

REPORT P81

PLANNING COMMITTEE

21.03.2006

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: 05/01342/FUL
Applicant: Mrs J Ferrarin
Location: Severn Trent Water Sewage Treatment Works Congerstone Lane
Carlton Nuneaton, Warwickshire
Proposal: ERECTION OF 18.0M HIGH WOODEN CLAD MONOPOLE WITH THREE
ANTENNAS AND ASSOCIATED EQUIPMENT CABINETS

Introduction:-

This is a full application for the erection of an 18 metre-high wooden-clad monopole telecommunications mast with three antennas and associated equipment cabins.

The mast would be sited within a wooded copse at Market Bosworth Sewage Treatment Works approximately 0.5km to the south west of Carlton. The Shackerstone Railway Battlefield Line runs adjacent the site and close by is the Ashby Canal.

The comprehensive supporting documentation submitted by the applicants makes reference to Planning Policy Guidance Note 8 (2001) and the Code of Best Practice on Mobile Phone Network Development (2002), as well as the Ten Commitments adopted by UK mobile phone operators. They highlight extensive pre-application discussions with the Local Planning Authority, Carlton Parish Council and other interested parties, together with the consideration of several other sites. Technical specification regarding the International Commission on Non-Ionizing Radiation Protection (ICNIRP) compliancy has also been submitted as part of the application.

In 2002 a planning application for a 25 metre-high mast to the south of Carlton was refused, and a subsequent appeal withdrawn during the public inquiry. The refusal was on the grounds that the proposed telecommunications equipment, due to its height and prominent location on elevated land within the open countryside, would appear visually intrusive, to the detriment of the appearance of the landscape and hence to rural and visual amenity, contrary to the adopted Hinckley and Bosworth Local Plan.

History:-

None relevant.

Consultations:-

No objection has been received from:-

Ashby Canal Association
The Inland waterways Association
Director of Highways, Transportation & Waste Management
Head of Health and Environment Services
Borough Council's Land Drainage Consultant.

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

Severn Trent Water Ltd
British Waterways
The Battlefield Line.

Carlton Parish Council reluctantly accepts that the proposal probably represents the best compromise for a mast in this area, but requests that conditions are imposed that no dishes are installed on the mast and that if it becomes redundant, should be removed.

Site notices erected and four letters received objecting on the following grounds:-

- a) The mast will spoil a beautiful and unspoiled area;
- b) If the proposal includes microwave dishes, in addition to the antennas, there would appear to be no technical need for these and they would add to visual intrusion;
- c) Technical information relates to a 15 metre-high mast, not an 18 metre-high mast as proposed;
- d) Is the mast really required bearing in mind new technologies?;
- e) Describing the site as a brownfield site is misleading. This is a copse with no existing development. The existing sewage works have a low visual impact.
- f) There is no certainty that masts are safe to health
- g) It will be particularly intrusive from nearby Westfields.

Development Plan Policies:-

The site is located within the open countryside as designated in the adopted Hinckley & Bosworth Local Plan, adjacent The Battlefield Line of Shackerstone Railway Society Ltd and close to the Ashby Canal Conservation Area. There are designated Areas of Particularly Attractive Countryside to the north-west and south-east of the site.

Policy NE5 of the Local Plan seeks to retain the character and appearance of the landscape within the open countryside and to strictly control new development.

Policy BE23 of the Local Plan states proposals for telecommunication masts will be granted unless there are feasible opportunities to share existing facilities or the special siting needs are outweighed by the resulting significant detrimental visual impact.

Part of Policy BE1 of the Local Plan seeks to ensure high quality in new development and that proposals complement the surrounding area.

Policy REC10 of the Local Plan relates to the development or severance of former railway lines.

The Borough Council's Supplementary Planning Guidance on telecommunications supports Local Plan Policy BE23, having regard to national policy and guidance. It provides a more detailed explanation of the Council's Policy towards telecommunications development and the approach that should be taken to the siting, design and assessment of the need for the development.

Further guidance with regard to dealing with such proposals is found in Planning Policy Guidance Note 8 (2001) and the Code of Best Practice on Mobile Phone Network Development (2002).

Appraisal:-

Central Government policy aims to facilitate the growth of telecommunications and the planning system is obliged to encourage and avoid hindering development in this field. There have been extensive pre-application discussions and a site visit over the last 12 months regarding the installation of a telecommunications mast in this area between the applicant, officers and other interested parties. Such procedures are strongly advised in both Planning Policy Guidance Note 8 and the Code of Best Practice on Mobile Phone Network Development (2002).

Siting and appearance

The mast would be sited within a copse and therefore the majority of the structure and associated equipment would be well screened from the surrounding countryside. However, the top of the mast and the antennas would need to clear the top of the trees to operate effectively and, inevitably therefore, would be visible above the tree canopy.

This is a particularly unspoilt area of open countryside, devoid of electricity pylons and telegraph poles, and, consequently, a mast in this location could potentially be a very incongruous feature in the landscape. It would also be very close to the Battlefield Line and there would be views of it from the Ashby Canal Conservation Area

Mast and site sharing

PPG8 attaches considerable importance to keeping to a minimum the numbers of radio and telecommunications masts, and sites for such installations. The sharing of masts and buildings is, therefore, encouraged.

