site, none of which are protected by the Tree Preservation Order that is currently in force. It is considered that due to the number of trees proposed to be felled, further planting should be carried out to ensure the character of the landscape is not adversely affected.

At the time of writing this report comments are awaited from County Highways. However it is considered that additional parking as required can be accommodated within the site. Furthermore, the agent is in discussion with the Environment Agency regarding the disposal of foul drainage.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, NE5, CF8 and T5 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 This permission relates to the application as revised by amended plan received by the Local Planning Authority on ****
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed extension shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 Before any development is commenced on site a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the treatment proposed for all ground surface together with the species and materials proposed and their disposition.
- 5 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 comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy CF8 of the adopted Hinckley & Bosworth Local Plan.
- 4 To enhance the appearance of the development to accord with policy BE1 and CF8 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 and CF8 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.

- 3 In accordance with Section 76 of the Town and Country Planning Act 1990, the developer's attention is directed to the following items regarding the detailed design of the development hereby permitted in relation to buildings to which the Offices, Shops and Railways Premises Act 1963, applies or buildings where the Act is deemed to apply :-
- a) Relevant provisions in Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and any subsequent amending legislation, and
 - b) The Code of Practice for Access for the Disabled to Buildings by the British Standards Institution, reference BS 5810:1979.
- 4 The applicant should note that work is required to be undertaken to two protected trees within the site, T18 and T19; a Scots Pine and an Austrian Pine.

Contact Officer:- T Miller Ext 5809

Item: 13

Reference: 05/01090/FUL

Applicant: Wilson Bowden Properties Ltd

Location: Plot 4 Interlink Way South Bardon Leicestershire LE67 1PG

Proposal: SUBSTITUTION OF UNITS E AND F OF APPROVED APPLICATION 05/00199/FUL WITH 1NO. B2/B8 INDUSTRIAL/WAREHOUSE UNIT WITH ASSOCIATED FACILITIES

Introduction:-

This is a full planning application for the substitution of units E and F of approved application 05/00199/FUL with one unit for B2/B8 industrial/warehouse unit with associated facilities. The previous application proposed six industrial/warehouse units, in two blocks; units E and F formed one of those blocks.

The site measures approximately 2.33 ha and is located on the southern edge of the Interlink Park Industrial Estate at Stanton under Bardon. The site has boundaries to Victoria Road, two existing industrial/warehouse units and fronts onto Interlink Way South. The site is level except for two earth bunds to the front and rear and is currently vacant.

The proposed building is single storey and measures 12.4 metres in height. 157 parking spaces are provided across the site.

History:-

Outline planning permission for the Interlink Business Park was approved in August 1992 (91/1079/A) and the period for the submission of reserved matters was extended subsequently in 1996 (96/00252/CONDIT), 1997 (97/00454/CONDIT), 1991 (99/00321/CONDIT) and 2001 (01/00458/CONDIT). The outline consent included a planning obligation to provide a financial contribution towards tree planting elsewhere within the National Forest as well as highway improvements to the road network in the vicinity to the site, the financial contribution in respect of both of these has been paid in full. Planning permission was granted in July 1995 (95/00303/FUL) for the re-profiling of this part of the industrial estate, which has resulted in the land, including this application site, being several

metres below Victoria Road and land to the south. Full planning permission was granted for 6 units earlier this year (05/00199/FUL).

Consultations:-

The Director of Highways, Transportation and Waste Management recommends the imposition of conditions to protect highway safety and to promote a variety of alternative travel arrangements to and from the site, if planning is granted.

No objections has been received from:-

East Midlands Airport
Environment Agency.

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

Severn Trent Water Ltd
National Forest Company
Stanton Under Bardon Parish Council
Neighbours
Site Notice.

Development Plan Policies:-

Central Government Guidance

Planning Policy Guidance Note 13 recommends that any permission should include the submission of and agreement to a travel plan designed to reduce the dependence on car borne travel movements to and from the site and the promotion of transport choice.

Local Plan Policies

The site is identified as part of an employment commitment in the adopted Hinckley and Bosworth Local Plan. The site also falls within a Local Landscape Improvement Area and the National Forest where policies seek to enhance the appearance of the landscape by comprehensive tree planting and new development should be of a high quality design and materials (Policies NE10 and NE12).

Policy BE1 of the adopted Hinckley and Bosworth Local Plan seeks to achieve a high standard of design to secure attractive development that will safeguard and enhance the existing development.

Policy T5 of the Hinckley and Bosworth Local Plan requires access and parking in accordance with highway standards.

Appraisal:-

The principle of industrial and commercial development of the site was established by the grant of outline planning permission in 1992 and this is reflected in the commitment for employment purposes in the adopted Local Plan.

The previously approved full application proposed six units, in two blocks. This application seeks to substitute two of the units (Units E and F) for one unit. The total size of the previously approved Units E and F was 2870 sq metres; the proposed substitute unit measures 2576 sq metres. The height is increased by approximately 1 metre, however the existing units to the north and southwest of the site are higher. In terms of height, size,

design and materials the proposal is considered to be in keeping with surrounding existing and proposed development.

The submitted plans do not indicate provision for cycle parking for the proposed unit, therefore it is considered appropriate to condition that 6 cycle spaces are provided in line with policy requirements.

It is considered that the proposal complies with the policies of the adopted Local Plan in terms of design, location, parking and servicing and is therefore recommended for approval.

RECOMMENDATION :- Permit subject to the following conditions :-

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

- 1 The development hereby permitted shall be begun before 15th June 2010.
- 2 Notwithstanding the details shown on drawing P002A, provision shall be made for the parking of 6 cycles to be associated with the unit hereby approved, full details of which shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 3 This permission relates solely to the substitution of Units E and F approved under planning consent Reference No. 05/00199/FUL and in all other respects shall be subject to the conditions imposed under that permission.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure adequate provision is made on the site for methods of transport other than the car in accordance with Planning Policy Guidance Note 13.
- 3 To define the terms of the permission and to ensure that the general requirements for the development of the overall site remain applicable.

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 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is a multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land ground or strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

- 3 In accordance with Section 76 of the Town and Country Planning Act 1990, the developer's attention is directed to the following items regarding the detailed design of the development hereby permitted in relation to buildings to which Section 175 of the Factories Act 1961 applies :-
 - a) Relevant provisions in Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and any subsequent amending legislation and
 - b) The Code of Practice for Access for the Disabled to Buildings by the British Standards Institution, reference BS 5810:1979.
- 4 Prior to the commencement of development details of the storage of any substance which is toxic to the water environment or is persistent should be approved by the Local Planning Authority
- 5 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Western Divisional Surveyor (telephone Ashby 414151)
- 6 Condition 4 of the application approved under reference no 05/00199/FUL requires a Green Commuter Plan, the plan shall comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from work and during working hours. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, proposals for car parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site. The plans shall make provision for relevant surveys, review and monitoring mechanisms, targets, timescales, phasing programmes and on-site management responsibilities.
- 7 In respect of Condition 10 attached to the application approved under reference no 05/00199/FUL, if the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

Contact Officer:- T Miller Ext 5809

Item: 14

Reference: 05/01073/COU

Applicant: Mr J And Mr H Winter

Location: The Paddock Watling Street Higham On The Hill Nuneaton, Warwickshire

Proposal: CHANGE OF USE TO RESIDENTIAL GYPSY CARAVAN SITE FOR FOUR CARAVANS

Introduction:-

The application is for a material change in the use of land known as 'The Paddock' Watling Street to a residential gypsy caravan site. The proposal involves the provision of four caravans to house two families. The plans include various hard standing for the siting of four caravans; the surfacing of the first 10 metres of the access drive with tarmacadam; replacement hedgerow and other landscaping works. The proposed plans indicate that 6

metre corner radii edging are to be installed thus improving the existing substandard access.

Established hedging currently surrounds the site, although the northern and western boundaries are fairly low. The existing access is shown to be improved to provide better visibility as part of this proposal. The site is located to the north of the A5 Watling Street and measures approximately 0.3 hectares. The majority of the site (to the north) is located within the administrative boundary of Hinckley and Bosworth Borough Council, whilst the southern part of the site, which is to be utilized as a pony paddock with access onto the A5, falls within the administrative boundary of Nuneaton and Bedworth Borough Council (a separate planning application will be submitted to Nuneaton and Bedworth Borough Council relating to change of use of land and any access works). The stables/outbuildings currently on the site are to remain.

