

REPORT P65

PLANNING COMMITTEE

24.01.2006

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: 05/00599/FUL
Applicant: 4G Holdings
Location: Unit 1a 9 Trinity Vicarage Road Hinckley Leicestershire LE10 0BU
Proposal: REDEVELOPMENT TO FORM 12 NO FLATS

Introduction:

This is a full application for the demolition of a single and two-storey former textile factory premises at Trinity Vicarage Road and redevelopment for twelve flats.

The site is close to the junction of Trinity Vicarage Road and Trinity Lane, adjacent Hammonds retail store to one side and, to the other side, the access to the residential development of Trinity Court to the rear. There are residential properties on the opposite side of Trinity Vicarage Road.

The layout of the proposed new development comprises of a single three-storey L-shaped block to the rear of the site, set back from Trinity Vicarage Road. A parking area for twelve cars would be provided on the frontage of the site with direct access off Trinity Vicarage Road. A small communal garden is shown to the front of the development and each flat has a 'juliette' balcony.

A Design Statement was submitted with the application, which states that the development is a sustainable form of development on a brownfield site; that it would be of a design and scale that respects the neighbouring developments; and that it would create visual interest to the area.

History:-

99/00137/COU	Change of use to martial arts club and ancillary office	Approved	28.04.99
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Consultations:

No objection has been received from Severn Trent Water Ltd.

No objection subject to standard conditions has been received from:
Director of Highways, Transportation and Waste Management (Highways)
Head of Health and Environment Services
Borough Council's Land Drainage Consultant.

Environment Agency objects on the grounds that it has not been demonstrated that the development will not have an adverse impact on the water environment.

Leicestershire Constabulary Crime Reduction Officer has no objections but makes some comments on the layout that could help to reduce the risk of crime.

Director of Commercial and Support Services identifies a contribution towards existing library facilities of £470.

Director of Highways, Transportation and Waste Management (Waste Management) seeks contributions towards Civic Amenity Site infrastructure works at Barwell on the basis of £40.77 per new dwelling.

Hinckley and Bosworth NHS Primary Care Trust seeks a contribution towards health care facilities of £2,755.

Director of Environment and Heritage Services (Ecology) recommends the developer be required to incorporate bat bricks and boxes into the design of new properties and to plant native trees to establish feeding grounds.

Neighbours notified, one letter received expressing concerns about overlooking of dwellings at Trinity Court and that the development should not add to existing parking congestion.

Development Plan Policies:

Central Government Guidance

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

Planning Policy Guidance Note 3: Housing (PPG3) advises local planning authorities to promote developments which combine a mix of land uses and makes the most efficient use of land such as through conversions of existing buildings. It advises that local planning authorities should reject poor design and that applicants for housing development should be able to demonstrate how they have taken account of the need for good layout and design and how their proposals reflect the guidance set out in the Planning Policy Guidance.

The Structure Plan

The Leicestershire, Leicester and Rutland Structure Plan 1996-2016 (adopted 7th March 2005) states in Strategy Policy 10 'Good Design' that good design will be promoted by ensuring that development provides for efficient use of land in a manner which satisfactorily acknowledges environmental and amenity interests and protects or enhances the form and character and distinctiveness of the built and natural environment.

Strategy Policy 11 'Developer Contributions' of the adopted Structure Plan ensures that developers meet the requirements and costs of relevant infrastructure to support the development.

Housing Policy 5 'Density and Design' of the adopted Structure Plan encourages housing development to attain a minimum of 40 dwellings per hectare (net).

Employment Policy 5 'Review and Protection of Employment land and Buildings' of the adopted Structure Plan only supports other uses or mixed development if the change would not result in a shortage of employment land in the area or the land is no longer suitable for employment purposes.

Accessibility and Transport Policy 1 of the adopted Structure Plan encourages developers to maximise the potential for access to and from the development to minimise traffic generated by the proposal. Mitigation may be necessary if it is likely to have an unacceptable effect on the environment or exceeds the capacity available of the local highway system.

The Local Plan

The site is identified in the Hinckley and Bosworth Local Plan (adopted February 2002) as town centre fringe. Although identified as an employment site in the Deposit Copy of the Local Plan, this designation was removed from the adopted version.

Policy Retail 5 of the adopted Local Plan advises that planning permission will be granted for alternative uses unless it would have a seriously detrimental impact on adjoining residential amenities; it does not meet parking standards; it is out of keeping with the character or visual amenities of the area; it would be prejudicial to the comprehensive development of a larger area; or it would be detrimental to general highway safety.

Policy RES5 of the Local Plan states that planning permission will only be granted for new residential development on sites not specifically allocated in the Local Plan for housing provided they lie within an urban area and their siting, design and layout does not conflict with the relevant plan policies.

Policy BE1 of the adopted Local Plan states that the Borough Council will seek to ensure a high standard of design in order to safeguard and enhance the existing environment and that planning permission will be granted where the development complements or enhances the character of the surrounding area with regard to design, materials and architectural features.

Policy T5 of the adopted Local Plan refers to the application of highway design and vehicle parking standards.

Policy IMP1 of the adopted Local Plan seeks to ensure contributions towards infrastructure and facilities commensurate with the scale and nature of the development proposed.

The Borough Council's Supplementary Planning Guidance on New Residential Development (revised July 1997) and on Play and Open Space (adopted October 2002) provide further guidance on development proposals including the provision of open space within development proposals or of financial contributions towards off-site provision. In this case, the contribution would equate to £22,200 (£1,850 x 12).

Appraisal:

The existing buildings on this site are unremarkable factory buildings that do not make a particularly valuable contribution to the street scene. Consequently, the redevelopment of the site represents an opportunity to significantly improve the appearance of the area.

Notwithstanding this, it is considered that the current scheme is unacceptable in urban design and townscape terms in that the building would be set back behind a frontage car park, which would inevitably dominate the street scene. Furthermore, the building itself, though set back from Trinity Vicarage Road, would be prominent when viewed along Trinity Lane to the south. Although the proposed building would be behind the existing Hammonds building from this viewpoint, its gable-end would nevertheless project well above it, resulting in a potentially overdominant and incongruous feature in the street scene.

There is also some concern about the design of the building, particularly in respect of the side and front elevations visible from Trinity Vicarage Road, where it is felt that the lack of detailing results in a bland and unimaginative scheme.

The parking provision for the site as a whole is 100%, which does not comply with the Local Plan requirements of 150% for flats development. However, due to its town centre location and proximity to a public car park, officers are of the view that the proposed parking provision is acceptable.

This site was deleted as a designated employment site from the written statement of the adopted Local Plan following the residential development of Trinity Court. Therefore, there was no requirement for the site to be included in the subsequent Employment Land and Premises Study. Accordingly, there is no policy object to the loss of the current employment use of the site.

Developer contributions would have been required for play and open space, health facilities, library facilities and waste facilities in line with Policy IMP1, should the recommendation have been favourable.

The application site measures 0.08 hectares, which with 12 residential dwellings gives a density of 150 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 advice that requires 30-50 dwellings per hectare. However 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, and this is not unusually high for apartment development.

Officers have suggested to the applicants that, in the circumstances, this application should be withdrawn with a view to discussing a revised scheme for the development of the site. It is considered that an appropriate development of this site would improve the appearance of the area, but that any subsequent scheme should take the form a two-storey street frontage development with parking to the rear. Any response will be reported to Members at the meeting.

RECOMMENDATION :- REFUSE, for the following reasons:-

- 1 In the opinion of the Local Planning Authority the proposal is out of keeping with the appearance of the existing street scene due to its siting, design and appearance, to the detriment of the visual amenities of the area, contrary to Strategy Policy 10 of the adopted Leicestershire, Leicester and Rutland Structure Plan and Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 2 In the opinion of the Local Planning Authority the lack of any financial contribution to address the increase in pressure placed on play and open space facilities of the local area by the proposed development would not accord with Circular 5/05, 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).
- 3 In the opinion of the Local Planning Authority, the lack of any definitive financial contribution to address the increase in pressure placed on library facilities, waste facilities, and the requirements for health facilities, by the proposed development would not accord with Circular 5/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016 and policy IMP1 of the adopted Hinckley and Bosworth Local Plan.

- 4 In the opinion of the local planning authority, it has not been sufficiently demonstrated that the proposed development, by reason of the potential of existing land contamination, would not cause or increase pollution of surface waters and groundwater, to the detriment of the natural water environment, contrary to Policy NE17 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- N Wright Ext 5605

Item: 02

Reference: 05/01160/FUL

Applicant: Tony Morris & Sons

Location: Land Off Rodney Close Hinckley Leicestershire

Proposal: DEMOLITION OF EXISTING FARMHOUSE AND OUTBUILDINGS AND ERECTION OF 12NO. DWELLINGS

Introduction:-

The application is a full application for residential development on land off Rodney Close, currently comprising Sunnyside Farm. The proposal is for the demolition of the existing farmhouse and outbuildings and the erection of twelve new dwellings. Access to the development is to be gained from Blake Close.

The site is located within the outer urban area of Hinckley to the north of the town centre and equates to an area of 0.447 hectares. The surrounding area is comprised of a mixture of modern single and two storey dwellings. To the east of the site lies the Ashby Road Sports Club grounds.

The proposal has adopted a cul de sac arrangement extending from Blake Close. A variety of house types have been proposed and include: two bungalows, four semi-detached, two link detached and four detached properties. Garaging is provided as both integral and detached garages. The existing planting and boundary treatments to be retained have been identified on the submitted plan.

A design statement has been submitted in support of the application stating that the layout of the proposal has been designed to respect the character and amenity of the surrounding dwellings.

Two previous applications were submitted in relation to this site. One application was for the conversion of the outbuildings to a dwelling and the other was for outline consent for the erection of an additional five dwellings. The application to convert the outbuildings was granted planning approval but the outline proposal relating to the erection of five dwellings was withdrawn. The outline application sought access from both Blake Close and an existing driveway off Rodney Close. Consideration of this proposal demonstrated the inadequacy of the proposed access point from Rodney Close and highlighted the constraints surrounding the proposal through retention of the existing buildings.