Fourteen alternative sites have been considered, mainly at various farm complexes in the locality but also including the sites of three existing masts. Assessments of these sites have been submitted by the applicant along with the reasons these have been discounted. Matters raised include access restrictions, visual prominence or increased visual prominence and inadequate coverage, which would result in the need for additional masts in the area.

Health

Advice of the Health & Safety Executive and guidance in Planning Policy Guidance Note 8 states that there is no scientific evidence to confirm whether masts or equipment cause adverse health risks. Whilst a pre-cautionary approach is recommended by the Stewart Report (2000) with regard to the siting of such structures, Local Planning Authorities are discouraged from setting their own guidelines with regard to minimum distances from buildings. Nevertheless, the proposal meets both the National Radiological Protection Board (NRPB) and ICNIRP guidelines for public exposure as stipulated in Planning Policy Guidance Note 8 and the Code of Best Practice on Mobile Phone Network Development (2002). The nearest residential properties, at Westfields, are sited over 300 metres away.

Conclusion

Owing to the topography of the surrounding landscape, which spreads out below the relatively elevated village and surrounding land at Carlton, the mast would, in visual terms, be set against a backdrop of existing trees and landscape, minimising any potentially intrusive impact on the skyline. Concerns do remain about the impact of the mast from the south-west and from the Ashby Canal. However, these would tend to be long views of the mast. On balance, officers concede that in visual terms this may well represent the best location for a mast in this area, given that a need for such a facility appears to have been demonstrated. Whilst this may be a regrettable intrusion of this type of development into the open countryside, in the circumstances, and having regard to national policy and guidance, it is one that is difficult to resist.

Notwithstanding the submitted details, it is understood that additional dishes may be proposed for this mast. Whilst mast sharing is generally encouraged, both residents and Carlton Parish Council are concerned about the additional impact that this could have on the visual prominence of the mast. This concern is shared by Officers. If permitted, it is suggested that the Local Planning Authority retains control of any future additional antennas or dishes through the imposition of an appropriate condition.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policies BE23 and NE5 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 strictly to the submitted details showing three antennas, and no additional antennas or dishes shall be subsequently installed on the structure without the prior written approval of the local planning authority.
- 3 In the event that the telecommunications mast and equipment hereby permitted is no longer operationally required, it shall be immediately removed from the site.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To avoid additional visual clutter on the structure, in the interests of the visual amenities of the open countryside, to accord with Policy NE5 and BE23 of the adopted Hinckley & Bosworth Local Plan.
- 3 In the interests of visual amenity, to accord with Policies NE5 and BE23 of the adopted Hinckley and Bosworth Local Plan

Contact Officer:- N Wright Ext 5605

Item: 02

Reference: 06/00021/OUT

Applicant: JM Knapp And Sons Limited

Location: 28 Britannia Road Burbage Hinckley Leicestershire LE10 2HF

Proposal: DEMOLITION OF NO 28 BRITANNIA ROAD AND ERECTION THREE DETACHED DWELLINGS (REVISED SCHEME)

Introduction:-

This outline application was a revised scheme for the demolition of no. 28 Britannia Road and the erection of 4 detached dwellings. However, amendments were requested and amended plans have been received reducing the scheme to 3 dwellings, with the potential for the existing bungalow to be retained and extended, subject to structural advice. Siting and means of access are to be considered at this stage, with all other matters reserved for subsequent approval. The site measures 1700 square metres and is accessed off Britannia Road between No.'s 24b and 30. The site lies on the edge of Burbage and is bounded to the north and east by residential, and to the south and west by open countryside.

The site itself comprises a modern bungalow and detached garage to the east of the site, no. 28, and three single storey workshop buildings to the west surrounded by hardstanding.

The buildings are constructed of a variety of materials: the bungalow and detached garage are of yellow brick and brown tiled pitched roof construction. The workshop buildings are a more traditional red brick with pitched slate roofs.

The application proposes to remove these buildings and construct three new dwellings. The bungalow will be replaced with one larger dwelling to the front of the site, facing north and in line with no. 30. The workshop buildings will be replaced with two dwellings facing east and accessed via the existing drive.

History:-

05/01127/OUT	Demolition of no. 28 Britannia Road and erection of four dwellings	Withdrawn	
91/0280/4	Erection of dwelling	Refused	23.04.91
72/7189/05	Erection of 4 dwellings, shed and construction of road	Refused	27.02.73
72/4138/4	Construction of road & access, erection of 10 dwellings & garage & shed for gardening business	Refused	16.08.72
70/4268/05	Erection of dwellings & formation of access	Refused	01.01.71

Consultations:-

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

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

Director of Environment and Heritage (Archaeology) states that the Leicestershire and Rutland Historic Environment Record (HER) shows that nearby archaeology includes a Roman occupation site and an Anglo-Saxon site less than 100m from the proposed development site and local residents have commented that a Cambrian well exists on the site. A condition is requested requiring a written scheme of investigation to be submitted and approved by the Local Planning Authority prior to commencement of development.

Parish Council objects to the application on the following grounds:-

- a) Location of the settlement boundary show on the plan is inaccurate
- b) development is out of keeping with the surrounding area
- c) vehicular access is inadequate and hazardous
- d) drains on Britannia Road are incapable of taking additional waste
- e) line of screening trees to be removed (TPO requested).