The applicant's agent has submitted a supporting letter stating that the site contains existing stables and kennel buildings, and has clearly been used for commercial purposes in the past. The site is set well back from the road and although the top of the caravans would be seen in relation to existing development on site, substantial additional planting is proposed. The agent states that only the applicants and their dependants will utilize the site. The agent stresses that the site's location is important due to its proximity to the towns of Hinckley and Nuneaton; there are various services available to the families such as post offices, food stores as well as educational and health facilities. He also states that the site is separated from any nearby dwellings although residential use of the site would not be incompatible with adjacent residential development, and that such a location is encouraged by current national government guidance.

A 'Speed Survey' is included within the application. The agent states that the site is off the A5 Watling Street thus making it highly accessible, and that the previous commercial use generated far more traffic than the proposed use would. Therefore, the agents view is that the proposal complies with policy RES13 of the adopted Hinckley and Bosworth Local Plan.

History:-

| | | |
|--------------|--|-------------------------------|
| 04/00241/COU | Transit gypsy site for 12 caravans with toilet block and septic tank | Withdrawn |
| 04/01284/COU | Transit gypsy site for 6 caravans | Refused - Appeal Withdrawn |

Consultations:-

No response has been received from:-

Director of Environment and Heritage Services (Archaeology)
Nuneaton and Bedworth Borough Council
Warwickshire County Council (Development Group)
Leicestershire Fire Service.

No objections subject to conditions have been received from the following:-

Severn Trent Water Limited
Central Networks East
Leicestershire Constabulary Crime Reduction Officer.

The following observations have been received from Director of Resources (County Council Travellers Sites and Liaison Officer):-

- a) the applicants are Romany Gypsies and fall within the definition of a Gypsy as defined within Section 16 of the Caravan Sites Act 1960
- b) the land use is to meet the needs of the two related families
- c) the families have a cultural aversion to bricks and mortar
- d) the site would enable the families to have a permanent base whilst continuing to travel to Gypsy Fairs during summer months in line with cultural identity
- e) that three (3) children are attending school in the surrounding area and two (2) are attending nursery
- f) that the families require stability in order to gain access to education and health facilities
- g) that the families have local family support which is an important part of Gypsy culture
- h) the families have tried to find alternative sites and if they did not move onto the site then they would have had to set up unauthorized encampment on the roadside.

The County Council Liaison Officer also makes the following comments:-

- a) advises that the applicant's son has a very well run site nearby which causes no problems
- b) a recent report commissioned by the ODPM "The Provision and Condition of Local Authority Gypsy/Travellers Sites in England" states there is little formal provision to accommodate Travellers
- c) recent gypsy counts have shown roughly ten times as many caravans on unauthorised encampments
- d) that the Department of the Environment Circular 1/94 "Gypsy Sites and Planning" promotes the encouragement of gypsies to provide their own sites
- e) that the new consultation paper titled "Planning for Gypsy and Traveller Sites" launched by the ODPM encourages the increase provision of sites to address under-provision; recognize, protect and facilitate traditional lifestyle of Gypsies and Travellers; to identify and make provision for resultant land and accommodation requirements and assess needs
- f) reference is made to the Good Practice Guide "Managing Unauthorised Camping" produced by the Department of Environment Transport and the Regions/Home Office which advises local authorities to build planning aspects into their overall Traveller Strategy and avoid setting criteria that in practice might prove too difficult to meet
- g) guidance on homelessness from the Department of Environment, Transport and the Regions advises that homeless Travellers should be treated equally with homeless members of the settled population, without removing their freedom to live outside conventional housing if they so wish. It reminds local authorities that they have a statutory duty to travelling people under homelessness and other legislation
- h) that the Housing Act requires local authorities to take account of the accommodation needs of Gypsy and Travelling communities and to create strategies to meet needs

The Highways Agency's initial comments are that the planning authority shall not grant permission for this application and hold in abeyance the determination of this application due to the following reasons:-

- a) Insufficient information has been provided in support of the planning application to ensure that the A5 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with section 10 (2) of the Highways Act 1980 by minimising disruption on the Trunk Road Network and in the interests of road safety

The following observations have been received from Warwickshire Constabulary:-

- a) in terms of the injury road crash data there have been 2 slight injury crashes (between January 2000 and August 2005) within a 150 metre radius of the access to The Paddock. This is a relatively good record, particularly so considering that this section of the A5 forms part of one of the defined Casualty Reduction 'Hot Routes' which receive targeted patrol action by this Force's Roads Policing Unit owing to its poor injury road crash record
- b) notwithstanding the fact that there is an existing access to the Paddock, this application would appear to represent an intensification of use in terms of the foreseeable number of vehicular trips which will be generated into and out of this site and potentially a change in the types of vehicles which will be making those trips. It is with respect to the access arrangements that there are some road safety concerns and in particular with regards to vehicles exiting the site
- c) visibility to the right (the north-west) is restricted by the presence of a section of substantial, high hedging which includes a mature tree. The visibility to the north-west is also affected by the presence and layout of the Higham Lane roundabout. Visibility to the left (the south-east) is also partly affected by the presence of yet another mature tree
- d) if the standard set back distance of 4.5 metres is applied (Design Manual for Roads and Bridges Volume 6), visibility to the north-west is almost completely obscured by the hedge with visibility to the south-east being affected by the mature tree which creates a blind spot
- e) taken together these present significant visibility problems for drivers attempting to exit the site and for those approaching the site on the A5 from the north-west. These problems would be exacerbated were the site exit to be used by either slow moving vehicles, for multiple vehicle movements or where a trailer was being towed.
- f) if it were deemed by the Highways Agency that the first relaxation to the standard set back distance, to 2.4 metres (Design Manual for Roads and Bridges Volume 6), could be applied in this instance, then the visibility to the north-west would be much improved and this position would be further enhanced were the hedge to be trimmed back. Visibility to the south-east is also far less problematic at this reduced set back distance
- g) it therefore appears to be the case that if a set back distance of 4.5 metres is applied then the necessary sight line distance cannot be met, but if the first reduced set back distance of 2.4 metres were to be deemed appropriate in this instance then the necessary sight line distance could be met.

High-On-The-Hill Parish Council and Campaign for the Protection of Rural England (Hinckley and Bosworth District Committee (CPRE)) objects to the proposal on the following grounds:-

- a) that the site should be protected for its own sake
- b) hazardous access
- c) the erection of urban style lampposts

The Parish Council and CPRE however states that if retrospective planning permission is granted then conditions related to the control of lighting; hard standing; number of caravans; appropriate landscaping and tree planting are applied as well as any environmental nuisance being dealt with promptly.

Borough Council's Land Drainage Engineer raises no objection subject to approval by Environment Agency on disposal of cesspits.

Environment Agency object on the grounds that inadequate information has been submitted to demonstrate that the use of a cess pool is the only feasible option.

A petition with 135 signatures has also been received stating that they are totally 'opposed' to the proposal.

Neighbours notified, 33 letters received raising the following concerns:-

- a) the A5 is a trunk road and is very busy at times
- b) dangerous access into and out of the site with slow moving vehicles can cause accidents
- c) traffic impact assessment is inadequate
- d) possibility of loose animals straying onto the road
- e) sites already exist within the surrounding areas
- f) Griff Clara site in Nuneaton is available
- g) is this an 'Area of Constraint'?
- h) greenbelt
- i) countryside is protected and conflicts with policy NE10 of the Local Plan as it does not enhance the character of the area
- j) site will not be adequately screened
- k) the paddock is unspoilt and the site is unsuitable for a caravan site
- l) no previous commercial activity
- m) set a precedent for future development
- n) commercial business will inevitably be run from the site
- o) noise and disturbance to nearby residents
- p) affect on privacy and amenities
- q) pressure on local facilities
- r) negligible positive affect on the local economy
- s) how can the site be restricted to four when their children grow up and need more accommodation
- t) lack of amenities on site
- u) increase in litter
- v) rubbish attracting vermin
- w) devalue property
- x) what will happen with refuse?
- y) have residents human rights been considered?

A letter has been received on behalf of residents of Coniston Court, Nuneaton raising similar concerns, together with concern regarding trading and storage on the site. It also suggests it would be preferable for the Council to purchase the site and grant tenancies to gypsy families. The site could then be properly regulated and controlled.

Development Plan Policies:-

In relation to the adopted Hinckley and Bosworth Local Plan, the site is located within the Countryside along the Watling Street (A5 Trunk Road). The site is within a Local Landscape Improvement area.

Regional Spatial Strategy

The Regional Spatial Strategy (RSS8) seeks to protect the Open Countryside and ensure that development is sustainable.