History:-

05/00103/FUL	Conversion of outbuildings to create dwelling	Approved	10.08.05
05/00104/OUT	Erection of Five Dwellings	Withdrawn	

Consultations:-

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

Director of Highways, Transportation and Waste Management (Highways).
Severn Trent Water Ltd
Borough Council's Land Drainage Engineer.

No response had been received at the time of writing the report from the Environment Agency.

No comments had been received at the time of writing the report from Head of Health and Environment.

Director of Environment and Heritage (Environmental Management) has recommended that some planting be retained, in particular the boundary hedges and that a landscaping scheme is requested as part of any approval.

Borough Council's Aboricultural Consultant has commented that other than a couple of trees on or adjacent to the site it mostly contains ornamental garden trees and shrubs of only marginal importance. There is however a protected mature Ash tree in the corner of the property at No 26 Blake Close and an American Red Oak within the site that is worthy of consideration for retention.

Director of Environment and Heritage (Archaeology) has recommended that any planning permission granted should include a condition that a programme of historic building recording is investigated and implemented prior to commencement of development.

Director of Environment and Heritage (Ecology) has recommended that the scheme incorporates bat bricks and boxes into the design of the properties and native trees are planted to establish feeding grounds. In addition, to the maintenance and establishment of planting along the site boundaries.

Neighbours notified and 40 letters of objection have been received raising the following concerns:-

- a) concern for level of construction traffic
- b) three storey properties are out of character
- c) increase in traffic
- d) devalue property
- e) loss of tranquillity
- f) noise and environmental pollution
- g) the farmhouse and outbuildings should be conserved
- h) loss of wildlife habitat
- i) out of character to the area
- j) overlooking and loss of privacy
- k) overdevelopment
- l) loss of light
- m) the proposal should be for bungalows only

- n) concern that the access road off Rodney Close will be used for parked vehicles or youths
- o) safety concerns for the removal of asbestos materials from the existing buildings
- p) access for service vehicles
- q) a survey of bats and wildlife should be carried out prior to development.

Development Plan Policies:-

The application lies within the settlement boundary of Hinckley as identified in the adopted Hinckley and Bosworth Local Plan. RES5 relates to residential proposals on unallocated sites. It is stated that on those sites, which are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if: the site lies within the settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

Policy BE1 of the adopted Hinckley and Bosworth Local Plan seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Of particular relevance, is the importance of ensuring development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features, as well as the need to ensure the occupiers of neighbouring properties are not adversely affected.

Policy T5 refers to highway standards and parking requirements.

The Local Planning Authority's Supplementary Planning Guidance, relating to new residential development, seeks to achieve high standards of design to ensure that the quality of the environment is retained or wherever possible enhanced. The main aims are to ensure that new developments are well integrated into their surroundings, offering a good standard of amenity to future residents and protect the amenity of existing occupiers.

Appraisal:-

As the site lies within the settlement boundary the principle of developing the plot is considered acceptable. Notwithstanding this, it is necessary to assess the proposal against the relevant plan policies in respect of design and layout and the potential impact on the character of the area.

Sunnyside Farm and its outbuildings currently occupy the site. All that now remains of the farm is the area of land and buildings forming part of the current application. The proposal includes the demolition of the farmhouse and outbuildings. Whilst it is recognised that the farmhouse holds some historical value, the building itself is not of a standard that would warrant it to be listed. Further to this, as the site does not fall within a Conservation Area and taking into account the constraints identified under consideration of the previous proposal retaining the existing buildings, it is considered on balance, the demolition of the farmhouse and outbuildings is acceptable and will subsequently allow for a more appropriate and comprehensive development of the site.

Design and Layout

The proposal has a density of approximately 26.8 dwellings per hectare. This falls short of Planning Policy Guidance Note 3 requiring 30-50 dwellings per hectare. However, it is considered that the proposed density is acceptable for the site when taking into consideration the pattern of development and character of the surrounding residential area.

The layout of the proposal is a cul de sac arrangement extending from Blake Close. Currently Blake Close is a cul de sac of bungalow properties with a small private road serving a further two bungalows. It is from this private road that the access will extend from.

As stated within the design statement the new access is to be of an adoptable standard.

Whilst Blake Close comprises bungalows, the properties surrounding the remainder of the site are two storey detached dwellings. Accordingly, the proposal has sought to complement the character of the area by including two bungalows at the entrance of the development, leading into a mixture of two storey detached and semi-detached properties. Previous plans included a two and a half storey property sideward facing Rodney Close. However, this has since been amended to a two storey dwelling to reduce the impact on neighbouring properties and to be more compatible with the existing development. The designs of the individual properties proposed are reflective of the modern properties surrounding the site and are considered to be in character with the area.

As the site is bounded on all sides by existing development consideration needs to be given to the privacy and amenity of existing properties. It is a requirement of the Local Planning Authority's Supplementary Planning Guidance that the minimum distance between principal facing windows is 25 metres. Additionally, where the window of a habitable room of a two-storey dwelling faces a blank wall, this distance should be a minimum of 14 metres and for a single storey dwelling 12 metres. To the north of the site the proposed dwellings back onto the existing properties on Frobisher Drive. The distances between principal facing windows is in excess of the Local Planning Authority's minimum requirements. In addition to this, the proposal seeks to both retain and improve the existing planting along this boundary in the interests of visual and residential amenity. This is also the case for those properties proposed to the rear of Nelson Drive. Some concern has been raised in respect of the roof light windows proposed to the bungalow on plot 1. However, these windows are proposed to serve the garden room on the ground floor and therefore are not considered to be obtrusive or potentially detrimental to the amenity of the neighbouring property.

It is apparent that not all of the Local Planning Authority's minimum standards for principal facing windows is achievable in respect of the properties to the rear of Rodney Close. The orientation of House type A places secondary windows on the elevation fronting the rear of Nos 1 and 2 Rodney Close. The upper floor window is a bathroom window and is to be obscure glazing.

A pair of semi detached properties back onto the rear of properties on Rodney Close and whilst the distance achieved between the principal windows does not meet the minimum requirements of the Local Planning Authority's Supplementary Planning Guidance, the proposed garden length is comparable to that of the existing properties, at approximately 10 metres. Accordingly, the proposal seeks to achieve the same standard as already exists. Moreover, to reduce any potential impact the upper floor windows of these properties are proposed to be obscure glass and only top half opening.

The standard of design is comparable to the existing modern properties surrounding the site. However, there is concern for the bland elevations proposed for the semi detached properties located on plots 5 and 6. These properties are to be centrally located at the end of the proposed cul de sac and consequently occupy a prominent position within the proposed development. As these properties will be a focal point upon entry into the site, it is considered that the proposed properties are at present bland and without character. Having discussed this concern with the applicant's agent this element of the proposal is to be addressed and amended elevations submitted accordingly. In addition to this, the proposal at present does not incorporate any chimneys into the design of the properties. It is considered that the introduction of chimneys would add character to the scheme and improve the overall design. Again, the applicant's agent has indicated that the proposal will be amended in accordance with this advice.

Access and Parking

The Director of Highways, Transportation and Waste Management has raised an objection to the proposal subject to standard conditions. The parking standards required are two spaces for dwellings with three bedrooms or less and three spaces for dwellings with four or more bedrooms. The scheme has a combination of two, three and four bedroom dwellings. It is considered that the proposal can achieve the required level of parking and can be conditioned to this effect.

During consultation some concern was raised by residents in respect of the use of the existing access road off Rodney Close. The Highway Authority has recommended that this access be closed within one week of the new access off Blake Close being brought into use.

Landscaping

The site is largely vegetated by ornamental garden trees, shrubs and hedgerows. The proposal intends to retain and enhance the existing boundary planting and introduce additional planting within the site. Retention of the boundary hedges, are considered to be important for both visual and residential amenity value. These aid the provision of screening to the development. A landscaping scheme for the provision of further planting can also be included as part of the approval.

Further consideration is being given to retention of the American Red Oak and will be reported as a late item.

Developer Contributions

The play and open space contribution applicable to this proposal is £1,850 per dwelling and equates to a sum of £20,350.

Leicestershire County Council have requested financial contributions in lieu of civic amenity at a sum of £489 and library contributions at £620 respectively.

The Primary Care Trust has requested a contribution of £2,755 to help meet additional demands placed on health care services in the area.

No contribution has been requested in lieu of education, as there is currently a surplus capacity in the local primary and secondary schools.

Conclusion

Having considered the value of existing buildings on site and the constraints impinging development without their demolition, in addition to, the amenity standards proposed by the development in relation to the existing standards of properties surrounding the site, on balance, it is considered that the proposed development is acceptable. However, this is subject to the submission of amended plans to improve the design of properties on plots 5 and 6, as well as, the provision of chimney stacks throughout the development.

RECOMMENDATION:- That subject to (i) the receipt of amended plans and (iii) 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, on or before 7 February 2006 or imposition of appropriate condition to provide financial contributions towards play and open space, primary care trust, libraries and civic amenity, 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, 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 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.
- 4 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.
- 5 Any garage 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.
- 6 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.
- 7 The existing vehicular access to Rodney Close 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.
- 8 Before first occupation of any dwelling hereby approved, car parking provision shall be made within the curtilage of the dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking, unless otherwise agreed in writing by the Local Planning Authority.
- 9 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.
- 10 Before first use of the development hereby permitted, 2.0 metre by 2.0 metre 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 and shall be so maintained in perpetuity, where in the control of the applicant.
- 11 Any shared private drives serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary and have 2 metres control radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times.
- 12 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.

- 13 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.
- 14 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.
- 15 Notification of the commencement of development should be given in writing not less than 14 days before development commences.
- 16 Alterations shall not take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording. This work shall be conducted in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.
- 17 None of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.
- 18 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) hard surfacing materials
 - v) planting plans
 - vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - vii) implementation programme.
- 19 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.
- 20 During development of the site the existing ground level surrounding the identified protected tree shall not be raised or lowered and no materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored thereon.
- 21 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification) the buildings hereby approved for plots 5 and 6 shall not be extended without the grant of planning permission for such extensions by the Local Planning Authority.

- 22 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 trapped gullies with an overall capacity compatible with the site being drained.