Burbage Matters object to the proposal on the following grounds:-

- a) Development is outside the settlement boundary
- b) no mention of preserving the Cambrian well

- c) plots 1 & 4 overlook the neighbouring properties and will have an obtrusive effect on their visual amenity
- d) over development to the detriment of neighbouring properties.

Fourteen letters received from local residents raising concerns regarding:-

- a) Breaching the settlement boundary
- b) overlooking and distance between proposed and existing dwellings
- c) highways concerns regarding additional traffic and vehicular visibility
- d) flooding of drainage system
- e) where will refuse bins be placed for collection?
- f) unsafe access for pedestrians
- g) previous advice that the area was outside of the settlement boundary
- h) effect on country views
- i) out of character
- j) traffic assessment required
- k) building on greenbelt land
- l) backland development
- m) against council policy
- n) potential damage to River Soar eco system.

Development Plan Policies:-

The site lies within the settlement boundary for Burbage as identified in the adopted Hinckley & 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 & 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 site is located within the settlement boundary of Burbage where residential development is looked upon favourably providing there is no adverse impact on the amenity of neighbours, character of area and highways. Concerns have been raised regarding the

location of the settlement boundary and various evidence and details have been put forward. However, the definitive guide to the location of the settlement boundary is the adopted Hinckley and Bosworth Proposals Map, which confirms that the proposed development is within the settlement boundary.

Density

National 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 1700 square metres. To develop this at the lower end of the recommended density would result in a scheme for 5 dwellings. The proposed development of 3 dwellings would result in a density of 18 dwellings per hectare. However, the developable area of the site is significantly reduced by the narrow access and requisite separation distances. 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. Due to the character of the surrounding area, reduced developable area and relationship to neighbouring properties, it is considered that the proposed density is acceptable.

Design and Layout

The proposal seeks consent for a large dwelling, plot 3, aligned with no. 30 Britannia Road. The proposed dwelling has a 5 metre rear projection located in the centre of the property. However, this is at a distance of 12 metres from no. 30 Britannia Road and at an acute angle. The proposed dwelling would be within 6 metres of a first floor side window to no. 30 Britannia Road. However, this is not a primary window and as such this relationship is considered acceptable.

The proposed dwellings at plots 1 and 2 are long narrow dwellings aligned with 24a Britannia Road. The distance between no. 24a Britannia Road and the proposed dwelling at plot 1 is only 6 metres. However, there is a levels difference on site with the proposal being approximately 1.5 metres lower than no. 24a Britannia Road. There is also an existing structure in this position and the proposal seeks to retain the profile to the boundary at 1.5 storey height. It is considered that given the levels difference and that the only change to the existing relationship is an anticipated increase in ridge height at a distance of 12 metres a reason for refusal could not be sustained on these grounds. The proposed dwelling for plot 2 is 17 metres away from no. 24a Britannia Road and is also at a reduced level. It is considered that this relationship is acceptable.

Highways

Concerns have been expressed about the impact of the development in terms of highway safety. The Highway Authority has raised no objections to the application on highway safety grounds therefore a refusal based on the detriment to both highway and pedestrian safety could not be sustained. The proposal incorporates sufficient parking and meets the Highway standards regarding turning space within the site.

Financial Contributions

The application proposes 3 residential units therefore contributions of £1,850 per dwelling towards Play and Open Space would be required and secured by condition.

Conclusion

The principle of residential development in urban areas is acceptable and encouraged not only by local, but national guidance. The application proposes residential development at a very low density. However, it is not considered possible to develop the site at a higher

density without an unacceptable adverse impact on neighbouring properties. The proposal meets all of the minimum criteria set out in adopted Supplementary Planning Guidance and is therefore considered acceptable.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, RES5, T5, IMP1, REC2 and REC3 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 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 vehicle parking on the site
 - d) The provision to be made for vehicle turning within the site
 - e) The method of disposal of surface and foul water drainage which shall be on separate systems
 - f) The provision to be made for landscaping of the site
 - g) The existing trees and hedges on the site which are to be retained
 - h) The provision to be made for screening by walls and fences
 - i) The floor levels of the proposed dwellings in relation to the existing ground level and the finished levels of the site.

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

- 3 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.
- 4 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.
- 5 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.
- 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 by the LPA in writing.
- 7 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.

- 8 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 (inclusive) shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 9 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. 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.
- 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 Before first occupation of the dwellings hereby permitted, the access drives and any turning spaces 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.
- 12 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.
- 13 Before first occupation of any dwelling hereby permitted, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.
- 14 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.
- 15 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

- 3-5 To safeguard the health of future occupiers of the dwellings to accord with policy BE1 of the adopted Hinckley & 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.
- 7 To ensure satisfactory archaeological investigation and recording to accord with policy BE16 of the Hinckley & Bosworth Local Plan.
- 8 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 9 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.
- 10 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 11 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
- 12 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 13 To ensure that vehicles may enter and leave the site in a forward direction in the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 14 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 & Bosworth Local Plan.
- 15 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.

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 In relation to condition 3 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.

Contact Officer:- D Warden Ext 5691

Item: 03

Reference: 06/00058/FUL

Applicant: Wain Builders

Location: Narrowbeams Bosworth Road Sutton Cheney Leicestershire CV13 0AH

Proposal: ERECTION OF DETACHED GARAGE AND SUMMER HOUSE FOR NEW DWELLING

Introduction:-

This is a full application for the erection of a detached garage and summerhouse for a new residential property. The site is located in the village of Sutton Cheney on Bosworth Road close to the junction with Main Street and previously formed part of the garden of Narrowbeams.