Structure Plan

Strategy Policy 8 of the Leicestershire, Leicester and Rutland Structure Plan seeks to ensure that the Countryside is protected for its own sake.

Local Plan

Policy BE1 of the adopted Hinckley & 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, layout, highways and parking standards.

Policy NE5 of the adopted Hinckley and Bosworth Local Plan states that the Countryside will be protected for its own sake and seeks to ensure that development is restricted. The policy is criteria based one that seeks to ensure that development does not have adverse effect on the character and appearance of the landscape; it is in keeping with the scale and character of existing buildings; is effectively screened and that the development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy NE10 states that the site falls within a Local Landscape Improvement Area where landscaping proposals will form part of the proposal.

Policy T5 states that Leicestershire County Council's design standards need to be met for new development.

Notwithstanding the general countryside protection policies, planning permission will be granted for gypsy caravan sites where the proposal satisfies various criteria (Policy RES13 of the Local Plan and Housing Policy 6 of the Structure Plan). These include no adverse effects on the character or appearance of the countryside and being capable of sympathetic assimilation into their surroundings, no adverse effect on the amenities of neighbours, an acceptable vehicular access, the incorporation of substantial peripheral landscaping and a location within a reasonable distance of services and facilities. In addition the proposal should not conflict with any other policies of the Local Plan.

National Government Advice

Planning Policy Statement 1 (PPS1) 'Delivering Sustainable Communities' seeks to ensure that development is sustainable. Emphasis has been placed upon creating balanced and mixed communities and neighbourhoods.

Planning Policy Statement 7 (PPS7) 'Sustainable Development in Rural Areas' seeks to ensure that development within the Countryside is sustainable and does not harm the character and appearance of rural landscapes.

Central Government advice is principally contained within Circular 1/94, "Gypsy Sites and Planning" and Circular 18/94 " Gypsy Sites Policy and Unauthorised Camping". However, considerable subsequent guidance has been issued in the form of a Good Practice Guide, "Managing Unauthorised Camping" (DETR/Home Office) and more recently an ODPM Consultation Paper "Planning for Gypsy and Traveller Sites". Circular 1/94 is likely to be updated shortly as a result.

Appraisal:-

The pertinent issues to consider whilst appraising this proposal are the following: the impact of the proposed development upon the character and appearance of the countryside, the effect of the proposal on highway safety along Watling Street (A5), the suitability of the site and any other relevant material considerations.

Since its occupation early in October 2005, the site has been incrementally developed. A new access gate has been installed with close-boarded timber fencing along the eastern boundary. Street lampposts were erected and have subsequently been substituted with less prominent light fixtures affixed to the 2 metre close boarded timber boundary fence at

around 2-3 metre intervals. The area to the south is being utilized as a pony paddock and some landscaping works have been implemented. Hard core material has been laid over the existing access track. The applicants have also converted the existing stable block for domestic uses for example, a utility room and indoor sanitary facilities. It is believed that a septic tank has also been installed to the rear of the existing stable block. Some of these works require planning permission and are unauthorised. Should the application be refused then enforcement action will need to be considered.

Character and appearance of the surrounding area

Adopted Local Plan policy RES13 (c) states that the site must not have an adverse impact upon the character and appearance of the countryside. The application site is prominent when approaching the A5 Watling Street roundabout with Nuneaton Lane (eastbound). The existing stable buildings, caravans, vehicles and ancillary paraphernalia are noticeable from the road and other public areas. The caravans are not seen in the context of the dwellings to the east of the site that are arranged within a linear residential settlement pattern. These mark the beginning (albeit outside the established settlement boundary) of the administrative boundary to Nuneaton and Bedworth District. The open and undeveloped nature of the Paddock is an important feature separating this linear residential development, and the wider surrounding Countryside. The development would result in a change to the appearance of the site due to the siting of four caravans. Thus it is considered that the caravan site would be an incongruous feature on the landscape.

The site is reasonably level and in the opinion of the applicant's agent is out of view. It may be considered that further extensive screen planting and landscape works can camouflage the site to a reasonable degree. However, the sites topography ensures that the caravans are visible from various public areas outside of the site. The site is discernible as a caravan site from the A5 Watling Street, Higham and Nuneaton Lane, and the low hedging along the northern and western boundaries do not provide adequate screening. It would require extensive landscaping works in order to achieve a greater degree of camouflaging which is not reminiscent of the wider surrounding open countryside. Therefore, although the applicant proposes various landscape works such as hedgerow replacement to the southern boundary and planting to screen the site, it is not considered to be an appropriate solution to overcome the seriously detrimental impact that the caravans will have on the character and appearance of the landscape.

On balance the proposed development will erode the overall appearance of this part of the countryside by impacting negatively upon its rural settings, and detract from its visual amenities. The site's location in the Open Countryside is inappropriate and therefore contradicts policy RES13 (c), and other Development plan policies designed to protect the Countryside for its own sake.

Highway Safety

The agent has conducted a 'Speed Survey' and material consideration should be given to it. To summarise the agent states that a visibility splay of 2.4 metres by 120 metres to the east is achievable without the need to remove the tree that is the subject of a Tree Preservation Order; and improving the depth and width of the access will allow vehicles to stand clear of the highway. The agent states that the survey '...is based upon the speeds of 100 vehicles travelling in free-flow conditions...' and it was '...conducted between 14:20 - 15:20 in late September and in dry conditions....' The speed survey applies the 'Design Manual for Roads and Bridges' where it is suggested that visibility splays of 90 metres for design speeds of 60kph, of 120 metres for design speeds of 70kph and 160 metres for 85kph. It has identified reduced speeds because of the existing roundabout to the west of the site that naturally reduces speed. The agent's survey reveals that a splay of 160 metres is required to the west, and an eastbound requirement of 120 metres, could '...be

achieved...from a 2.4 metre x-distance...' In terms of trips per day the agent envisages that the '...level of increase is likely to be somewhat less than 12 trips per day'.

Members may recall that significant concerns were expressed by the Highways Agency with regards to the substandard access to the site. The Highways Agency has initially directed the Local Planning Authority to hold in abeyance the determination of the application on the grounds that insufficient information has been provided with regards to access improvements. The agent has been notified and is of the opinion that these improvements have been included in the proposals. The Highway Agency's final consultation response is awaited and will be reported as a late item. However, it is important to take into account views expressed by Warwickshire Constabulary. To hold the application in abeyance is not an option for the Local Planning Authority due to the seriousness in terms of breaches of planning control that require either regularizing under this application, or enforcing.

It is considered that adequate visibility can only be achieved after implementing various improvements to the access far beyond those indicated on the plans. For example, to the east there is a control box that obscures the 1.05 metre driver's eye height and this would need to be relocated, and various works appear to be required to the existing hedgerow and the protected tree to the west. There is a need to retain the trees and hedging, as their removal will add to the site being exposed. However a further concern is the increased use of the existing access likely to be generated by the occupants, and vehicle movements in and out of the site will be of slow moving vehicles, thus compromising highway safety.

Suitability of the Site

The agents view is that the site is suitably located and attaches significant weight to its geographical location in relation to surrounding towns and villages. The village of Higham-On-The-Hill is around 2.1km; Hinckley is 4.6km and Nuneaton is 5.1km. Higham-On-The-Hill has very limited local facilities, and the nearest facilities would either be at Hinckley or Nuneaton. It is likely that journeys will be made via the use of private transportation. As stated in the County's Gypsy Liaison Officers comments the children travel to schools and nurseries within Wolvey (around 9.8km away from the site).

It is considered that sustainability is a key factor because of recent national Government guidance contained within Planning Policy Statement 1 (PPS1) 'Delivering Sustainable Communities' and Planning Policy Statement 7 (PPS7) 'Sustainable Development in Rural Areas'. Both PPS1 and PPS7 state that sustainable development is a core principle underpinning land use planning. PPS7 specifically aims to focus development in, or next to, existing towns and villages. Whilst it is considered that the arrangement for children may well be sustainable as any other rural location within the school catchment area, it is not considered that the site is sustainable against Development Plan policies that seek to achieve a pattern of land uses that minimises the need to travel thus supporting the increased use of public transportation, cycling, walking and which minimises the loss of open countryside.

Although the site appears to be within '...a reasonable walking distance of a post office/general store etc' as stated by the agent, it is important to take into consideration wider sustainability issues such as the loss of open countryside; long-term impact upon the visual amenities of the surrounding area as well as the impact upon the A5 Trunk Road. It is considered that the site is not within a 'reasonable' distance of local facilities and services as it is not on the edge of an urban settlement. Therefore, criteria (a) and (d) of policy RES13 is not met and the justification of the site's location do not outweigh the harm caused by the development upon the open countryside.