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 afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
- 5 To ensure a vehicle can stand clear of the highway whilst the garage doors are open/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
- 6 To reduce the possibility of surface water being deposited in the highway causing dangers to road users.
- 7 To reduce the number of vehicular accesses to the site and consequently reduce the number of potential conflict points.
- 8 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 9 To reduce the possibility of deleterious material being deposited in the highway (loose stones 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 ensure prior notification is given to the Local Planning Authority.
- 13&14 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 15 To ensure prior notification is given to the Local Planning Authority.
- 16 To ensure satisfactory building recording.
- 17 In the interests of visual and residential amenity.
- 18 To enhance the appearance of the development to accord with policy BE1 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 19 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.

- 20 The identified tree adjacent to the site boundary is subject to Tree Preservation Order and this condition is necessary to ensure that proper steps are taken to safeguard the tree during the course of development.
- 21 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 22 To prevent pollution of the water environment.

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 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 262380).
- 4 In relation to condition 13 advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's Policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
- 5 The site is a potential bat roost and therefore the developer should incorporate bat bricks into the design of the new properties and plant native trees, common to the area, on site to establish feeding grounds.
- 6 In relation 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 metres will be required on both sides.
- 7 Your attention is drawn to the requirement contained in the Highway Authority's design document to provide Traffic Calming measures within the new development.
- 8 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.
- 9 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 commencement of development.

Contact Officer:- E MacDonald Ext 5674

Item: 03
Reference: 05/01167/OUT
Applicant: Caroline House Ltd
Location: Rear of 21 Stoke Road Hinckley Leicestershire LE10 0EA
Proposal: ERECTION OF 10 FLATS

Introduction:-

The application is a resubmitted application for outline permission for residential development of land to the rear of 21 Stoke Road, Hinckley. The scheme has been amended from 12 flats to 10 and at this stage only includes the proposed siting of the building. The site measures less than 0.1 hectares.

The site is located within the urban area of Hinckley, to the north of the town centre, within a predominantly residential area. The site is currently operating as a retail unit for the display and sale of tiles and has done so for a number of years.

The character of the area is a mix of single and two storey properties either detached or semi-detached. There is also a convenience store, day nursery and Redmoor High School in close proximity of the site, and are easily within walking distance.

The plans show the layout of the site, identifying the location of the building with neighbouring properties and the proposed access. Indicative elevation plans have also been submitted showing the southern and western elevations.

Information submitted in support of the application outlines the history of the site, investigations undertaken prior to making the application with Leicestershire County Council, and design of the building. The applicant's agent considers that the site layout demonstrates that a development of this nature can be accommodated on the site.

The alterations made to the revised scheme are: the distance between the existing dwellings and flats 1 and 2 has been increased to 14 metres; the three storey element has been relocated away from existing residential properties to eliminate overbearing impact; the car parking area in the location of the existing retail display building has been enclosed in a brickwork structure, in order to alleviate the problem of vehicle noise affecting the immediately adjacent dwelling; indicative elevations have been enclosed to closer reflect the scheme and also outline the relationship between the block and the existing most recently constructed dwellings.

History:-

05/00501/OUT	Erection of 12 Flats	Withdrawn
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Consultations:-

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

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

Severn Trent Water Ltd
Borough Council's Land Drainage Consultant

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

Environment Agency initially objected to the application due to the absence of a desktop study as advised in paragraph 24 of Planning Policy Statement 23. Former activities on the site will have had the potential to contaminate the site. The submission of a desktop study will allow an appropriate assessment of risk to be undertaken and consideration of the impact on the water environment. However, the Environment Agency have now requested the addition of a condition, instead of formally objecting.

Site and Press Notices were provided and neighbours notified. 5 letters received raising the following concerns:-

- a) overlooking and reduced privacy
- b) height of the proposed building will block light
- c) access road is single track and not adequate for this kind of use
- d) Stoke Road is extremely busy at all times of the day
- e) Stoke Road has already undergone many changes due to road calming procedures, the extra traffic will put more pressure on a road that already has problems
- f) there are many accidents on this stretch of road due to there already being too much for drivers to look out for
- g) flats could devalue properties
- h) when existing boundaries are removed what form of boundary will be replacing them?
- i) potential damage to existing boundaries
- j) potential nuisance from car parking areas, access road, street lighting
- k) the proposed height of the building (3 storey) is out of keeping with the character of the area
- l) how will service vehicles obtain access?
- m) no refuse bin store has been sited - potential for foul smelling refuse
- n) potential for drainage/flooding/surface water problems
- o) affect on wildlife
- p) visual impact of huge expanse of wall
- q) what are the flats to be used for?
- r) not adequate parking provision proposed
- s) site not large enough to accommodate proposal.

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 less than 1000 square metres which with the original number of 12 flats gave a density of around 120 dwellings per hectare. This was 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. 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 is not unusually high for apartment development.

However, the proposed density was high in comparison to the adjacent residential properties/surrounding area leading to overdevelopment of the site. On this basis amendments to the scheme to reduce the number of dwellings have been received proposing 10 new dwellings only. This gives a density of 100 dwellings per hectare.

Design

The current application does not include design of the proposed dwelling for consideration. The site layout plan and indicative elevations do identify the two and three storey elements required to provide the accommodation for the number of flats proposed. The residential character is a mix of one and two storey dwellings and development of the site should respect this scale. Amendments were requested to reduce the number of flats proposed and the overall height of the building to two storey only. These amendments have been received.

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 blank gable walls. The revised layout does now achieve these distances between the proposed building and properties in Cadeby Close required to safeguard existing residents and future occupiers. The layout plan does site windows in particular elevations of the building. However, it is difficult to fully assess the potential environment for future occupiers and the external appearance of the building in the northern and eastern elevations. This is an issue which will be addressed by the detailed scheme.

Whilst in built up locations there is some flexibility with minimum distances, the introduction of the three storey elements, close to residential properties is unlikely to be acceptable, hence the requirement to reduce the height of the building.

Access and Parking

The Highway Authority have commented that while the existing driveway is substandard in terms of available width at the point where it meets the Highway boundary and there is some concern with regards to potential vehicle conflict at this point. When considering the existing use of the site, however, and the submitted traffic survey the Highway Authority are not in a position to demonstrate that this proposal, if permitted, would result in a material increase in vehicular traffic visiting the site and hence there are no grounds for refusal of the proposal nor is there control of appropriate land or justification to condition improvements to the access.

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 does provide 18 spaces that are required to meet the Local Plan standard. However, 1 space is a tandem space that is not generally considered

acceptable. The revised scheme has provided 3 covered spaces of the spaces that are located in particularly close proximity to residential properties in Cadeby Close. This should help to reduce the potential impact on the amenity enjoyed by the current occupiers of the residential properties. Amendments have been received to move the spaces further away from 6 Cadeby Close.

Landscaping and Amenity

The proposed site layout does indicate landscaping within the scheme. However, any future submissions would be required to include a comprehensive landscaping scheme.

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. General calculations indicate that these amenity areas do provide adequate amenity space for the number of flats in line with the Local Plan requirements.

The siting of the proposed building is to the south of properties on Cadeby Close. These properties have south facing gardens and it is likely, given the height of the building originally proposed (a mix of two and three storey) together with the distance from these properties, it could have resulted in reduced levels of sunlight and daylight reaching the gardens in Cadeby Close, leading to a detrimental impact on the amenity of the future occupiers. Again, the amended plans reducing the height of the building to two storey is an improvement to the previously submitted scene.

Developer Contributions

Developer contributions will be required for play and open space (£18,500), education, library facilities (£1,320), education (£2,330) and waste management facilities (£408) in line with policy.

Conclusion

The scheme has been revised to reduce its impact on the character of the area and the amenity of adjoining occupiers by the proposed density, height of the building and siting of the car parking to overcome the previous recommended reasons for refusal. The scheme is therefore considered to be acceptable.

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 or (iii) one off payments to provide financial contributions by 25 January 2006 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 RES5, BE1, NE14 and T5 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 2736/01 Rev B received by the Local Planning Authority on 3rd January 2006.

- 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:
- a) The design and external appearance of the proposed building
 - b) The external building materials
 - c) The provision to be made for landscaping of the site
 - d) The existing trees and hedges on the site which are to be retained
 - e) The provision to be made for screening by walls and fences
 - f) The floor levels of the proposed building 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 Notwithstanding the plans submitted no principle room windows shall be inserted into the northern elevation of the proposed building closest to the properties on Cadeby Close unless otherwise agreed in writing with the Local Planning Authority.
5. Notwithstanding the plans submitted the proposed building shall not exceed two storeys in height and there shall be no rooms in the roof unless otherwise agreed in writing by the Local Planning Authority.
- 6 The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.
- 7 No gates shall be erected to the vehicular access.
- 8 Before first occupation of any of the dwellings 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.
- 9 Before first occupation of any dwelling hereby approved, the car parking provision shall be so provided and shall not be obstructed and shall thereafter permanently remain available for car parking, unless otherwise agreed in writing by the Local Planning Authority.
- 10 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 4 metre control radii on both sides of the access.
- 11 Before first occupation of any of the dwellings hereby permitted, 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 7 metres behind the highway boundary and shall be so maintained at all times.

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 safeguard amenities of the occupiers of properties in Cadeby Close to accord with policies RES5 and BE1 of the adopted Hinckley & Bosworth Local Plan.

5. To ensure that the development is in keeping with the character and appearance of the area to accord with policies RES5 and BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6 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.
- 7 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.
- 8 To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking problems in the area. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 To enable vehicles to enter and leave the highway in a slow and controlled manner 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.
- 11 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 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 proposal is situated in excess of 45 metres from the Highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 1980 and Building Regulations Approved Document B, Fire Safety 2004.

6 The applicants attention is directed to the letter from Leicestershire Constabulary dated 23rd November 2005.

Contact Officer:- K Burnett Ext 5898

Item: 04

Reference: 05/01182/FUL

Applicant: Altitude Properties/Mr D Harris

Location: 45 - 51 Factory Road Hinckley Leicestershire LE10 0DW

Proposal: RESIDENTIAL DEVELOPMENT COMPRISING EIGHTEEN FLATS AND THREE TOWN HOUSES AND CONVERSION OF EXISTING BUILDING TO SIX APARTMENTS

Introduction:-

This is a full application for the demolition of vacant factory premises at Factory Road/Garden Road and redevelopment for eighteen one- and two-bedroom flats and three three-bedroom townhouses. An additional fourth room in the townhouses is indicated as a home office. Whilst the application includes a proposal to convert No.51 Factory Road, an adjacent, recently vacated, factory building into six apartments, it also involves the demolition of a distinctive office building fronting Factory Road.