The garage is sited at the rear of the property at the bottom of the garden. It is a single garage with pitched roof, having an overall height to the ridge of 3.9m. The summerhouse measures 3m x 3m and both buildings are to be built from reclaimed brick and tiles.

History: -

03/01381/FUL	Erection of one detached dwelling	Withdrawn	
04/00112/CON	Demolition of detached garage	Approved	15.03.04
04/00753/FUL	Demolition of detached garage and erection of one dwelling.	Approved	03.09.04

Consultations:-

No objections have been received from Sutton Cheney Parish Council.

No comments received from the Conservation Officer.

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

- a) Over / obtrusive development
- b) inadequate parking arrangements
- c) overlooking
- d) effect on character of area
- e) removal of existing hedge and proposed replanting scheme.

Development Plan Policies:-

The site is within the settlement boundary and Conservation Area for Sutton Cheney as defined in the Hinckley & Bosworth Local Plan. Policy RES7 of the Hinckley and Bosworth Local Plan and Hinckley and Bosworth Borough Council supplementary planning guidance provide the basis for the assessment of proposals within the cartilage of residential dwellings.

Both Policy RES7 of the Local Plan and Supplementary Planning Guidance Note 1B seek to ensure that proposals respect the scale and character of the existing dwelling and street

scene, retain adequate parking within the curtilage of the dwelling and utilise materials and design details that mirror the existing building thus creating a unified overall appearance.

Policy BE1 of the Local Plan seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Development should incorporate landscaping to a high standard and ensure adequate highway visibility for road users and adequate provision for parking and should not adversely affect the occupiers of neighbouring properties.

Policy BE7 of the Local Plan relates to development in Conservation Areas. This policy stipulates that development must preserve or enhance the character and appearance of the Conservation Area and must be in sympathy with the merits of neighbouring development.

Appraisal:-

As the proposal is located in the Sutton Cheney Conservation Area design and appearance of the buildings is important. The applicant has submitted amended plans that include a proposed landscaping scheme and confirmed the positions of the garage, summerhouse, boundary treatments and parking arrangements.

The proposed garage will be screened by mature planting and the planting scheme and boundary treatment will add to the creation of a private garden area for the new dwelling. The garage will be constructed with reclaimed bricks and tiles to match the main dwelling and the scale and design is sympathetic to the characteristic form in the area. The positioning of the garage and the summerhouse comply with the Council's Supplementary Planning Guidance.

The proposals retain adequate off-street parking and private amenity space within the curtilage of the dwelling. The impact of the proposals on the amenity of the occupiers of the adjacent dwellings is not considered to be sufficient to warrant refusal of the application. Although the proposal is located in a Conservation Area, it is considered acceptable in terms of Policies BE1, BE7 and RES7 of the adopted Hinckley and Bosworth Local Plan and to the Council's Supplementary Planning Guidance on House Extensions.

With regard to the neighbours concerns, it is considered that the proposal does not result in overdevelopment, nor overlooking of the neighbouring properties to warrant refusal of the application.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, BE7 and RES7 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 This permission relates to the application as revised by amended plan No 06/00058B received by the Local Planning Authority on 9th February 2006.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed garage and summer house shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

- 4 Before any development is commenced on site a landscaping scheme shall be submitted to and approved by the Local Planning Authority. This scheme shall indicate the treatment proposed for all ground surfaces together with the species and materials proposed and their disposition.
- 5 The approved landscaping scheme shall be carried out during the first appropriate planting season following the date when the proposed garage and summerhouse are ready for use. The 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.

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 RES7 of the adopted Hinckley & Bosworth Local Plan.
- 4 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

Contact Officer:- S Cheshire Ext 5762

Item: 04

Reference: 06/00085/CONDIT

Applicant: Jackson Precast Ltd

Location: Jackson Brothers Brascote Lane Cadeby Nuneaton, Warwickshire CV13 0BB

Proposal: REMOVAL OF PERSONAL CONDITION NO 1 OF PLANNING PERMISSION 04/00833/CONDIT

Introduction:-

This application is for the removal of a personal condition imposed on a previous planning permission (ref.no. 04/00833/CONDIT) which itself removed time limiting conditions imposed on several earlier planning permissions that linked the use of the site to the lifetime of the adjacent quarry and required the clearance of the site within one year of the closure of the quarry. This previous approval, therefore, allows Jackson Precast Ltd (but that company only) to continue to operate from the site when the quarry closes.

The site is located close to the quarry works in open countryside, and is accessed from Brascote Lane. The company has operated from the site since 1975 and currently employs 50 people.

A supporting statement has been submitted, in which the applicants solicitors state that the imposition of the personal condition is contrary to government advice regarding the appropriateness of personal conditions and fails the tests as set out in Circular 11/95. Although the Council's wish to restrict the activity at the site to the manufacture and storage of concrete and concrete products only is appreciated, it is felt that additionally restricting this to one particular company i.e. Jacksons, is unnecessary.