It is considered that due weight needs to be attached to concerns expressed by residents surrounding the site. Many of the letters raise points of concern that centre on other

experiences of gypsy sites not too far away from the application site, which are in the minds of many concerned residents. Proper management and control on gypsy sites can address some of these concerns. Some of the concerns expressed by residents do have a planning basis, but these can easily be ameliorated via conditions. For example, number of caravans, temporary or personal consent etc. Therefore, although residents in the immediate residential dwellings along Watling Street (A5) to the south of the application site fear that they will be negatively affected, very little weight, if any, should be given to the perceived fears of having a Gypsy site on this site. Criteria (b) of policy RES13 are met.

Other material considerations

The County's Gypsy Liaison Officer has confirmed that the applicants and their dependants do fall within the statutory definition of a Gypsy (section 24 Caravan Sites and Control of Development Act 1960). The Liaison Officer states that the applicants will use the site as a permanent base whilst travelling during the summer months and to various Gypsy Fairs in line with a cultural way of life. The applicants have a 'cultural aversion to bricks and mortar'.

Circulars 1/94 and 18/94, as well the revised consultation circular issued by the Office for the Deputy Prime Minister 'Planning for Gypsy and Traveller Sites' indicates that the Local Planning Authority must give due regard to this cultural way of life regardless of whether or not a permanent site is used as a base. Recent Planning Inspectorate decisions indicate that the use of a permanent site by Gypsies does not mean they lose their cultural identity or status. Therefore, although some residents have concerns regarding the permanent use of the site the status of the Gypsy families should not be questioned.

The Local Planning Authority has no record of any contact being made by the applicants in order to discuss the suitability of the site. This is encouraged in Circular 1/94 in order to ascertain the requirements of the families and possible alternative authorised sites in the area.

In order to assess needs of the Gypsy and Travelling communities the Council is required to carry out a needs based quantitative assessment. This needs assessment is required to be at County level and has not yet been carried out. However, recent appeal decisions indicate that Inspectors' attach significant weight to the Local Planning Authorities attempts in keeping Gypsy accommodation under regular review, and the role of private provision available within a district possibly offering a higher degree of pitches. The onus is strongly upon a Gypsy moving into the area to be very clear about the justification for an additional site. In this case the applicants appear to have previously resided at an authorised site (The Bungalow A5) for two years, but were only allowed one caravan per family. The applicant's felt that extra space was required and thus moved onto the application site.

The County Liaison Officer also confirms that there are educational and health needs of the two families. Little information is before us to consider any ill health or specific health requirements, and it is sufficient to conclude that reasonable access to these facilities are available from the site in nearby towns. There appear not to be pressing health needs of the occupants. With regards to educational needs the Officer does point to the fact that the two families are young, and require settled education for their children who attend nearby primary school and nursery facilities. In recent Planning Inspectorate decisions considerable weight has been attached to the health and educational needs of gypsies.

In balancing the issues raised by the proposal the Council has to weigh any human rights issues of the local residents and the applicants. There are three human rights that could be relevant to this case: -

- 1 The right to respect for private and family life and home and correspondence.
- 2 The right to peaceful enjoyment of possessions.

- 3 Human rights shall be secured without discrimination on various grounds including race, national and social origin, and association with a national minority.

In particular, in determining this application the Local Planning Authority should not be seen to discriminate on racial or ethnic grounds. The application must be considered only on its planning merits.

If this application was considered favourably any human rights issues the existing residents may have are unlikely to be affected by this proposal. In evaluating the impact upon nearby residential properties and their occupants it is unlikely that the four caravans with two families situated some 95 metres away to the north from the nearest dwelling will have a negative impact upon the reasonable enjoyment of residential amenities of the occupants. It is considered that due regard has been given to the human rights of both existing residents and the applicants on this occasion, and that the recommendation is proportionate.

The agent states that the previous use as a commercial dog grooming/kennel business is much more adverse than the proposed use. There is no planning history indicating that this use had the benefit of planning permission, although there appears to be some evidence of such activities being undertaken in the past for example, the kennels and a track. The agent also views that consent is not required for the use of the land to the front of the site (southern boundary) for grazing uses and the erection of building/structures/caravans. Consent for such uses would be required.

Whilst the guidance and advice promotes encouragement of gypsies providing their own sites, as is the case here, it is considered that on balance, the site is unsuitable and that this part of the open countryside must be protected for its own sake. Although Local Plan policy RES13 enables sites to be created within the open countryside on exceptional grounds, in view of the fact that this site is unsustainable, is off the A5 Trunk Road and has a negative impact upon the landscape it is considered that the circumstances described by the agent do not outweigh the harm caused to the character and appearance of the Countryside.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, the proposal would result in an unacceptable and inappropriate visual intrusion into the open countryside by virtue of the nature of the proposal and its likely prominence, causing a harmful affect on the character and appearance of the landscape. This, therefore conflicts with policy NE5 and RES13 of the adopted Hinckley and Bosworth Local Plan.
- 2 Inadequate evidence has been provided to demonstrate that the foul drainage arrangements for the development are acceptable in terms of the protection of surface waters and ground water quality. As such, the proposal does not accord with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- A Ghafoor Ext 5775

Item: 15
Reference: 05/01094/FUL
Applicant: Mr And Mrs J Monkman
Location: 1 Back Lane Market Bosworth Nuneaton, Warwickshire CV13 0LD
Proposal: EXTENSIONS AND ALTERATIONS TO DWELLING (REVISED SCHEME)

Introduction:-

This is a full application for single storey and first floor extensions to the front of a detached house. The property lies at the end of a group of three dwellings of differing designs on the outside (northern) bend of Back Lane, and directly opposite a spur of Back Lane that leads back up to Main Street. A house lies next-door, to the east, and beyond this is a bungalow. The property has a large rear garden which falls away to the rear, and there is open countryside beyond this to the north and north-west.

The scheme comprises a first-floor extension approximately 4.2 metres deep and 4.8 metres wide to the front of the house, over the existing catslide-roofed garage, and a new entrance hall/porch and WC extension.

The proposal is a revised scheme following the refusal of a previous application for similar development.

History:-

| | | | |
|--------------|--|---------|----------|
| 05/00094/FUL | Extensions and alterations to dwelling | Refused | 11.04.05 |
|--------------|--|---------|----------|

Consultations:-

No objections have been received from:-

Director of Highways, Transportation and Waste Management
Head of Health and Environment Services
Borough Council's Land Drainage Consultant
Market Bosworth Society
Neighbours.

Development Plan Policies:-

The property lies with the settlement boundary for Market Bosworth, as identified in the adopted Hinckley and Bosworth Local Plan, and adjacent the Market Bosworth Conservation Area.

Policy RES7 of the adopted Local Plan stipulates that extensions must respect the scale and character of the existing dwelling and the street scene, retain adequate parking within the curtilage of the dwelling and utilise materials and design details that mirror the existing building thus creating a unified overall appearance. In addition extensions should not adversely affect the occupiers of neighbouring properties and must be carefully sited to avoid the terracing effect.

Policy BE 1 of the adopted Local Plan provides the basis for assessing the design and siting of development and seeks to ensure a high standard of design, to secure attractive development and safeguard and enhance the existing environment.

Policy BE7 of the adopted Local Plan advises that in and adjoining Conservation Areas, the Local Planning Authority will require the siting and design of new development, including alterations and extensions, to preserve or enhance their special character and appearance in terms of views in and out of the area, and to be in sympathy with the merits of neighbouring development.

The Council's adopted Supplementary Planning Guidance on extensions (note 1b) provides further guidance on such proposals.

Appraisal:-

Officers are of the view that the current proposal is a significant improvement on the previously refused scheme, which proposed a very large dormer extension over the garage. This revised scheme provides for a much more sympathetic and cohesive first floor extension, generally in-keeping with the design of the existing dwelling.

However, this property occupies a prominent position within the street scene, adjacent a Conservation Area. Although the existing attached garage projects forward of the property, the main two-storey element of the dwelling is set back approximately 15 metres from the road. Officers have been consistently concerned, therefore, about the impact of potentially incongruous and over dominant front extensions to the property on both the appearance of the property itself and the street scene in general. Similar concerns were felt about a recently approved extension next-door, at No.3 Back Lane, where a 3 metre-deep two-storey front extension was eventually permitted. It should be noted, however, that No 3 Back Lane is set back from the application property and therefore it was considered that the impact on the street scene would not be significant enough to refuse the application.