The site is bounded by Factory Road to the front, where there is an existing terrace of three houses (not included within the application site), and by Garden Road to the side and rear. The surrounding area is primarily residential.

The layout of the proposed new development comprises of a terrace of three two-and-a-half storey houses fronting onto Factory Road, with the access to the main site and parking areas to the rear being located between this new terrace and the adjacent existing factory, No.51. The eighteen flats to the rear of the site are arranged along Garden Road in an L shaped block of two- and two-and-a-half storey height. An internal courtyard would provide the main parking area for the development and some landscape planting and sitting-out areas.

The conversion of the existing factory building proposes some external alterations including the demolition of existing secondary buildings to the rear and the erection of a new full height enclosed staircase, and the reinstatement of matching windows.

A total of 42 off-street car-parking spaces are shown within the curtilage of the site, 31 of which would be accessed off Factory Road, and 11 of which would be accessed directly off Garden Road. This equates to 150% provision for all flats and 200% provision for the townhouses.

A design statement has been submitted, which states that, this is a comprehensive scheme that provides a layout that maintains a street scene along Factory Road and Garden Road and that the factory at No 51 represents a more suitable building for conversion than the existing office building on the site.

History:-

04/00872/OUT	Residential development of fourteen units	Withdrawn	03.09.04
04/00201/OUT	Demolition of existing factory and erection of eighteen new dwellings	Withdrawn	13.05.04

Consultations:-

No objection has been received from:-

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

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

Borough Council's Land Drainage Consultant
Head of Health and Environment Services
Environment Agency.

Leicestershire Constabulary Crime Reduction Officer has no objections but makes some comments on the layout that could help to reduce the risk of crime.

Director of Highways, Transportation and Waste Management (Highways) considers that there is insufficient information submitted to enable a full, reasoned response to be given, and requires further details including a Traffic Impact Assessment.

Director of Commercial and Support Services identifies a contribution towards existing library facilities of £1,230

Director of Highways, Transportation and Waste Management (Waste Management) seeks contributions towards Civic Amenity Site infrastructure works at Barwell on the basis of £40.77 per new dwelling.

Hinckley and Bosworth NHS Primary Care Trust seeks a contribution towards health care facilities of £4,822.

Director of Environment and Heritage Services (Ecology) recommends the developer be required to incorporate bat bricks and boxes into the design of new properties and to plant native trees to establish feeding grounds.

Neighbours have been notified and one letter has been received, objecting on the grounds that the development could worsen existing parking in the area and could result in loss of light.

Development Plan Policies:-

Central Government Guidance

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

Planning Policy Guidance Note 3: Housing (PPG3) advises local planning authorities to promote developments which combine a mix of land uses and makes the most efficient use

of land such as through conversions of existing buildings. It advises that local planning authorities should reject poor design and that applicants for housing development should be able to demonstrate how they have taken account of the need for good layout and design and how their proposals reflect the guidance set out in the Planning Policy Guidance Note.

The Structure Plan

The Leicestershire, Leicester and Rutland Structure Plan 1996-2016 (adopted 7th March 2005) states in Strategy Policy 10 'Good Design' that good design will be promoted by ensuring that development provides for efficient use of land in a manner which satisfactorily acknowledges environmental and amenity interests and protects or enhances the form and character and distinctiveness of the built and natural environment.

Strategy Policy 11 'Developer Contributions' of the adopted Structure Plan ensures that developers meet the requirements and costs of relevant infrastructure to support the development.

Housing Policy 5 'Density and Design' of the adopted Structure Plan encourages housing development to attain a minimum of 40 dwellings per hectare (net).

Employment Policy 5 'Review and Protection of Employment land and Buildings' of the adopted Structure Plan only supports other uses or mixed development if the change would not result in a shortage of employment land in the area or the land is no longer suitable for employment purposes.

Accessibility and Transport Policy 1 of the adopted Structure Plan encourages developers to maximise the potential for access to and from the development to minimise traffic generated by the proposal. Mitigation may be necessary if it is likely to have an unacceptable effect on the environment or exceeds the capacity available of the local highway system.

The Local Plan

The site is identified in the Hinckley and Bosworth Local Plan (adopted February 2002) as an existing employment site. Policy EMPI (c) of the Local Plan relates to this site, 'Factory, Garden Road', where alternative uses will be encouraged. However, the Borough Council's Employment Land and Premises Study has since recommended that this site be moved to a category (b) site. Such sites are assessed against Policy EMP1(b) of the adopted Local Plan, which considers other employment activities or alternative uses on their merits.

Policy RES5 of the Local Plan states that planning permission will only be granted for new residential development on sites not specifically allocated in the Local Plan for housing provided they lie within an urban area and their siting, design and layout does not conflict with the relevant plan policies.

Policy BE1 of the adopted Local Plan states that the Borough Council will seek to ensure a high standard of design in order to safeguard and enhance the existing environment and that planning permission will be granted where the development complements or enhances the character of the surrounding area with regard to design, materials and architectural features.

Policy T5 of the adopted Local Plan refers to the application of highway design and vehicle parking standards.

Policy T11 of the adopted Local Plan requires Traffic Impact Assessments to help assess the traffic generation potential.

Policy IMP1 of the adopted Local Plan seeks to ensure contributions towards infrastructure and facilities commensurate with the scale and nature of the development proposed.

The Borough Council's Supplementary Planning Guidance on New Residential Development (revised July 1997) and on Play and Open Space (adopted October 2002) provide further guidance on development proposals including the provision of open space within development proposals or of financial contributions towards off-site provision. In this case, the contribution would equate to £49,950 (£1,850 x 27).

Other Policy Considerations

Although the site lies adjacent the Druid Quarter Masterplan and Regeneration Strategy area, for which there is Interim Planning Guidance (June 2002), its proximity means there is a close relationship with the area. In acknowledgement of this, the Masterplan includes an assessment of the existing factory, No.45 (Building Profile 1), considering it to be one of the better examples in Hinckley of promotional architecture used in hosiery factory development from the inter-war period.

The Borough Council commissioned an Employment Land and Premises Study (May 2004) into the supply and demand of employment uses, and makes reference to the site. The study identifies the site for potential development for other employment activities or alternative uses as appropriate in a mixed use scheme, and recommends moving the site from a category (c) site to a (b) site, where other employment activities would be considered or alternative uses considered on their merits.

Appraisal:-

The current application is submitted following the withdrawal of two previous planning applications for the development of this site, although both excluded the adjacent factory building at No.51. Officers considered that a comprehensive scheme including the adjacent factory represented the best way of achieving a good quality layout for any new development along with the retention of the former industrial buildings on the site, whilst also retaining an element of employment use.

Although the current application is a comprehensive scheme, and the retention of the existing factory, No.51, is to be welcomed, the scheme nevertheless proposes the demolition of the distinctive 1930s frontage factory building, No 45. In addition, the provision of a first-floor 'home office' room within each of the three townhouses remains unconvincing in terms of a live/work unit that might otherwise have satisfied the required employment use for the site.

In terms of the siting of development, the proposal also fails to comply with the Council's separation distance standards, particularly to the rear of the site where units facing existing houses opposite Garden Road would only be 9.5 to 10 metres away. The Council's guidance suggests a distance in such cases of 25 metres.

There are also some design elements of the scheme such as the provision of dormer windows and the lack of doors, which results in a development that is out of keeping with the surrounding traditional two-storey development which fronts, and is accessed from, the street.

Although no private gardens are shown, the layout does show a limited area of communal amenity space in the form of landscape planting and benches etc. Nevertheless, the extent and proximity of parking to the front and rear of the block along Garden Road would result in a poor living environment for new occupiers.

The application site measures 0.25 hectares, which with 27 residential dwellings gives a density of 108 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 advice that requires 30-50 dwellings per hectare. However 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, and this is not unusually high for apartment development.

The Highway Authority requires further information, including a Traffic Impact Assessment, to be able to make an informed assessment of the proposal.

The parking provision for the site as a whole is 150% for flats and 200% for the townhouses. This complies with the Local Plan requirements. However, there is a tandem arrangement for the parking provision related to the factory conversion, which is not considered to be practical or desirable.

Developer contributions would have been required for open space, library facilities and waste facilities and an element of affordable housing within the scheme, in line with policy, specifically Policy IMP1, should the recommendation have been favourable.

Notwithstanding the above, officers remain of the view that an appropriate development of this site will improve the appearance of the area, and the immediate environment for the neighbouring residents. It is also considered that some standards could be relaxed if a high quality scheme was being proposed. The loss of the 1930s building could potentially be accepted, but only if this was compensated by way of a high-quality replacement building as well as the retention of the adjacent factory, No.51.

Officers have suggested to the applicants that, in the circumstances, this application should be withdrawn to allow time for the concerns about the current proposal to be resolved, with a view to a revised scheme then being submitted for the development of the site. Any response will be reported to Members at the meeting.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority the proposal is not only out of keeping with the character of the area due to its design and appearance, but would also result in the loss of a distinctive and important industrial building to the detriment of the character and appearance of the street scene, contrary to Strategy Policy 10 of the adopted Leicestershire, Leicester and Rutland Structure Plan and Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 2 In the opinion of the Local Planning Authority the proposed layout does not provide adequate amenity space for future occupiers or privacy/outlook distances between existing and proposed dwellings and the parking arrangements are also likely to result in a poor living environment for future occupiers of the ground floor accommodation. This development, therefore, fails to meet the Borough Council's amenity and privacy requirements contrary to Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 3 In the absence of any assessment or justification to the contrary, it is considered that it has not been sufficiently demonstrated that the proposal would not have an unacceptable impact on highway safety, contrary to Accessibility and Transport Policy 1 of the adopted Leicestershire, Leicester and Rutland Structure Plan and Policies RES5, T5 and T11 of the adopted Hinckley and Bosworth Local Plan.
- 4 In the absence of any evidence or justification to the contrary, it is considered that it has not been sufficiently demonstrated that the proposal would not result in the loss of an existing

employment site to the detriment of achieving the Borough Council's Strategic Objective in providing opportunities for investment in the Borough and promoting economic growth through sustainable development. Specifically, it would conflict with Strategy Objective 1a) of the adopted Hinckley and Bosworth Local Plan, and Employment Policy 5 of the adopted Leicestershire, Leicester and Rutland Structure Plan which seek to provide an adequate supply of land that is suitable for a range of employment purposes and capable of being developed during the Plan period and also ensuring the reuse of employment buildings for mixed development.