History:-

04/00833/CONDIT	Removal of time limiting conditions on planning permissions	Approved	16.11.04
04/00152/FUL	Erection of office and canteen buildings	Approved	14.07.04
04/00584/FUL	Extensions to factory unit and raising ridge height of original factory	Approved	16.07.04
03/00519/FUL	Erection of factory unit and batching plant (revised scheme.)	Approved	26.06.03
02/00359/FUL	Demolition of batching plant and factory, erection of two factory units, new batching plant and extension to storage yard	Approved	18.07.02
97/00347/FUL	Extension to existing factory	Approved	25.06.97
96/00808/FUL	Erection of factory unit.	Approved	13.11.96
92/0103/4	Erection of factory unit.	Approved	24.03.92
91/0020/4	Erection of mixer building and feed conveyor	Approved	13.05.91

90/0865/4	Storage of Precast concrete products and quarry aggregates	Approved	27.11.90
89/1490/4	Erection of workshops at existing concrete manufacturing unit	Approved	11.06.90
88/0144/4	Extension to existing manufacturing unit and erection of dry batching plant	Approved	09.05.88
86/0345/4	Formation of new vehicular access, Erection of administration reception block, erection of existing concrete products manufacturing unit, and extension of area used of stocking of concrete products	Approved	21.07.86
85/0563/4	Use of land for the stocking of concrete products	Approved	11.09.85
83/0799/4	Manufacturing unit for concrete products.	Approved	08.12.83
75/0986/4	Erection of building for the manufacture of concrete products	Approved	15.12.75

Consultations:-

No objections have been received from:-

Land Drainage Engineer
Head of Environmental Services
Director of Highways, Transportation and Waste Management
Environment Agency
Neighbours
Site Notice.

No response has been received from:-

Director of Community Services (Minerals)
Cadeby Parish Council.

Development Plan Policies:-

Leicestershire Minerals Local Plan Policies

Policy 32 of the Minerals Local Plan states that the County Council assess proposals for ancillary development for the minerals industry in close proximity to extraction sites, with particular regard to their environmental and transportation effects. Permission will normally only be given where there are clear overall environmental advantages in a close link between the industrial and mineral development. Conditions will normally be attached to cease the use, clear and restore the site when the mineral extraction has ceased.

Structure Plan

Leicestershire, Leicester and Rutland Structure Plan 1996-2016 Strategy Policy 8 'Development in the countryside' protects the countryside for its own sake and limits development to be small scale for employment purposed. Resource Management Policy 9

'Environmental Impact of Mineral Extraction and Waste Management' states that when considering applications for related development to mineral extraction, account will be taken of the likely impact on the environment and the need for the development when it is a material consideration.

Local Plan

The site is within the open countryside as defined in the adopted Hinckley & Bosworth Local Plan policy NE5 reiterates the Structure Plan Policy above on protecting the countryside.

Appraisal:-

The site has benefited from considerable investment over the years and employs approximately 50 staff, many of which are local people. It is also acknowledged that the use of the site and the type of operation would be very difficult to locate on conventional industrial estates or business parks

However, this site would not exist if the quarry was not being worked, and without the relationship with the quarry, the works would not accord with Structure Plan and Local Plan policy. In general, mineral workings remain a temporary use of land and when complete, plant and buildings are usually removed and the site restored.

Notwithstanding officers' reservations about the continued use of this site after the eventual closure of the quarry, these are concerns that were fully considered by Members when they approved the previous application to remove these time-related restrictions.

The essential issues here, therefore, are whether the particular circumstances of Jackson Precast Ltd and the way it carries out its business at the site are so special that the Council would not be prepared to allow the same type of operation to be carried out by any other company and whether the condition would hold up against the tests set out in Circular 11/95. Officers are of the view that, provided the use of the site remains restricted to the manufacturing and storage of concrete and concrete products, then there would appear to be no reasoned justification to continue to limit the use of the site to Jackson Precast Ltd only.

Accordingly, in light of the above on balance the proposal is considered to be acceptable.

RECOMMENDATION :- Permit unconditionally:-

SUMMARY OF DECISION – The proposal is in conformity with Policy NE5 of the adopted Hinckley & Bosworth Local Plan. Planning permission is granted unconditionally.

Contact Officer:- N Wright 5605

Item: 05

Reference: 06/00086/FUL

Applicant: M & O Building Contractors

Location: 36 Manor Street Hinckley Leicestershire LE10 0AS

Proposal: ERECTION OF THREE STOREY DWELLING AND ASSOCIATED PARKING WITH ACCESS

Introduction:-

The application is a full application for erection of three storey dwelling with parking, adjacent to 36 Manor Street, Hinckley.

The application site is currently used by the occupiers of 36 Manor Street for parking and as garden. 36 Manor Street is the last property in a row of terraces and the proposed dwelling would be a continuation of the terrace. Residential gardens back onto the north eastern and north western boundaries of the site. The age and type of properties that surround the site vary and include terraced, semi-detached and detached dwellings. The application site is adjacent to the Hollycroft Conservation Area.

The proposed three storey dwelling has 3 bedrooms, 1 bathroom, 2 en-suites, a WC, kitchen, dining and living area.

The application follows a previous application for a dwelling but the internal arrangements and external appearance have been changed, hence the new application.