Not only is the application property set forward of the neighbouring property, but the garage, and therefore the proposed first-floor extension, projects forward further still. In the light of officers' serious concerns about this, discussions took place with the applicants and their agent, following the recent refusal, with a view to agreeing an acceptable revised scheme. Despite officers' reservations about any significant front extension to the property, it was nevertheless felt that regard should be had to the approved scheme next door, and so consequently it was suggested that a similar 3-metre-deep front extension might be difficult to resist. The applicants have disregarded this advice, however, and submitted a scheme that is 4.2 metres deep. This is considered excessive and without any special justification to outweigh the planning considerations.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, it is considered that the proposed first floor extension fails to respect the scale, design and character of the existing dwelling, resulting in an incongruous, overbearing and unsympathetic impact on the appearance of the property itself, the street scene in general and the adjoining Market Bosworth Conservation Area. The development would, therefore, be contrary to policies BE1, RES7 and BE7 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Guidance on House Extensions.

Contact Officer:- N Wright Ext 5605

Item: 16

Reference: 05/01108/OUT

Applicant: Untouchable Leisure Ltd

Location: Beavers Bar 5 London Road Hinckley Leicestershire LE10 1HQ

Proposal: DEMOLITION OF EXISTING BAR AND ERECTION OF 12 NO. APARTMENTS (REVISED SCHEME)

Introduction:-

The application is a resubmitted outline application for residential development at Beavers Bar, London Road, Hinckley. The scheme proposes 12 apartments and includes the proposed siting of the building and access at this stage. The site measures 0.05 hectares.

The site is located within the urban area of Hinckley, close to the town centre. The area is a mix of uses including residential, community and retail. The site is currently operating as a bar (A3 use) and has done so for a number of years.

The character of the area is a mix of single, two and three storey properties either detached or forming a terrace. The town centre and associated facilities are within easy walking distance. Beavers Bar itself is single storey.

The resubmitted plans show the layout of the site, internal accommodation, parking arrangements and an indicative street scene elevation to include Gladstone Terrace and The Lawns Business Centre, and an indicative elevation along Gladstone Terrace.

Information submitted in support of the application is an analysis of the existing area to include its character, adjacent uses and form of buildings. The application site has been described as unique in form and with development potential on a west-east line leading out of Hinckley town centre. The existing use has been the subject of complaints to the Local Authority and the existing ground floor benefits from a large void beneath. The adjacent single storey offices are out of keeping with the immediate area and more distant surroundings in design, height and massing.

The scheme has been amended to reduce the eaves height on the front of the building, to two and a half storeys, and reduced the ridge height. The roof garden to the rear has been lowered. The internal arrangement of the flats has been amended in order to reduce the depth of the wing nearest to 1 Gladstone Terrace, ensuring the building does not overlap the front of the dwelling.

History:-

| | | | |
|--------------|--|-----------|----------|
| 05/00700/OUT | Demolition of Existing bar and Erection of 12 Apartments | Withdrawn | |
| 01/01096/ADV | Retention of Illuminated Sign Consent | Approved | 24.04.03 |
| 00/01168/FUL | Elevational Alterations and Extension to Roof | Approved | 28.02.01 |

Consultations:-

No objections have been received from:-

Environment Agency
Head of Health and Environment Service
Borough Council's Land Drainage Engineer.

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

Severn Trent Water Ltd
Leicestershire Constabulary Crime Reduction Officer
Director of Highways, Transportation and Waste Management.

Site and press notices were provided and neighbours notified. Two letters received raising the following concerns:-

- a) a condition should be imposed that the garden area must be walled to prevent new residents from accessing their properties from the side and therefore leaving cars either in Gladstone Terrace or on other property
- b) the underground parking could damage foundations
- c) the proposed development is of a scale out of keeping with the area
- d) there are no other 3 storey properties in the area
- e) the three storey elevation is the width of Gladstone Terrace (approx 4.8 metre wide) from the Gladstone Terrace properties
- f) potential for overlooking
- g) the proposed development will block out a major part of the light to my house
- h) there will be difficulties for fire service vehicles to access Gladstone Terrace
- i) contractor's vehicles will cause problems for the residents of Gladstone Terrace.

Development Plan Policies:-

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

Policy RES5, of the adopted Hinckley and Bosworth Local Plan, assesses residential proposals for development on unallocated sites. 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 RET5 states that alternative uses proposed in the town centre fringe should not have a detrimental effect on the amenities of adjoining residential properties by reason of height, mass, design, proximity, noise and disturbance, and excessive traffic generation. Adequate parking provision should be provided and the development should be in keeping with the general character of the area, not detract from the visual amenities of the area or be prejudicial to the comprehensive development of the larger area of which the development forms part.

Section 1A of the Local Planning Authority's Supplementary Planning Guidance on new residential developments, provides further advice.

The Local Planning Authority's Supplementary Planning Guidance on Play and Open Space would usually seek a financial contribution for the provision and maintenance of play and open space, equating to £1,850 per each residential unit, where facilities cannot be provided within the site.

Appraisal:-

Density

The application site measures 543 square metres, which with 12 apartments gives a density of around 221 dwellings per hectare. This is above the minimum density level of the local plan of 27 dwellings per hectare, and above the Planning Policy Guidance Note 3 guidance that requires 30-50 dwellings per hectare. Although Planning Policy Guidance Note 3 does seek higher densities than 30-50, on brownfield sites within urban locations which are close to good public transport and transport corridors, this number of dwelling is unusually high even for apartment development in Hinckley.

Design

The current application had not included the design of the dwellings to be determined at this time. However, Article 3 of our General Development Procedure Order 1995 has been invoked to enable the indicative street scene and elevation to be judged as part of the application. This shows a two and a half storey block facing London Road and Gladstone Terrace.

The residential character of the area is predominantly two storey in height and development of the site for residential purposes should respect this scale. Particularly so given the relationship/proximity of the proposals on Gladstone Terrace to the application site.

It is noted that there are three storey buildings in the town centre on Castle Street, which is near to the site but not directly adjacent. There is a clear change in the height of development as you leave the core of the town centre to a mix of single and two storey buildings which changes the character to a more traditional residential appearance.

The street scene elevation demonstrates the aim of the revised scheme to provide an apartment building in keeping with the character of the area and the adjacent properties. Whilst officers consider that a two storey scheme would be more appropriate, two and half storey is not considered to be detrimental to the street scene to warrant refusal of the application and at the same time ensures the scheme is viable.

Further amendments reducing the number of dormers in the roof have been requested and this will be reported as a late item.

Layout

With regards to privacy and outlook, the Supplementary Planning Guidance requires a distance of 25 metres between facing windows and 14 metres between facing windows and gable walls. The proposed layout does now achieve these distances, including between the proposed building and properties in Gladstone Terrace, required to safeguard existing residents and future occupiers.

These distances are not just required purely for privacy and outlook but mass of the building as well. The amended scale, mass, height and proximity of the building has reduced the overbearing affect on the amenities of residents in Gladstone Terrace.

Adequate off street parking provision must be provided per the number of bedrooms proposed. The parking standards require a minimum of three spaces per two dwellings. The current layout provides 15 parking spaces located in the basement area below the building. This is below the requirement of 18 spaces that are required to meet the Local Plan standard. However, given the town centre location, and the site being sustainable in terms of access to other modes of transport the lack of car parking provision, which is

above the requirements of Planning Policy Guidance Note 3, would be difficult to sustain as a reason for refusal.

Access

The Highway Authority have not objected to the application. The site is a brownfield site which currently creates traffic on a daily basis as well as delivery vehicles/dray vehicles etc. The existing premises fall within A4 of the Use Classes Order, with permitted change to either A1, A2 or A3. Any of these uses could generate a more significant amount of traffic than the residential development exposed without the benefit of a purpose built parking area as indicated on the basement level for the flats. On balance therefore, notwithstanding the fact there is a school within the vicinity, the Highway Authority are not in a position to demonstrate that if the proposal were permitted. It would lead to an overall increase in traffic to the site.

There is a shortfall in parking space provision when considering the Local Plan standard for the current use and the proposed use. Sustainable reasons for refusal due to lack of parking could not be justified in this instance when considering the brownfield nature of the site, its town centre location and Regional Planning Advice. A contribution for the shortfall in parking provision will be required.

Landscaping and Amenity

The proposed site layout provides landscaping and amenity in the form of a roof garden above basement parking. The building itself will fill the entire application site. Landscaping cannot be accommodated at the front of the site unlike the Lawns Business Centre.