- 5 In the opinion of the Local Planning Authority the lack of any financial contribution to address the increase in pressure placed on play and open space facilities of the local area by the proposed development would not accord with Circular 5/05, 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).
- 6 In the opinion of the Local Planning Authority, the lack of any definitive financial contribution to address the increase in pressure placed on library facilities, waste facilities, and the requirements for affordable housing, by the proposed development would not accord with Circular 5/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016 and policy IMP1 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- N Wright Ext 5605

Item: 05

Reference: 05/01183/FUL

Applicant: Rosemound Developments Ltd

Location: Land Adj Sketchley Lane Industrial Estate Watling Street Hinckley
Leicestershire LE10 3HZ

Proposal: DISTRIBUTION CENTRE AND ANCILLARY OFFICES

Introduction:-

This is a full planning application for the erection of a distribution centre with ancillary offices to be constructed on a plot of land of approximately 2.68 hectares located between the A5 and the primary estate road within the Logix Park development. This site lies to the west of the entrance of the estate and helps form the gateway into the development. The overall floor space amounts to 12,260 square metres incorporating 370 square metres of offices on the eastern elevation of the building. The proposal also includes car parking for 128 vehicles (6 disabled), facilities for cyclists and a substantial service area. The applicant revised the layout by relocating the service area to the north western side of the building, which will be screened by adjacent new development and mounded landscaping.

The building will be 15 metres in overall height with eaves at approximately 11 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 elevation 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
00/01167/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.	Approved 13.01.04
04/01150/FUL	Erection of building for use within Classes B2 and B8, offices, parking and landscaping	Approved 17.12.04
05/01015/FUL	Distribution Centre and Ancillary Offices	Approved 30.11.05

Consultations:-

The Highways Agency considers that the maximum permissible gross external floor space for buildings within the specified B2/B8 use class 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 recommended conditions received from:-

The Director of Highways, Transportation and Waste Management (Highways) Environment Agency.

The Health and Safety Executive would not advise against granting planning permission on safety grounds but suggest the pipeline operator is consulted.

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:-

Burbage Parish Council
Land Drainage Engineer
Nuneaton and Bedworth Borough Council.

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

Severn Trent Water Ltd
Transco
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 employment consultants have confirmed its importance as a regional distribution location. 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 proposes to construct a distribution centre with similar architectural features to units that have been previously permitted. The height, at approximately 15 metres, is lower than the adjacent unit by some 1.3 metres. The revised plans propose the unit to be located with the shortest elevation along the A5 with the offices located on the southern corner. The offices form a feature glazed projection that will be seen from all directions of approach. All elevations, except the north western elevation that faces the service yard, have full height glazed panels and full height braces, both of which assist to break up the elevations and provide visual interest. The service area is located to the north western side of the building and will be screened from view by other units and mounded landscaping. It is considered that the revised scheme provides a good form of development that will form part of the gateway into the Logix Park Estate.

At this time the end user of the unit is unknown, and the application proposes 24 hour opening. The proposed use for the building accords with the original outline planning approval for the site and complies with the Development Plan in land use terms. The Highway 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 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 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 4118-18; 4118-19; 4118-20; 4118-21; 4118-22; and 6370/02 received by the Local Planning Authority on 6th January 2006.
- 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 approved 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) planting plans
 - iii) written specifications
 - iv) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - v) 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 gross floor area of the building, including mezzanine accommodation, shall not exceed 12,260 metres squared unless agreed otherwise 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 purposes at all times thereafter.
- 10 No development shall take place until details of measures to be taken to prevent the deposit of materials, i.e. mud from vehicles leaving the site during construction works being deposited on the public highway, have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be retained and fully implemented for the duration of the construction period.
- 11 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.
- 12 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.
- 13 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 previously been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitable qualified body approved 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&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 and 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 to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- 10 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 11 To avoid water pollution to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 12 To ensure satisfactory provisions are made for the drainage of the site to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 13 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:- T Miller Ext 5809

Item: 06
Reference: 05/01207/OUT
Applicant: GVA Grimley
Location: Land At Rugby Road, Hawley Road and Willowbank Road Hinckley
Leicestershire
Proposal: RESIDENTIAL REDEVELOPMENT AND ASSOCIATED ACCESS
WORKS

Introduction:-

This is an outline application for residential development of land at Rugby Road/Hawley Road Hinckley.

The site is approximately 2.32 hectares and is currently occupied by a number of manufacturing and office premises and associated car parking areas. The Flude hosiery premises occupy the majority of the site. The application site is irregular in shape and is bounded by Hawley Road and Rugby Road to the south and west with Willowbank Road separating part of the site to the north and a mix of commercial premises and residential properties to the east and north.

The only matter for approval at this outline stage is the means of access, although an indicative drawing indicates a development of approximately 116 apartments and houses and associated off-street parking.

Information submitted in support of the application includes a Design Statement, a Planning Statement, an Environmental Report and a Transport Assessment. The Design Statement acknowledges the importance and prominence of the site on a principal route into the town centre. It is suggested that the development, whilst only indicative at this stage, would be likely to take the form of high density apartment blocks of between two and four storey height at the eastern edge of the site, at the junction of Hawley Road and Rugby Road, with more traditional two and two-and-a-half storey terrace housing on the remainder of the site. The statement suggests an overall density on the site of 50 dwellings per hectare would be achieved.

The planning statement submitted with the application explains that the part of Area 6 of the Masterplan, shown for commercial office development, is not included in the application since it is not viable. It also acknowledges that the Masterplan indicates the suitability of the site for mixed residential and commercial purposes. Whilst the scheme proposes wholly residential development, it is suggested that the proposal nevertheless meets a key objective of the Masterplan in providing a landmark building; that it does not prejudice future commercial development of the excluded site; and that, in any case, the Masterplan does not require comprehensive development.

Existing access to the site is from Willowbank Road, off Rugby Road, which would be retained in the new development. However, the scheme proposes a new principal point of access to be taken from a new roundabout junction on Hawley Road, opposite the entrance to the Lidl store, which would then link to Willowbank Road within the site.

History:-

None relevant.

Consultations:-

No objection has been received from Director of Environment and Heritage Services (Archaeology).

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

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

Leicestershire Constabulary Crime Reduction Officer has no objections but makes some comments on the layout that could help to reduce the risk of crime.

Director of Education requests a contribution towards education facilities of £78,054.

Director of Commercial and Support Services identifies a contribution towards existing library facilities of £4,820.

Director of Highways, Transportation and Waste Management (Waste Management) seeks contributions towards Civic Amenity Site infrastructure works at Barwell on the basis of £40.77 per new dwelling.

Director of Environment and Heritage Services (Ecology) recommends the developer be required to incorporate bat bricks and boxes into the design of new properties and to plant native trees to establish feeding grounds.

Neighbours notified, eight letters received objecting on the following grounds:-

- a) the description of development is misleading and not detailed enough e.g. Clarendon Road and Willowbank Road are not mentioned, nor is demolition and rebuilding works
- b) it will result in invasion of privacy
- c) it will increase noise and pollution
- d) it will result in a loss of security to the rear of neighbouring properties
- e) concern over the distance from new buildings to the existing boundary
- f) there is no indication of boundary treatments, particularly those adjacent existing neighbouring properties
- g) the new access will create a rat run for motorists wishing to avoid queues at the existing Hawley Road/Rugby Road roundabout
- h) consideration needs to be given to the location of street lighting to avoid nuisance to existing residents
- i) construction works will need to be managed so as to avoid noise and disturbance to neighbouring residents and to ensure existing accesses are maintained
- j) will the responsibility for the existing fences on the site transfer to new owners?
- k) can car access be accommodated within the layout to the rear of properties on Clarendon Road, for which neighbours may be prepared to make a financial contribution?
- l) there are rights of ownership issues on parts of Willowbank Road
- m) can the height of any trees be restricted to avoid loss of light?
- n) will existing trees be protected?
- o) will there be compulsory purchase of properties in Clarendon Road?
- p) are there asbestos roofs on the factory?
- q) will there be pest control inspections prior to demolition?

- r) concern about who or what will occupy the properties
- s) plans should be on the website for those who are unable to get to the Council offices.

Environment Agency objects on the grounds that the application may present a significant flood risk from the generation of surface water run-off. A Flood Risk Assessment is required, which would need to demonstrate that the development would not create a flood risk.

Development Plan Policies:-

Central Government Guidance

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

Planning Policy Guidance Note 3: Housing (PPG3) advises local planning authorities to promote developments that combine a mix of land uses and makes the most efficient use of land such as through conversions of existing buildings. It advises that local planning authorities should reject poor design and that applicants for housing development should be able to demonstrate how they have taken account of the need for good layout and design and how their proposals reflect the guidance set out in the Planning Policy Guidance.

The Structure Plan

The Leicestershire, Leicester and Rutland Structure Plan 1996-2016 (adopted 7th March 2005) states in Strategy Policy 10 'Good Design' that good design will be promoted by ensuring that development provides for efficient use of land in a manner which satisfactorily acknowledges environmental and amenity interests and protects or enhances the form and character and distinctiveness of the built and natural environment.

Strategy Policy 11 'Developer Contributions' of the adopted Structure Plan ensures that developers meet the requirements and costs of relevant infrastructure to support the development.

Housing Policy 5 'Density and Design' of the adopted Structure Plan encourages housing development to attain a minimum of 40 dwellings per hectare (net).

Employment Policy 5 'Review and Protection of Employment land and Buildings' of the adopted Structure Plan only supports other uses or mixed development if the change would not result in a shortage of employment land in the area or the land is no longer suitable for employment purposes.