A design statement has been submitted by the applicant which includes site analysis, design principles, design solutions and a series of photographs. The rendered properties have all lost the shallow arch window head detail so the proposed rendered property would have square heads with 'bell casts'. It will be intended to echo the eaves detailing and show it as a feature. Chimneys are a prominent feature of the terrace and it would be proposed to provide a dummy chimney. The building will be built to echo the window/door head heights and eaves levels to tie in with the existing terrace. Two tandem parking spaces will be provided for number 36 and for the proposed dwelling (2 spaces each). The gardens for numbers 36 and 38 will be less than required under the Supplementary Planning Guidance but is larger than approved under application 04/00558/FUL. Hollycroft Park is of course quite near and the gardens of other properties in the terrace are generally smaller than these proposed for numbers 36 and 38.

History:-

04/00558/FUL	Erection of One Dwelling	Approved	08.09.04
03/01223/OUT	Erection of One Single Storey Dwelling	Withdrawn	
70/2518	Use of Dwelling as Office Storage and Warehouse	Refused	14.07.70

Consultations:-

No objections have been received from:-

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

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

Director of Highways, Transportation and Waste Management (Highways)
Severn Trent Water Limited.

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

- a) Three storey dwelling in this location will be oppressive and restrict light during the spring and autumn months
- b) property will cause overlooking and lack of privacy leading to detrimental affects on the quality of life
- c) the land was left as garden space for a good reason when terraces were built
- d) the current end property has limited windows to increase privacy to those properties on Hollycroft
- e) the proposed dwelling sites windows at first and second floor which will overlook at close proximity
- f) the adjacent conservation area should be enhanced and improved and removing the current plants and wildlife and building on green space will not do this
- g) the attic windows will overlook gardens that are currently private
- h) the proposal should be restricted to two storey
- i) the parking problems are already chaotic without anymore
- j) the proposal will have a detrimental effect on the area
- k) the location is densely packed and the proposal will result in overdevelopment
- l) access to the off street parking is not feasible as the spaces in front of the garages are used by the Hollycroft residents
- m) the off road parking proposed will not be used and will exacerbate the parking problems further
- n) residents often park on the road instead of their own driveway
- o) the new dwelling will cause overshadowing
- p) the existing pond and water feature will be destroyed resulting in the loss of a valuable wildlife habitat
- q) the building work is likely to involve the use of large lorries, cement mixers, skip lorries etc which will cause inconvenience to residents, could cause damage to vehicles and may restrict access to emergency vehicles
- r) mud or dust can be expected as well as noise from the construction of the proposed dwelling
- s) the access to the proposed parking area will block existing neighbours accesses to garages.

Development Plan Policies:-

The site is located within the urban area of Hinckley as identified in the adopted Hinckley & 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 BE7 seeks to ensure that development in and adjacent to Conservation Areas preserves and enhances their special character. All views in and out

of the area should also be preserved and enhanced. 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 in accordance with Policies REC2 and REC3 of the adopted Hinckley & Bosworth Local Plan.

Appraisal:-

Density

The application site measures 115 square metres and gives a density of around 87 dwellings per hectare. This is above the minimum density level of the Local Plan of 27 dwellings per hectare, and above Planning Policy Guidance note 3 advice that requires 30-50 dwellings per hectare. The density is judged appropriate given the site's location and density of nearby dwellings and character of the area.

Design and Layout

The dwelling has been designed to reflect the character and appearance of the existing terraced properties in Manor Street. Many of the properties in Manor Street have been rendered and the traditional fenestration and door detailing have been removed and replaced. The proposed scheme involves rendering of the building and detailing to reflect adjoining properties as opposed to trying to replicate the more historic/Victorian aged features that the property would have had if it had been built with the other terraces. The design does, however, include eaves detailing and a chimney, which are features that have been retained on the properties in Manor Street. Overall the proposed design is considered acceptable and unlikely to have a detrimental impact on the Conservation Area.

The proposed dwelling does not face directly onto another property, rather overlooks the gardens of 36 Manor Street and 5, 7 and 9 Hollycroft, from its front and rear elevations. Windows are proposed on the property's north eastern elevation. The windows are sited to provide light to the dining room, en-suite, bathroom and bedroom. While the dining room window would be screened by the boundary fence, and the bathroom and en-suite windows could be conditioned to remain obscure glazed, the bedroom window could cause overlooking into the rear gardens of 11 and 13 Hollycroft and does not meet the privacy/outlook distances of the Supplementary Planning Guidance. Between facing windows there is a requirement of 25 metres, the proposal only provides a distance of 16 metres, which is below the standard. On this basis amended plans have been received to remove this window from the proposal and replace it with rooflights on the front roof plane.

The proposal provides a level of amenity space, which is below the Supplementary Planning Guidance requirement of 80 square metres. However, the garden area provided is greater than the level of amenity space that was included within the 2004 scheme that was approved. While amenity space provision is below standard, given the character of the area and planning history it is unlikely that this aspect would warrant refusal of the application.

Parking and Access

Adequate off street parking must be provided for the number of bedrooms proposed. The parking standards require a minimum of two spaces for 3 bedrooms or less.

The proposal makes provision for two parking spaces for number 36 and two parking spaces for the proposed dwelling. The parking space dimensions are 2.4 metres wide with two measuring 4.75 metres in length and two measuring 4.8 metres in length. The dimensions exceed the size of spaces previously approved under the 2004 permission (4.5 metres by 2.3 metres per space). Access to the proposed parking area is directly from Manor Street.

The proposed access to the parking area is over highway land which was confirmed during determination of the previous planning application. The Highway Authority have not raised objections to the proposal and consider the parking area can be accessed directly from the public highway.