The Supplementary Planning Guidance requires that 10 square metres of amenity space should be provided per dwelling. Amenity space has been included as part of the proposed building. The amenity areas do provide adequate amenity space for the number of flats inline with the Local Plan requirements.

Contributions

Developer contributions will be required for play and open space £22,200, library facilities £470, waste management £480, health facilities £2,750 and parking provision £6,000 in line with policy.

Conclusion

It is therefore considered that the amended scheme has addressed the issues of scale, mass and siting of the proposed scheme. It is considered unlikely to detrimentally affect the character of the area and street scene, nor severely impact on the residential amenities of the occupiers of adjacent properties.

RECOMMENDATION:- That subject to (i) the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972, or (ii) imposition of appropriate condition to provide financial contributions towards play and open space, car parking, library facilities, waste management and health facilities, 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 Policy/Policies BE1, RES5, T5 and NE14 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to 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 two years from the date of approval of the last of the reserved matters to be approved.
- 2 This permission relates to the application as revised by amended plan 3388/02 Rev C and 3388/03 Rev B received by the Local Planning Authority on 16 November 2005
- 3 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:
 - i) The external appearance of the proposed building
 - ii) The external building materials
 - iii) The provision to be made for landscaping of the site
 - iv) The provision to be made for screening by walls and fences
 - v) The floor levels of the proposed apartments 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.

- 4 The windows to be inserted into the western elevation shall be inwards opening only and retained as such at all times thereafter.
- 5 The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority, and works shall be carried out in accordance with the approved details.
- 6 Notwithstanding the submitted details, no gates shall be erected to the vehicular access.
- 7 Before first occupation of any dwelling hereby permitted, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.
- 8 The car parking and any turning facilities shown in the basement shall be provided before the dwelling is first occupied and shall thereafter permanently remain available for such use.
- 9 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 6 metre control radii on both sides of the access.
- 10 Before first use of the development hereby permitted, the access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
- 11 The proposed access shall have an effective width of a minimum of 4.8 metres for a distance of at least 5 metres behind the highway boundary. The access drive once provided shall be so maintained at all times. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

Reasons :-

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990.
- 2 To define the permission.

- 3 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 4 To prevent encroachment over land under other ownership to accord with policy BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 5 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. To accord with policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 6 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 policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that vehicles may enter and leave the site in a forward direction in the interests of the safety of road users and to accord with policy T5 of the Hinckley and Bosworth Local Plan.
- 8 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 and to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 9 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 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.
- 11 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.

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 suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.
- 4 All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager - (telephone 01530 262380).

- 5 The applicant's attention is directed to the letter from Leicestershire Constabulary dated 7th November 2005.

Contact Officer:- K Burnett Ext 5898

Item: 17

Reference: 05/01115/COU

Applicant: Mr S J Miners

Location: Right Price Motors Ltd 23 Harrowbrook Road Hinckley Leicestershire
LE10 3DJ

Proposal: INDOOR GO KART CIRCUIT

Introduction:-

The application is for the change of use of a vacant industrial building on the Harrowbrook Industrial Estate for an indoor minimoto and go-kart circuit. The building measures 2,176 square metres and is located on the west side of Harrowbrook Road, backing onto the Harrow brook itself. The industrial estate has a number of businesses operating from various types and sizes of industrial building.

Supporting documents have been submitted with the application stating that indoor go-kart centres around the country are all situated on industrial estates in order to avoid causing disturbance to residential areas, together with ventilation information. Letters of support from Leicestershire Constabulary and Hollycroft Neighbourhood Watch have also been included and who both state that there is a need for such a facility and for young people to be able to carry out such activities in a safe environment.

The applicant has applied to run the premises 40 hours per week to include weekends, and will employ 24 staff, although the nature of that employment is not stated. They also expect 45 cars visiting the site during the normal working day.

Members may recall recently refusing an application for the same use, by the same applicants, on another unit situated in a more central location within the industrial estate, on the east side of Harrowbrook Road.

History:-

None relevant

Consultations:-

At the time of writing this report, no response has been received from:-

Borough Council Land Drainage Consultant
Director of Highways, Transportation and Waste Management
Head of Health and Environment Services
Health and Safety Executive
Neighbours
Site Notice.

Development Plan Policies:-

The site lies within the settlement boundary and existing employment site within Hinckley as identified in the adopted Hinckley and Bosworth Local Plan.

Employment Policy 5 of the Leicestershire, Leicester and Rutland Structure Plan 1996-2016 adopted 7th March 2005, requires existing employment site allocations to be reviewed and key existing sites identified.

Policy EMP1(a) of the adopted Hinckley and Bosworth Local Plan seeks retention of employment uses on these existing employment sites that are of importance to the economy of the Borough, and whose operation presents no significant environmental problems.

Policy BE1 of the adopted Hinckley and Bosworth Local Plan states that planning permission for development proposals will be granted where amongst other criteria, there is adequate provision for on and off street parking and the development does not adversely affect the occupiers of neighbouring properties.

Appraisal:-

The main considerations of the application are the same as those of the previous proposal, namely the use of the premises for an indoor minimoto and go-karting circuit itself, the affect on neighbours, and the provision of adequate parking facilities and ventilation. Advice regarding the ventilation proposed is being sought from Health and Environment Officers and will be reported as a late item.

Although the proposed use has the potential to cause noise and disturbance to the neighbouring businesses, this could be controlled through satisfactory ventilation of the premises.

The application site forms part of an identified local employment area within Hinckley. The recent Employment Land and Premises Study recommends that the Borough Council should retain 100% of the site for employment.

Although the use as a go-kart circuit falls within sui generis of the Use Classes Order 1987, other indoor, outdoor sports and leisure uses including motorbike racing is classified as D2. Whilst the proposed use will apparently result in the employment of 24 staff members, neither of these uses is strictly an employment use. It is therefore considered that the proposed use would result in the loss of an employment site within one of the prime (category (a)) industrial estates in Hinckley.

It is recognised that this is a leisure activity for all ages and is an activity which is growing in popularity, bringing more people into Hinckley, and it reduces the number of minimotos being used on public roads and pavements. However, it is not considered that these are reasons to set aside the concerns about the principle of the development. Whilst officers recognise the need and desire for such a facility, the scheme is nevertheless considered unacceptable and conflicts with the relevant policies, EMP1 and BE1 of the adopted Local Plan.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 The proposed change of use of the premises is likely to have a detrimental impact on the character of the area and is therefore contrary to policies EMP1 and BE1 of the adopted Hinckley and Bosworth Local Plan, and Employment 5 of the of the Leicestershire, Leicester and Rutland Structure Plan 1996-2016 adopted 7th March 2005, as the site is identified as part of a local employment area.

- 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 be consequently hard to resist . Therefore the proposal is contrary to policies EMP1 and BE1 of the adopted Hinckley and Bosworth Local Plan, and Employment 5 of the of the Leicestershire, Leicester and Rutland Structure Plan 1996-2016 adopted 7th March 2005, as the site is identified as part of a local employment area.

Contact Officer:- N Wright Ext 5605.

Item: 18

Reference: 05/01123/FUL

Applicant: Haden Ritchie Bailey Ltd

Location: King William IV 35 Station Road Market Bosworth Nuneaton,
Warwickshire CV13 0JS

Proposal: CONVERSION TO SEVEN APARTMENTS AND CAR PARKING

Introduction:-

This is a full application for residential development at the King William IV Public House, Market Bosworth. The scheme proposes to convert the existing public house and erect a two storey side extension to provide 7 apartments. The site measures 837 square metres.

The public house is situated on the corner of Station Road with Southfield Way and is on the boundary of the Market Bosworth Conservation Area. The site is surrounded by a mixture of residential and commercial properties with the Dixie Grammar School to the north.

The two storey side extension will be sited to the east of the site adjacent to the Tin Tin Cantonese restaurant and will measure 7.2 metres by 10.9 metres with a maximum height of 8.2 metres. This is slightly higher than the adjacent properties but lower than the existing public house.

The design statement submitted with the application states that the public house now fails to meet the current aspirations of the Breweries as it does not address the trends of the 'family and friends' type of operation. It emphasises that the building will be sensitively converted, without denigrating the existing architectural composition. The proposed extensions will both be subordinate and materials are to match the main building. They believe that the overall proposals relate more favourably to its residential surroundings and make a greater contribution to the community by the way of improving the important picturesque approach to the town centre. They have also submitted a map locating the existing public houses, licensed premises and restaurants in Market Bosworth.