Accessibility and Transport Policy 1 of the adopted Structure Plan encourages developers to maximise the potential for access to and from the development to minimise traffic generated by the proposal. Mitigation may be necessary if it is likely to have an unacceptable effect on the environment or exceeds the capacity available of the local highway system.

The Local Plan

The site is identified in the Hinckley and Bosworth Local Plan (adopted February 2002) as an existing employment site. Policy EMPI (b) of the Local Plan relates to this site, 'Hawley Road/Southfield Road Industrial Estate', where the local planning authority will consider proposals for other employment activities or alternative uses on their merits.

Policy RES5 of the Local Plan states that planning permission will only be granted for new residential development on sites not specifically allocated in the Local Plan for housing provided they lie within an urban area and their siting, design and layout does not conflict with the relevant plan policies.

Policy BE1 of the adopted Local Plan states that the Borough Council will seek to ensure a high standard of design in order to safeguard and enhance the existing environment and that planning permission will be granted where the development complements or enhances the character of the surrounding area with regard to design, materials and architectural features, and is not prejudicial to the comprehensive development of a larger area.

Policy T5 of the adopted Local Plan refers to the application of highway design and vehicle parking standards.

Policy T11 of the adopted Local Plan requires Traffic Impact Assessments to help assess the traffic generation potential.

Policy IMP1 of the adopted Local Plan seeks to ensure contributions towards infrastructure and facilities commensurate with the scale and nature of the development proposed.

The Borough Council's Supplementary Planning Guidance on New Residential Development (revised July 1997) and on Play and Open Space (adopted October 2002) provide further guidance on development proposals including the provision of open space within development proposals or of financial contributions towards off-site provision. In this case, the contribution would equate to £212,750 (£1,850 x 115).

Other Policy Considerations

The Hinckley Town Centre Renaissance Masterplan was adopted by the Borough Council at the meeting of the full Council on 6 December 2005. It is the intention that the Masterplan strategy will eventually be adopted as an Area Action Plan which will provide new policies for Hinckley town centre through the Local Development Framework as a Development Plan Document.

In adopting the strategy at its meeting on 6 December 2005 full council resolved to make a number of changes to the document following public consultation. In relation to strategic development area 6 it has resolved that "Further discussions be held with consultants with regard to the possible reinstatement in the Masterplan of budget-type hotel accommodation".

Consequently, evidence will be required from the applicants to justify any non-inclusion of hotel accommodation within the site. (Hotel accommodation had featured as part of this strategic development area in an earlier draft of the Masterplan).

This site forms part of the strategic development Area 6: (Rugby Road/Hawley Road) of the Hinckley Town Centre Masterplan. The application site itself, however, excludes a section of Area 6 of the Masterplan that fronts Hawley Road, but does include additional industrial land to the north, which lies outside the Area 6 boundary. The issues and aims are identified as the redevelopment of a poor existing gateway to the town centre through a mixed-use commercial/residential development and the requirement to retain an element of employment uses on the site. The Masterplan also recommends the provision of a landmark building at the junction of Rugby Road and Hawley Road and the provision of a new link from Willowbank Road through to Hawley Road.

The Borough Council commissioned an Employment Land and Premises Study (May 2004) into the supply and demand of employment uses, and makes reference to the site. The

study identifies this site, together with other nearby sites, as the Hawley Road/Southfield Road Industrial Estate, where there is potential for mixed-use development. It advises that the Flude gateway site needs high quality development - retail/leisure/residential. The recommendation of the study is that the site should remain as an EMP1(b) site with 25% - 50% of the total site being retained for employment use.

Appraisal:-

Hinckley Town Centre Renaissance Masterplan

The main aims of the Hinckley Town Centre Renaissance Masterplan relating to this particular site are for its development for mixed uses, and to provide an improved gateway to the town centre. Officers consider these are best achieved through a comprehensive scheme. Although the submitted scheme includes land outside the Masterplan Area, those elements that would have provided the commercial element within the area have simply been either entirely omitted from the application site or disregarded. Clearly, this undermines the aims of the Masterplan and makes the future independent development of the commercial element of Area 6 much more difficult to achieve and secure. Evidence will be required for the non-inclusion of hotel use within the site in particular relating to evidence of need.

Employment Land and Premises Study

The site is included within this study but given the adoption of the Hinckley Town Centre Renaissance Masterplan, it has now been largely superseded for the sites in the Masterplan. Nevertheless, the Study does recommend that employment uses should be retained on the site.

Design and Layout Considerations

Whilst the siting, design and layout of the scheme are not matters for which approval is sought at this stage, the indicative scheme suggests a development of 115 dwellings, at an average density of 50 dwellings per hectare. This is in accordance with government guidance contained in Planning Policy Guidance Note 3: Housing (PPG3).

The design statement suggests that the redevelopment of the site would take the form of taller landmark buildings at the Hawley Road/Rugby Road junction, with more traditional two-storey development on the remainder of the site. In terms of the built form, this is generally in compliance with the Masterplan. Details would, of course, need to comply with the Council's usual standards for new residential development.

Despite some reservations from the Highway Authority about the continued use of Willowbank Road as an access, there is no Highway objection to the principle of the proposals. Parking would, of course, need to accord with the Council's normal standards.

Other Considerations

Developer contributions would have been required for open space, education, library facilities, waste facilities, and an element of affordable housing within the scheme, in line with policy, specifically IMP1, should the recommendation have been favourable.

Conclusion

The submitted scheme for determination is considered unacceptable in that it does not accord with the Hinckley Town Centre Renaissance Masterplan, which requires a mixed form of development. This is best achieved through a comprehensive scheme that includes the whole Masterplan site or otherwise achieves the main key aims of the Masterplan. The

application makes no attempt to address the need for commercial uses to be retained on the site, nor for the provision of an hotel.

Officers have suggested to the applicants that, in the circumstances, this application should be withdrawn, but the applicant has declined.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority the proposal would be prejudicial to the development of a key identified regeneration site as indicated in the adopted Hinckley Town Centre Renaissance Masterplan. The proposal does not acknowledge the objectives of Government Guidance and the Council's policy and objectives in seeking to secure regeneration of Hinckley town centre. In particular, the proposal is contrary to Policies EMP1, RES5 and BE1 of the adopted Hinckley and Bosworth Local Plan.
- 2 In the absence of any evidence or justification to the contrary, it is considered that it has not been sufficiently demonstrated that the proposal would not result in the loss of an existing employment site to the detriment of achieving the Borough Council's Strategic Objective in providing opportunities for investment in the Borough and promoting economic growth through sustainable development. Specifically, it would conflict with Strategy Objective 1a) of the adopted Hinckley and Bosworth Local Plan, and Employment Policy 5 of the adopted Leicestershire, Leicester and Rutland Structure Plan which seek to provide an adequate supply of land that is suitable for a range of employment purposes and capable of being developed during the Plan period and also ensuring the reuse of employment buildings for mixed development.
- 3 In the opinion of the Local Planning Authority the lack of any financial contribution to address the increase in pressure placed on play and open space facilities of the local area by the proposed development would not accord with Circular 5/05, 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).
- 4 In the opinion of the Local Planning Authority, the lack of any definitive financial contribution to address the increase in pressure placed on library facilities, waste facilities, education and the requirements for affordable housing, environmental/public realm improvements and public art by the proposed development would not accord with Circular 5/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016 and policy IMP1 of the adopted Hinckley and Bosworth Local Plan.
- 5 In the opinion of the local planning authority, it has not been sufficiently demonstrated that the proposed development would not result in a significant flood risk to future occupiers of the new dwellings or existing residents, to the detriment of the natural watercourse system, contrary to Policy NE13 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- N Wright Ext 5605

Item: 07

Reference: 05/01214/OUT

Applicant: Mr D Beer

Location: Strata Design Kelbys House 34 New Street Hinckley Leicestershire

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

Introduction:-

The application is for outline consent for the demolition of an existing factory and erection of twelve apartments. The proposal relates to siting and means of access with all other outstanding matters reserved. The application is a resubmission of a proposal previously withdrawn. The application remains largely the same as previously considered with the exception of the submission of indicative elevations.

The site area is approximately 0.12 hectares. Existing residential properties bound the site to the north, east and south and a commercial unit lies to the west. Access is proposed from an existing access off New Street and 18 car parking spaces have been provided.

A design statement has been submitted stating that the proposal is in response to the requirements of Planning Policy Guidance Note 3 and has been proposed to create a development that reflects the character and architectural style of the surrounding area without the loss of privacy to existing dwellings.

History:-

05/00349/OUT	Erection of 12 flats and associated parking and amenity space.	Withdrawn
96/00316/COU	Change of use to B1	Approved 06.06.96

Consultations:-

No objection has been received from Leicestershire Constabulary Crime Reduction Officer.

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

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

No objection had been received at the time of writing the report from Severn Trent Water Ltd.

The Environment Agency objects to the application in the absence of a desk top study, as the site is located on aquifer and development may have the potential to re-mobilise contaminants.

Director of Environment and Heritage Services (Archaeology) advise that that site lies in an area of archaeological interest and a desk based archaeological assessment and field evaluation will be appropriate prior to the determination of the application. It has also been

identified that bats have been recorded in the vicinity and any future development should incorporate bat boxes and the planting of native trees.

Neighbours have been notified, 10 letters of objection and a petition with 30 signatories have been received raising the following concerns:-

- a) overlooking and loss of privacy
- b) loss of visual amenity
- c) inappropriate development
- d) increased traffic and parked vehicles
- e) out of character
- f) loss of employment sites to residential
- g) a two and a half storey or three storey building will be over dominant
- h) loss of light
- i) loss of existing secure boundaries
- j) inappropriate position of amenity space
- k) the drainage system on New Street couldn't cope with the additional residential units
- l) social and leisure noise pollution
- m) the amenity space and pedestrian access in- between properties on New Street will be used for the storage of bins
- n) devaluation in property
- o) reduced security
- p) existing boundary planting is not shown on the plans.

Development Plan Policies:-

Structure Plan

Employment Policy 5 'Review and Protection of Employment land and Buildings' of the adopted Leicestershire, Leicester and Rutland Structure Plan only supports other uses or mixed development if the change would not result in a shortage of employment land in the area or the land is no longer suitable for employment purposes.