Concerns raised by residents with regard to pedestrian access and existing parking on the public highway in front of garages cannot be controlled by the Local Planning Authority.

Developer Contributions

The applicant has confirmed they are prepared to pay the play and open space contribution and have requested the addition of a condition to cover this.

Conclusion

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

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, BE7, RES5, T5, NE13, REC2 and REC3; 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 plans 05/788/500/a & 05/788/500/2a received by the Local Planning Authority on 28 February 2006
- 3 This permission relates to the application as endorsed by additional plan No.05/788/10001 received by the Local Planning Authority on 28 February 2006.
- 4 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 5 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.
- 6 The windows at first floor (bathroom and en-suite) to be inserted in the north eastern elevation shall be obscure glazed and retained as such at all times thereafter.

- 7 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no window other than those approved under this permission shall be inserted into the north eastern elevation of the proposed extension unless otherwise agreed in writing with the Local Planning Authority.
- 8 Details shall be submitted to indicate all boundary treatment before development commences and implemented in accordance with the approved details before the dwelling is first occupied.
- 9 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.
- 10 The car parking facilities shown within the application site for both the existing and proposed dwelling shall be provided before the proposed dwelling is occupied and shall thereafter permanently remain available for such use.
- 11 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.
- 12 The development hereby permitted shall not commence until details of the drainage works for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the details approved.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2&3 To define the permission.
- 4 To ensure the proposed dwelling is built to a height in keeping with the character of the area to accord with policies BE1, RES5 and BE7 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that the development has a satisfactory external appearance to accord with policies BE1, RES5 and BE7 of the adopted Hinckley & Bosworth Local Plan.
- 6&7 To safeguard amenities of the occupiers of 9, 11, 13 and 15 Hollycroft to accord with policies BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that the development is not detrimental to the privacy and amenities of adjoining properties to accord with policies BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 9 To ensure the provision of public open space to accord with policies REC2 and REC3 of the adopted Hinckley & Bosworth Local Plan.

- 10 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with policies BE1, RES5 and T5 of the adopted Hinckley & Bosworth Local Plan.
- 11 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) and to accord with policies BE1, RES5 and T5 of the adopted Hinckley & Bosworth Local Plan.
- 12 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 policies NE13, BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 3 With regard to condition number 9, the applicant is advised that the current financial requirement is £1,850.00 per dwelling.
- 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:- K Burnett Ext 5898

Item: 06
Reference: 06/00095/COU
Applicant: Ratby Parish Council
Location: Land Adjacent Ratby Co-op Band Taverner Drive Ratby Leics
Proposal: CHANGE OF USE TO ALLOTMENT GARDENS AND FORMATION OF SEPARATE PARKING AREA

Introduction:-

This application seeks planning permission for the change of use to allotment gardens and formation of a separate parking area located off Taverner Drive, Ratby. The allotment gardens are located on the south-east side of Taverner Drive, between Ratby Co-operative Band and the Severn Trent Works and will require a new pedestrian access off Taverner Drive. The allotment site measures approximately 0.2 hectares and it is proposed to provide 8 - 9 allotment plots. A parking area is also proposed on the south-east side of Taverner Drive, to the north of Ratby Co-operative band. The parking area will be accessed from an existing gate and dropped kerb off Taverner Drive. The site is bounded to the east, south and west by open countryside, with residential development 100 metres to the north.

History:-

No relevant history.

Consultations:-

No objections have been received from Neighbours notified.

No objections subject to conditions have been received from:-

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

Site Notice issued, 2 letters received objecting to the car park element of the proposal, both as individuals and members of the Ratby Community Orchard Group, on the following grounds:-

- a) Loss of amenity
- b) visual detriment
- c) loss of area important for nature conservation
- d) increased likelihood of anti-social behaviour
- e) concerns car park will attract travellers
- f) unproven need for parking
- g) existing on-street parking does not have detrimental impact on highway safety
- h) plans submitted are not accurate
- i) grant money has previously been spent on the site
- j) no proposed barrier between car park and wildlife areas
- k) need to discourage car use.

Development Plan Policies:-

The site lies within open countryside, as identified in the adopted Hinckley & 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.

Policy NE3 of the Local Plan seeks to protect and wherever possible improve areas designated as green wedges. Development will be permitted within a green wedge for Agriculture, Forestry, Sport and Recreation, Transport or mineral uses, but only provided it does not adversely affect the open and undeveloped character of the green wedge, does not undermine the physical separation or character of the settlements separated by green wedges and is in keeping with the scale and character of the surrounding area.

Policy NE5 of the Local Plan seeks to protect areas of open countryside for their own sake. Development will be permitted in the open countryside provided it is important to the local economy and cannot be provided within or adjacent to an existing settlement or is for sport or recreation purposes, but only provided it does not adversely affect the appearance or

character of the landscape, it is effectively screened and will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy NE13 of the Local Plan seeks to protect natural watercourses from the effects of development. Development will only be permitted within an area which forms part of a floodplain where it would not inhibit or damage the drainage functions of the natural watercourse system, unless adequate on or off site protection, alleviation or mitigation works are undertaken.

Policy T5 of the adopted Hinckley & Bosworth Local Plan provides advice on the requirement for parking provision and highway design.