History: -

| | | | |
|--------------|--------------------------------------|----------|----------|
| 96/00856/FUL | Extensions to Public House | Approved | 05.12.96 |
| 03/00327/ADV | Illuminated fascia signage and totem | Approved | 12.05.03 |

Consultations:-

No objections have been received from: -

Land Drainage Engineer
Head of Health and Environment Services.

No response at the time on writing has been received from:-

Market Bosworth Conservation Society
Historic Buildings Panel.

The Director of Highways, Transportation and Waste Management has, alongside standard conditions, required that a minimum of two car parking spaces be provided per dwelling within the curtilage of the site.

Market Bosworth Parish Council object to the proposal on the grounds that that the conversion will result in the loss of a well used venue in the town which provides for a lack of car parking provision in an already congested area. They also state that there are already unsold new dwellings in the town; does Market Bosworth require anymore accommodation?

Site and press notices were provided and neighbours notified. 25 letters received raising the following concerns:-

- a) The loss of the public house will be detrimental to the local community, bearing in mind the recent loss of 2 pubs in the area. The redevelopment of this pub will leave only 2 pubs left in Market Bosworth
- b) The loss of car parking. The pub car park is currently used by parents dropping and collecting their children from school and by those using the nearby take-away restaurants, the loss of this facility will result in more on street parking
- c) The lack of car parking. 12 spaces for 16 bedrooms is considered insufficient
- d) The conversion will result in an over-development of Market Bosworth, there are already new dwellings in the area which have remained unsold.

Development Plan Policies:-

The site is located within the settlement boundary and conservation area of Market Bosworth, as defined in the adopted Hinckley and Bosworth Local Plan.

Policy RES9 of the adopted Hinckley and Bosworth Local Plan assesses the conversion of buildings to residential use against whether it provides adequate on-site car parking, its effect on the neighbouring amenities and its effect on the general character of the locality.

Policy BE7 of the adopted Hinckley and Bosworth Local Plan states that in Conservation Areas, the emphasis will be on control rather than prohibition, to allow the area to remain alive and prosperous while ensuring that any new development accords with its special architectural and/or historic merit.

Policy BE1 of the adopted Hinckley and Bosworth Local Plan seeks to ensure high quality in new development and that proposals complement the surrounding area, provide safe access arrangements and adequate off-street parking provision, not adversely affect neighbouring properties and ensuring an adequate degree of privacy and amenity.

Policy RES5 of the adopted Hinckley and Bosworth Local Plan states that residential development in such locations may be viewed favourably, subject to the design, density, scale and layout being satisfactory and the scheme meeting the criteria set out in the Borough Council's supplementary Planning Guidance.

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

The Council's Supplementary Planning Guidance (Section 1A), provides further advice on new residential development and section 3 provides advice on vehicle parking standards.

The Local Planning Authority's Supplementary Planning Guidance on Play and Open Space seek a financial contribution for the provision for the maintenance of play and open space, equating to £1,850 per each residential unit, where facilities cannot be provided within site.

Appraisal:-

Density

The application site measures 0.083 hectares which with 7 apartments give a density of around 84 dwellings per hectare. This is above the minimum density level of the local plan of 27 dwellings per hectare, and above the Planning Policy Guidance Note 3 that requires 30-50 dwellings per hectare. However Planning Policy Guidance Note 3 does seek higher densities than 30-50 on brownfield sites at places with good public transport accessibility such as town, district and local centres or around major nodes along good quality public transport corridors.

Design and Layout

Due to the conversion of the existing building the majority of its elevations, apart from the insertion of windows in the north west and southern elevations, remain unchanged. The main issue is the erection of the two storey side extension. In terms of design, our Supplementary Planning Guidance states that new development should be designed to complement the character of the surrounding built form in relation to the roofscape and ridge height of the existing building and keep in character with existing architectural features and materials.

Generally from the main Station Road elevation the extension complies with our guidance, and although the roof height is slightly higher than the immediately adjacent buildings it is lower than the roof of the existing public house and the surrounding buildings. However in terms of privacy and outlook there are concerns that windows in the southern elevation, facing Warwick Lane encroach the amenity space and privacy of number 11 Warwick Lane, which is grade II listed. The design of the extension is not considered to be detrimental to the surroundings of this listed building, nevertheless our Supplementary Planning Guidance does require a distance of 25 metres between facing windows and 14 metres between facing windows and blank walls. The current distance between the two buildings is 16 metres, and although number 11 has no first floor windows facing the development, the distance is insufficient in terms of overlooking from the proposed first floor and dormer windows. Therefore amended plans will be requested to achieve these minimal privacy distances.

Access and Car Parking

The Highway Authority comment that the proposed development should comply with the Leicestershire County Council design standards to include parking, turning facilities, access widths, surfacing and visibility splays.

In terms of parking, Local Plan standards require a minimum of three spaces per two dwellings. The current layout does provide 12 spaces which meets the standards. The Highways Authority have requested that 200% parking is achieved to help reduce current on-street parking problems. However taking into account Planning Policy Guidance Note 13 on transport, which states that Local authorities should revise their parking standards to allow for significantly lower levels of off-street parking provision, particularly for developments in locations such as town centres, where services are readily accessible by walking, cycling or public transport, the car parking provision is considered acceptable.

In regard to the comments raised in relation to the development reducing off street parking for those dropping off and collecting children from school and those using the take-away restaurants, the public house car park serves a purpose for patrons only and the fact that the current landlords allow other car parking at their discretion cannot be taken into account when determining the outcome of the application. No objections have been raised in regard to highway safety issues or increase in the volume of traffic by the Highways Authority.

Landscaping and Amenity Space

The proposed site layout does provide an indicative landscaping scheme, however a comprehensive scheme would need to be submitted to the Local Planning Authority for approval beforehand. In terms of amenity space provided the Supplementary Planning Guidance requires that a minimum of 10 square metres should be provided per dwelling. General calculations of amenity space taken from the layout plan submitted indicate that sufficient space for the number of flats proposed has been provided in line with Local Plan requirements.

Impact on Local Amenity

In terms of the impact of the loss of a public house to residential development, it is considered that Market Bosworth is not lacking in licensed premises in the area. The fact the Black Horse now provides a restaurant facility has been taken into account. However, it is understood that this premises still provides a licensed bar area. Although the site is situated near non residential uses it nevertheless remains adjacent to an established residential area, it is considered that the residential conversion and extension subject to amendments would not be out of keeping or detrimental to the surrounding area.

Conclusion

It is considered that the proposed conversion and extension complies with the general principles contained in policy guidance, subject to amended plans being received which conform with the minimum privacy distances. The loss of the public house, given the proposed use, is considered to be acceptable. It is therefore recommended that planning permission should be granted.

Recommendation :- That following 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, or the receipt of a one-off payment or imposition of an appropriate condition, to provide financial contributions towards off-site public open space provision and off-site car parking or transportation, the Head of Culture and Development be granted delegated powers to issue planning permission subject to the following condition:-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, RES7, RES9, BE7, NE12 and T5; 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 This permission relates to the application as revised by amended plan received by the Local Planning Authority on ****
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed extension shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No gates shall be erected to the vehicular access
- 5 Notwithstanding the submitted details, no walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway along the sites Southfield Way frontage.
- 6 Before the development hereby permitted is first occupied, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
- 7 Before the development hereby permitted is first occupied, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.
- 8 The existing vehicular access(es) shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossing reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.
- 9 Before the development hereby permitted is first occupied the access drive and turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
- 10 Notwithstanding the submitted details, before the development hereby permitted is first occupied, 2.0 metre by 2.0 metres pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.
- 11 Notwithstanding the submitted details, the proposed access shall have an effective width of a minimum of 4.8 metres for a distance of at least 5 metres behind the Highway boundary. The access drive once provided shall be so maintained at all times.
- 12 Before the development hereby permitted is first occupied, the vehicular access to the site shall be provided with 2 metre control radii on both sides of the access.
- 13 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.

- 14 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
- i) proposed finished levels or contours
 - ii) means of enclosure
 - iii) car parking layouts
 - iv) other vehicle and pedestrian access and circulation areas.
 - v) hard surfacing materials
 - vi) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
 - vii) planting plans
 - viii) written specifications
 - ix) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - x) implementation programme.
- 15 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 comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 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.
- 5 To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
- 6 To reduce the possibility of surface water from the site being deposited in the highway causing danger to road users.
- 7 To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of the road users.
- 8 To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.
- 9 To reduce the possibility of deleterious material being deposited in the highway (loose stone etc.)
- 10 In the interests of pedestrian safety.
- 11 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.