Strategy Policy 11 'Developer Contributions' of the adopted Structure Plan ensures that developers meet the requirements and costs of relevant infrastructure to support the development.

Local Plan

The site is identified in the adopted Hinckley and Bosworth Local Plan as EMP1, which relates to existing employment sites. The application site is characterised as a EMP1b employment site, whereby the policy recommends the consideration of proposals for other employment activities, or alternative uses in context with the appropriate design policies within the plan.

EMP7 also relates to the site as it lies within the area of mixed uses, Upper Bond Street, Hinckley. It is stated that within this area planning permission for development for business uses, general industrial, storage and distribution uses, car sales, tyre centres, battery centres, builders merchants and other similar uses, and public utility services will be granted unless: the proposal will have a detrimental impact on the traffic network, does not make satisfactory provision for waste materials, would have a detrimental impact on amenities of adjoining properties and general locality and does not make adequate provision for access servicing, and off street car parking.

Other adopted policies

The Borough Council commissioned an Employment Land and Premises Study which recommends that in relation to the whole of the area of mixed use around Upper Bond Street, 50-75% may be allowed for non-employment uses. This however, needs to be read in conjunction with the requirements of the Druid Quarter Masterplan, recommending that no single land use will dominate the area by more than 50%.

RES5 relates to residential proposals on unallocated sites. Planning permission will only be granted if the site lies within the settlement boundary as identified on the proposals map and the siting, design and layout does not conflict with the relevant plan policies.

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. It is stated that development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features, as well as ensuring the proposal does not adversely affect the occupiers of neighbouring properties.

Policy T5 relates to highway design and vehicle parking standards.

Policy IMP1 states that planning permission will be granted for new residential, employment and other development where the developer has made or will make, a contribution towards the provision of the necessary on-site and off-site infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy REC3 refers to new residential development and the provision of play and open space.

Policy BE13 relates to the initial assessment of sites of archaeological interest and potential.

The Local Planning Authority's Supplementary Planning Guidance, relating to new residential development, seeks to achieve high standards of design to ensure that the quality of the environment is retained or wherever possible enhanced. The main aims are to ensure that new developments are well integrated into their surroundings, offering a good standard of amenity to future residents and protect the amenity of existing occupiers.

Appraisal:-

Principle

Whilst the site falls within the settlement boundary of Hinckley and therefore could be considered for residential use, it is located within the area of mixed uses around Upper Bond Street. As a result, both The Employment Land and Premises Study and Druid Quarter Masterplan are relevant to the proposal. In order to achieve the recommendations of both of these reports and in order to preserve the character of the area, it is recommended that a maximum of 50% of the remaining sites in the area of mixed use are developed as residential and a minimum of 25% of the remaining sites be developed for employment purposes. Accepting any less than this would mean the minimum requirements of The Employment Land and Premises Study would not be met. Accordingly, to ensure these standards are met and that proposals are considered equitably, it is recommended that proposals providing more than 50% of the site as residential, or less than 25% as employment, should be refused.

The current application is proposing 100% residential use. In light of the recommendations made in respect of the area of mixed use, it is considered that to allow a proposal of this

nature would detrimentally impact on the character of the area, through the loss of an employment site in its entirety. Accordingly, it is considered that the proposal does not conform with the intentions of Employment Policy 5 of the adopted Leicestershire, Leicester and Rutland Structure Plan, which only supports other uses or mixed development if the change would not result in a shortage of employment land in the area or the land is no longer suitable for employment purposes.

Previous discussions in relation to the site, suggested that it was potentially compatible for residential use. Whilst officers do not dispute this contention subject to satisfactory design, they regard a proposal for 100% residential use, to be contrary to the intentions of the recommendations reported in both The Employment Land and Premises Study and the Druid Quarter Masterplan.

Design, Siting and Amenity

Whilst the elevation plan submitted is only for indicative purposes it places greater context to the consideration of the proposal's siting. As previously advised to the applicant, there is concern for the potential impact of a three storey building on the amenities of occupiers of the existing residential properties. Whilst a section has been included to outline the existing factory height in comparison to the proposed development, this does not present an accurate representation of the site. Beyond the front section of the factory, the element adjacent to the rear gardens of the properties on Derby Road is largely single storey as opposed to what the section implies. Accordingly, it is considered that a three storey building sited in this position will potentially appear over bearing to the existing properties.

The Local Planning Authority's Supplementary Planning Guidance states that the minimum distance between principal facing windows is 25 metres. It is apparent that the proposal falls considerably short of this standard in respect of the existing properties on New Street. Consequently, as proposed the development does not provide adequate privacy to either existing occupiers of residential properties surrounding the site or any future residents of the proposal.

Comments received from the Local Planning Authority's Conservation Officer have recommended that the proposal seeks to retain the existing factory, as it is a unique building, contributing to the historic employment character of this area of the town centre. Moreover, any proposal seeking to replace the factory should respect the eaves height of the existing building, which in turn, would result in a reduction in height to what is currently proposed.

Some amenity space has been indicated on the submitted plan but lacks any real consideration, appearing to be both impractical and awkward.

Parking and access

The Director of Highways, Transportation and Waste Management has raised no objection to the proposal. Eighteen parking spaces have been provided within the site and equates to a standard of 150%.

Developer Contributions

The play and open space provision required for this proposal equates to the sum of £22,200 based on £1,850 per dwelling.

The Primary Care Trust requests a contribution to aid the increase pressure on healthcare provision at a sum of £2755.

Contributions of £620 for library facilities and £489 towards civic amenity have been requested by Leicestershire County Council.

There is surplus capacity in the local primary, high and upper schools and therefore no contribution is sought in lieu of education facilities.

Conclusion

A proposal for 100% residential use on a site within the Upper Bond Street area of mixed uses is considered to be detrimental to the intentions of The Employment Land and Premises Study and Druid Quarter Masterplan. In addition, it is considered that the imposition of a three storey residential building sited as proposed, would have a potentially over bearing impact on the privacy and amenity of the occupiers of existing properties surrounding the site.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the absence of any evidence or justification to the contrary, it is considered that it has not been sufficiently demonstrated that the proposal would not result in the loss of an existing employment site to the detriment of achieving the Borough Council's Strategic Objective in providing opportunities for investment in the Borough and promoting economic growth through sustainable development and in addition, eroding the mixed use character of the area by reducing the employment provision within an existing employment site in the Local Plan. Specifically, it would conflict with Strategy Objective 1a) of the adopted Hinckley and Bosworth Local Plan, and Employment Policy 5 of the adopted Leicestershire, Leicester and Rutland Structure Plan, The Employment Land and Premises Study and Druid Quarter Masterplan, which seek to provide an adequate supply of land that is suitable for a range of employment purposes and capable of being developed during the Plan period and also ensuring the reuse of employment buildings for mixed development.
- 2 In the opinion of the Local Planning Authority it has not been satisfactorily demonstrated that the siting of twelve apartments can be accommodated on the site, without detrimentally impinging on the residential amenities of both the occupiers of existing residential properties and future occupiers of the development, contrary to the intentions of Policy RES5 and BE1 of the adopted Hinckley and Bosworth Local Plan and Supplementary Planning Guidance relating to new residential development.
- 3 In the absence of a desk-based archaeological assessment it is considered that the archaeological implications of the proposal cannot be adequately assessed prior to the determination of the proposal, contrary to the intentions of Policy BE13 of the adopted Hinckley and Bosworth Local Plan.
- 4 In the opinion of the Local Planning Authority the lack of any financial contribution to address the increase in pressure placed on play and open space facilities of the local area by the proposed development would not accord with Circular 5/05, 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).
- 5 In the opinion of the Local Planning Authority, the lack of any definitive financial contribution to address the increase in pressure placed on library facilities, waste facilities, and health care services, by the proposed development would not accord with Circular 5/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016 and policy IMP1 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- E MacDonald Ext 5674

Item: 08
Reference: 05/01302/FUL
Applicant: Johnson Retail Display Limited
Location: Unit 25 Faraday Road Harrowbrook Ind Est Hinckley Leicestershire
Proposal: EXTENSION TO EXISTING FACTORY

Introduction:-

This is a full planning application for the erection of an extension to the existing factory unit, the extension will measure 575 square metres in total. The site measures approximately 0.36 hectares and is located in the south east corner of the Harrowbrook Industrial Estate off Coventry Road. The site is also adjacent to the Harrow Brook with the proposed extension coming within 0.5 metres of the brook in places. The existing site is generally level, however the east of the site slopes down towards the brook. To overcome this it is proposed that the ground level be built up with gabion structures and a gabion wall be constructed on the south east boundary.

The proposed building measures 41.5 metres by 14.5 metres with maximum height of 8.7 metres. Although this application proposes only a single storey building the applicants have stated that they propose to erect a mezzanine floor at a later date.

History: -

04/00134/ADV	Erection of flagpole and flag	Approved 16.03.04
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Consultations:-

No objections have been received from: -

The Borough Councils Land Drainage Consultant
Severn Trent Water Limited.

Director of Highways, Transportation and Waste Management raises no objection to the application subject to standard conditions.

The Environment Agency object to the application on the grounds that the proposed extension is situated within the Flood Plain of the Harrow Brook and is therefore contrary to policy NE13 of adopted Hinckley and Bosworth Local Plan. They also require a minimum 8 metre easement measured from the top of the nearside bank of the Harrow Brook to the edge of the building as the Flood Plain extent and flood flow capacity needs to be preserved. The proposed gabion wall along this section of main river corridor is unacceptable.

Development Plan Policies:-

Government Advice

Planning Policy Guidance note 25 recommends that In preparing their proposals, applicants should discuss potential flood risks with the Local Planning Authority and the Environment Agency. They should carry out an assessment of flood-risk and the run-off implications of

their proposals that is appropriate to the scale and nature of the development and the risks involved and submit this with the application.

Local Plan Policies

The application site is located within the urban area of Hinckley. The area is subject to policy EMP1 (a) of the adopted Hinckley and Bosworth Local Plan.

Policy BE1 of the adopted Hinckley and Bosworth Local Plan states that the Borough Council will seek to ensure a high standard of design in order to secure attractive development and safeguard and enhance the existing environment.

Policy NE13 of the adopted Hinckley and Bosworth Local Plan refers to the effects of development on natural watercourses and states that unless adequate on or off site protection, alleviation or mitigation works are undertaken planning permission will not be granted.

Appraisal:-

The main considerations with regard to the application are impact the proposed extension will have on the surrounding area in terms of design and layout and the issue raised by the Environment Agency.

In terms of design, the proposed extension does appear large in respect to the existing buildings. The existing building is 5.2 metres high, which for an industrial building is fairly low, all the same, this is 3.2 metres lower than the proposal. However taking into account the location of the proposed site within a designated employment site, the proposed site is surrounded by buildings of varying height and mass from both the Harrowbrook Industrial Estate and the neighbouring Dodwells Bridge Industrial Estate.

In terms of the proposed materials, these are generally regarded as to be in keeping with surrounding development and on balance the design of the proposal will not be particularly intrusive to the surrounding area, and is considered acceptable.

The main issues are the comments raised by the Environment Agency in regard to the proposed development being situated within the Flood Plain of the Harrow Brook. Because of this, the proposal is contrary to Policy NE13 of the Local Plan. However, the applicants have provided a further letter from the Environment Agency written on 23/06/04 which refers to advice sought at pre application stage. This conflicting advice states that the proposal is acceptable, though until this matter has been resolved formally officers are unable to give the proposal a favourable recommendation.

Should, following further consultation with the Environment Agency, the objections be withdrawn, then any changes to the recommendation will be reported as a late item.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, the applicant has failed to provide a Flood Risk Assessment with the application. The proposed extension is situated within the Flood Plain of the Harrowbrook which has the potential to inhibit or damage the drainage function of the watercourse. The application is therefore contrary to policy NE13 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- K Garman Ext 5680

Item: 09
Reference: 05/01305/FUL
Applicant: Mr A J Moore
Location: 5 Aldridge Road Burbage Hinckley Leicestershire LE10 2LH
Proposal: ERECTION OF DWELLING (REVISED SCHEME)

Introduction:-

This is a revised full planning application for the erection of a dwelling and single garage. The site is within the residential area of Burbage, located on the corner of Aldridge Road and Greenmoor Road, between no.'s 3 and 5 Aldridge Road. It is proposed to create a new access from Aldridge Road and to enlarge the existing access from Greenmoor Road.

The application site is surrounded by residential development and the land is currently used as a side garden to no. 5 Aldridge Road. The properties on Aldridge Road and Greenmoor Road are a mixture of single and two storeys. Adjoining the site both no.'s 3 and 5 Aldridge Road are two storey and to the rear 39 Greenmoor Road is single storey. The proposed dwelling is a four bedroom detached house with a single parking space to the front, a garage to the rear and an additional spacious in front of the garage.

An application for outline consent for a single dwelling was refused in 1989 as it was considered, if approved, it would result in over intensive development to the detriment of the streetscene which is characterised by dwellings in spacious plots.

The application does not include any supporting information; however, the previous application 05/01144/FUL, which was withdrawn, included a design statement. It is considered that the issues remain the same. The information includes a number of photographs of the site and describes the area of the site and its immediate neighbours as flat and level. The design principles are described as adopting a hipped roof, porch and smaller window fenestration, therefore giving closer identification with no. 5.

History:-

05/01144/FUL	Erection of dwelling	Withdrawn	
89/1070/4	Residential development for a single dwelling (Outline)	Refused	26.09.89

Consultations:-

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

No objections subject to conditions have been received from:-

Borough Council's Land Drainage Engineer
The Director of Highways, Transportation and Waste Management (Highways).

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

Severn Trent Water Ltd
Director of Environment and Heritage Services (Archaeology)
Leicestershire Constabulary Crime Reduction Officer.

Burbage Parish Council objects on the following grounds:-

- a) out of keeping
- b) overdevelopment
- c) loss of light.

Neighbours notified, 2 letters received raising the following concerns:-

- a) overdevelopment
- b) at odds with Burbage Village Design Statement
- c) property too large
- d) size of front and rear gardens
- e) removal of hedge
- f) noise from traffic movements
- g) effect on character of the area
- h) effect on the streetscene
- i) loss of light
- j) potential on-street parking.

Development Plan Policies:-

National Policy Guidance

Planning Policy Guidance Note 3 (PPG3) seeks to make more effective use of previously developed/underdeveloped land.

Local Plan

The site lies within the settlement boundary for Burbage, as identified in the adopted Hinckley and Bosworth Local Plan.

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 ensure adequate highway visibility and parking standards; where they do not adversely affect the amenities of neighbouring properties; where they incorporate landscaping to a high standard; and where they would not be prejudicial to comprehensive development of a larger area of land which the development forms part.

Policies REC2 and REC3 require the appropriate level of open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area. Supplementary Planning Guidance gives further advice regarding the provision of Play and Open Space.

Policy RES5 of the adopted Hinckley and Bosworth Local Plan refers to residential proposals on unallocated sites and states that residential proposals on such sites will be granted planning permission if they lie within the boundaries of a settlement area and the siting, design and layout does not conflict with the relevant plan policies.

Policy T5 of the Local Plan refers to the application of appropriate standards for highway design and parking provision for new development.

The Council's Supplementary Planning Guidance for new residential development sets out additional criteria for layout and design.

Appraisal:-

Principle

The proposal seeks consent for one dwelling with a rear garage. The site is located within the Burbage Settlement Boundary, as defined in the adopted Hinckley and Bosworth Local Plan. It is considered that the principle of residential development on the site is acceptable.

Density

National and regional policy seeks a density of between 30 and 50 dwellings per hectare for all new residential developments to promote the better use of land. The application site measures approximately 333 square metres and gives a density of 30 dwellings per hectare. It is considered that the form and character of the surrounding area should be reflected in any new residential development and there are large spacious development in the vicinity of the site. However, given that the proposed density is at the lower end of national and regional policy, the density is judged to be acceptable.

Design and Layout

The proposed dwelling has been designed to mirror the features of the existing dwelling at no. 5 Aldridge Road. The footprint of the proposed dwelling extends slightly forward of and 3.5 metres to the rear of the existing dwelling. There is a distance of 1.8 metres between the proposed and existing dwellings.

The proposed garden is approximately 118 square metres. Adopted Supplementary Planning Guidance requires, for dwellings of this size, a minimum of 80 square metres. The garden depth is a minimum of 9.5 metres and a maximum of 10.5 metres. Adopted Supplementary Planning Guidance requires a minimum garden depth of 12.5 metres. However, where the land to the rear of the dwelling is unlikely to be developed, the minimum garden depth may be reduced if the minimum garden area has been provided. It is considered that the land to the rear is unlikely to be developed and therefore the reduced garden depth is acceptable.

The proposed dwelling has a blank elevation at a distance of only 4 metres from a side lounge window of no. 3 Aldridge Road. However, as this is one of three windows serving the room it cannot be considered a principal window and it is considered that a reason for refusal could not be sustained on these grounds. It is considered that all other distance requirements set out in adopted Supplementary Planning Guidance are complied with.

Concerns were raised with the previous application regarding the noise and disturbance to no. 39 Greenmoor Rd, caused by the intensification of the use of the access from Greenmoor Road. It is considered that the existing access has capacity for two vehicles; therefore the proposal would only increase this by one. A condition requiring a screen fence to be erected along the southern boundary of the site is proposed. In addition the current proposal includes a garage, which will act as a further barrier to reduce the impact on this dwelling. It is therefore considered acceptable.

The dwelling has been designed in such a way that future extensions may be contrary to adopted Supplementary Planning Guidance. A condition removing Permitted Development rights is therefore proposed.

The plans submitted do not include details of the proposed garage. These have been requested and comments will be included as a late item.

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 and three spaces for 4 or more bedrooms. The proposal makes provision at the front of the properties for one space each for both the proposed dwelling and no. 5 Aldridge Road. In addition the existing access from Greenmoor Road is to be enlarged to serve a garage, with one space in front, for the proposed dwelling and a second space for the existing dwelling. The Highway Authority have, subject to conditions, not objected to the proposal.

Developer Contribution

The play and open space requirement has not been met within the site and therefore a contribution of £1,850 will be required. A condition has been imposed to address this.

Conclusion

The principle of residential development in urban areas is acceptable and encouraged not only by local, but national guidance. Whilst the addition of another dwelling along Aldridge Road will change the character of the area, a level of change over time is expected and it is not considered that this proposal will materially harm the character of the area. The proposal meets all of the minimum criteria set out in adopted Supplementary Planning Guidance. The proposal is therefore considered acceptable.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, RES5, REC2, REC3 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 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.
- 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 Classes A-E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 4 The windows to be inserted in the west elevation shall be obscure glazed and retained as such at all times thereafter.
- 5 The development hereby approved shall not be occupied until a screen fence, of a minimum height of 1.8 metres and a maximum of 2 metres, has been erected along the southern boundary of the site and retained at all times thereafter.
- 6 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.

- 7 Before first occupation of any dwelling hereby approved, car parking provision shall be made within the curtilage of the dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking, unless otherwise agreed in writing by the Local Planning Authority.
- 8 Before first occupation of the dwelling hereby permitted, the 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 use of the development hereby permitted, 2.0 metre by 2.0 metre 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 and shall be so maintained in perpetuity, where in the control of the applicant.
- 10 The proposed access shall have an effective width of a minimum of 4.25 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.
- 11 Before first use of the development hereby permitted, the existing vehicular access to the site shall be widened to an effective minimum width of 4.25 metres over a distance of at least 5 metres behind the Highway boundary. The access drive once widened shall be so maintained at all times.
NOTE: 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.
- 12 Before first use of the development hereby permitted, both vehicular accesses to the site shall be provided with 2 metre control radii on both sides.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy RES5 of the adopted Hinckley & Bosworth Local Plan.
- 3 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4&5 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property.
- 6 To ensure the provision of adequate play and open space within the vicinity of the site to accord with policies REC2 and REC3 of the Hinckley and Bosworth Local Plan.
- 7 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

- 8 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
- 9 In the interests of pedestrian safety.
- 10&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.

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).

Contact Officer:- D Warden Ext 5691