- 12 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway.
- 13 To ensure the provision of public open space to accord with policies REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan.
- 14 To enhance the appearance of the development to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.
- 15 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 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.
- 3 Condition 13 refers to public open space. In accordance with the Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide public open space should be provided either on site, or a contribution made towards off-site provision. In this instance a contribution of £12,950 is required towards the provision of off-site public open space. This can be provided by a one off payment or secured by the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.
- 4 In regard to condition 11, if the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.
- 5 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager - (telephone 01530 262380)

Contact Officer:- K Garman Ext 5680

Item: 19
Reference: 05/01150/FUL
Applicant: Messrs H C Wakefield (Builders Ltd)
Location: Land Adj 5 Church Walks Stoke Golding Nuneaton, Warwickshire
Proposal: ERECTION OF ONE DWELLING (AMENDED SCHEME)

Introduction:-

This is a full planning application for the development of land situated approximately 40 metres to the south of St Margaret's Church which is Grade 1 listed and immediately to the

west of Church Walks, Stoke Golding. The rear garden of 38 Andrew Close abuts the western boundary, the car park of the George and Dragon public house forms the southern boundary and the northern boundary is no. 5 church Walks and its rear garden. The site falls approximately 0.75 metre from west to east and the frontage is open to Church Walks. On the eastern side of Church Walks, opposite the application site, is a garage, constructed some 15 years ago.

Church Walks is an important route, which is well used by the local community and also links St Margaret's CE Primary School on the High Street with the village centre. It is adopted highway from the High Street to a point, 4 metres to the south of No 5 Church Walks. From there, southwards, it is classified as a public footpath. The properties, which front this part of Church Walks are very close to the edge of the jitty. Pedestrian access to the property at No 5 Church Walks, which is located at the right angle bend in the jitty, is directly off the jitty.

The proposal is for the erection of a single three bedroom detached dwelling on approximately 290 metres square of land. The site was originally occupied by three terraced cottages, which were demolished approximately 18 years ago. The applicant's agent has advised that they had no vehicular access.

The applicant's agent has submitted a design statement in support of the application. The design statement states that the residential development will enhance the character and appearance of the area and that traffic flow has been discussed with the Highway Authority and has their agreement.

History:-

| | | |
|--------------|---------------------------------------|---------------------|
| 90/0746/4 | Erection of detached house and garage | Dismissed at Appeal |
| 04/01290/FUL | Erection of two dwellings | Refused 23.12.04 |

Consultations:-

No objections have been received from:-

The Head of Health and Environmental Services
Stoke Golding Parish Council.

No objections have been received subject to standard conditions from the Environment Agency.

Director of Highways, Transportation and Waste Management has objected to the proposed application. The development could result in an unacceptable increase in traffic using Church Walks, which is narrow, lacks an adequate footway, turning facilities and appropriate visibility splays at the junction with the High Street. Access to the site is over a section of footpath where there is no lawful vehicle right of way demonstrated by the applicant and which would increase dangers to pedestrians especially the young and elderly.

A neighbour and the headmaster of St Margaret's School has also raised concerns about the increase in traffic during construction and when the property is occupied.

Development Plan Policies:-

Government Advice

Planning Policy Guidance Note 3 Housing encourages the use of previously developed land within urban areas in preference to the development of greenfield sites for housing. It promotes more sustainable patterns of development and makes better use of previously-developed land.

Structure Plan Policies

Strategy Policy 10 encourages the promotion of good design in development schemes.

Local Plan Policies

The site lies within the settlement boundary of Stoke Golding and within the Stoke Golding Conservation Area.

Policy BE1 of the adopted Hinckley & 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, layout, highways and parking standards.

Policy T3 states that Leicestershire County Council's design standards need to be met for new residential dwellings.

Policy BE7 seeks to ensure that proposals in conservation areas will preserve and enhance their special character.

Policy REC2 of the adopted Hinckley and Bosworth Local Plan requires the provision of an appropriate level of formal open space within the site or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

Policy IMP1 seeks to ensure that adequate contributions are made towards the provisions of necessary on-site and off-site infrastructure facilities.

Planning applications will also be assessed against guidance contained in the Council's adopted Supplementary Planning Guidance on residential development. It will also be additionally assessed on the guidance contained in the Council's adopted Supplementary Planning Guidance on Play and Open Space.

Appraisal:-

The principle issues to be considered with this proposal are:

Design

The design of the proposed development provides a good scheme which draws on the architecture of nearby traditional buildings and follows the principles highlighted in the Stoke Golding Conservation Area Statement. The Local Planning Authority will seek to have natural materials used on the development if approved.

Residential Amenity

The layout of the proposed dwelling complies with the guidelines set out in the Council's Supplementary Planning Guidance, regarding satisfactory provision of private amenity space.

The proposed dwelling is set back from the northern boundary and its principal windows face the jitty and garden which avoids loss of privacy to No 5 Church Walks.

Access

Church Walks is well used by the community but is very narrow. A planning application for a detached house and garage on this site was refused in 1990. The applicant subsequently appealed but it was dismissed.

The inspector considered the main issue to be whether the proposed house and garage would result in significant traffic hazards in Church Walks. He noted the width of Church Walks was less than 3 metres adjacent to the application site, and that Church Walks is much used by mothers and toddlers as well as children who attend St Margaret's C of E school. The Planning Inspector wrote that "the extremely narrow width outside the (appeal) site would inevitably result in conflict between vehicular and pedestrian movements. He wrote. It is not easy to manoeuvre vehicles in and out of the southerly extension of Church Walks in front of No 5 and the appeal site." He also noted that the proposed development, (the dwelling and garage) would result in significant traffic hazards in Church Walks and on this basis alone, is unacceptable.

The site is close to the bend in the jitty and the views of the County Council's Director of Highways, Transportation and Waste Management are accepted.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, the proposal if permitted could result in an unacceptable increase in traffic using Church Walks, which is narrow, lacks adequate footway facilities, turning facilities and appropriate visibility splays at its junction with the High Street. The proposed access to the site is also over a section of public footpath where there has been no lawful vehicular right of way demonstrated and which could increase dangers to pedestrians especially the young and the elderly. To permit the development therefore would not be in the interests of Highway safety and contrary to Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 2 In the opinion of the Local Planning Authority, lack of financial contribution to address the increase in pressure placed on Public Open Space facilities of the local area by the proposed development would not accord with Circular 05/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996-2016, Policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Guidance on Play and Open Space (October 2002)

Contact Officer:- B Whirrity Ext 5619

Item: 20
Reference: 05/01155/DEEM
Applicant: Hinckley And Bosworth Borough Council
Location: 8 Deacon Rise Barton In The Beans Nuneaton, Warwickshire CV13 0DJ
Proposal: CONSTRUCTION OF ACCESS RAMP

Introduction:-

This deemed application made under the Town and Country Planning General Regulations 1992 by the Borough Council is for the construction of an access ramp to serve the 8 bungalows situated in Deacon Rise. The ramp will be sited in the existing side garden of number 8 Deacon Rise and will measure 25.5 metres long and 1.8 metres wide rising in total 1.36m from existing pavement level.

The existing stone wall and hedge which fronts Main Street is to remain leaving only a small portion of the handrail visible from the street. Two trees, as a result of the development are proposed to be removed from the garden.

History: -

None relevant.

Consultations:-

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

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

Development Plan Policies:-

The site is located within the settlement boundary of Barton in the Beans, as defined in the adopted Hinckley and Bosworth Local Plan.

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 safe-guard and enhance the existing environment and occupiers of neighbouring properties.

Appraisal:-

The proposed development satisfies policy BE1 of the adopted Hinckley and Bosworth Local plan. The proposed access ramp is sited within the existing garden to number 8 Deacon Rise and at its maximum the proposed handrail will be 1 metre above the existing hedgerow, though the majority of it will be screened. The closest dwellings are approximately 19 metres away and it is not considered that the proposal will have an adverse impact on the residential amenities of neighbouring occupiers or the general locality.

In regard to the two trees which are to be removed as a result of the development, the Borough Council's Arboricultural Consultant will advise whether these trees are of any particular merit, the outcome of which will be reported as a late item.

The proposal is in conformity with the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

RECOMMENDATION :- Permit subject to the following conditions :-

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

Reasons :-

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

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 in the circumstances provided for in The Party Wall etc Act 1996.

Contact Officer:- K Garman Ext 5680