Appraisal:-

Principle

The site lies within an area which is allocated as both open countryside and as a green wedge. Sports and recreation uses are generally acceptable within the open countryside and green wedges provided the use will not adversely affect the appearance and undeveloped character of the landscape and does not undermine the physical separation of settlements. It is considered that allotment gardens are closely aligned with rural activities and sufficiently open in nature to not have a detrimental impact on the open countryside and green wedge setting.

Highways

The parking area will be provided within an area of informal open space gifted to the Parish Council as part of the adjacent residential development. Concerns have been raised regarding the loss of informal open space to provide the requisite parking area. The plans currently show a large indicative parking area. However, amended plans have been requested accurately detailing two parking spaces and associated manoeuvring area and will be provided and reported on as a late item. Should the parking area be reduced, as requested, it is considered that due to the size and location of the proposed parking area any detrimental impact on the amenity of those using the informal open space will be minimal and outweighed by the benefits brought by the allotment gardens.

Environmental Considerations

The Environment Agency have confirmed that the site lies within flood zone 2, the 1 in 1000 year flood outline. However, they do not object to the use of the site for allotments, provided ground levels are not raised and fences are of post and rail construction to allow any flood flows to flow freely underneath the fence.

Conclusion

In conclusion, subject to the receipt of amended plans, as requested, to minimise any impact the proposed parking area may have on the informal open space it is considered that this element of the proposal is acceptable. Allotment gardens are a use which can be considered acceptable in an open countryside and green wedge location and whilst there is a 1 in 1000 year risk of flooding, provided the advised measures are taken, no increased risk of greater flood impact will occur elsewhere; therefore it is considered that permission should be granted for the proposed change of use.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, NE3, NE13 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 plans 06/00095A/COU and 06/00095B/COU received by the Local Planning Authority on 9th March 2006.
- 3 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.
- 4 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.
- 5 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.
- 6 Notification of the commencement of development should be given in writing not less than 14 days before development commences.
- 7 The car parking and any turning facilities shown within amended plans 06/00095A/COU and 06/00095B/COU shall be provided before the development is brought into use and shall thereafter permanently remain available for such use.
- 8 Prior to the development being brought into use, details of the proposed surface to be provided for the first five metres behind the Highway boundary at the new access shall be submitted to the Local Planning Authority for approval. Once approved, the surface shall be provided prior to the development being brought into use and retained as such thereafter.
- 9 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be hung so as to open inwards only. Allotment users shall have uninterrupted access to the parking area at all times.
- 10 The proposed pedestrian gate shall be of a type other than outward opening and shall be so maintained in perpetuity.
- 11 Before the development is brought into use car parking spaces should be constructed in any stable, free-draining material, including gravel, fine quarry waste or reclaimed aggregate which must be permeable and shall thereafter permanently remain as such.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3-6 To safeguard the health of future users of the allotments to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 7 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
- 8 To protect the free and safe passage of traffic, including pedestrians, in the public highway.
- 9&10 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 11 To ensure satisfactory provisions are made for the drainage of the site.

Notes to Applicant:-

- 1 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.
- 2 In relation to condition 3 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.
- 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 01530 262380)
- 4 The applicants attention is drawn to the comments of the Environment Agency in their letter dated 8th November 2005, a copy of which is enclosed.

Contact Officer:- D Warden Ext 5691

Item: 07
Reference: 06/00110/FUL
Applicant: Mr David Warren
Location: Hope Community Church And Family Centre Deveron Way Hinckley
Leicestershire LE10 0XD
Proposal: EXTENSION AND ALTERATIONS TO PROPERTY

Introduction:-

This full application is for extensions and alterations to the front and rear of the Hope Community Church and Family Centre, Deveron Way, Hinckley on vacant land to the rear of the existing building. It is adjacent to the apartments on Clifton Court and fronts the pedestrian shopping precinct on Clifton Way. The application proposes to extend and improve the existing facilities by providing a pre-school, meeting room and further office space. A new porch is proposed to the front of the building. No additional car parking has been provided, as there is an existing public car park adjacent to the site. The entrance is to be accessed from the shopping area.

The application is a resubmission of a proposal previously withdrawn. The current proposal has seen a reduction in both ridge height and the number of roof light windows proposed. Further information has also been submitted in respect of car parking and access arrangements to the site throughout the construction period.

History:-

05/01242/FUL	Extensions and alterations to church to create community centre, place of worship and pre-school	Withdrawn
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Consultations:-

At the time of writing the report no response had been received from:-

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

No objection has been received from the Borough Council's Land Drainage Consultant.

Neighbours notified, 4 letters of objection have been received raising the following concerns:-

- a) The height of the proposal is excessive
- b) loss of light
- c) devaluation of property
- d) concern that construction traffic will use the private roads off Clifton Court for access
- e) noise pollution
- f) the site is unsuitable
- g) concerns relating to parking and traffic congestion as users of the existing facilities tend to park on Clifton Court, as opposed to, the nearby car park

- h) overlooking and privacy
- i) nuisance caused by youths using the facilities
- j) hours of use and noise
- k) rear doors are proposed onto the privately owned car park for Clifton Court
- l) structural damage to the flats.

Development Plan Policies:-

The site is within the settlement boundary and local shopping centre identified for Hinckley in the adopted Hinckley & Bosworth Local Plan.

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

T5 of the Local Plan relates to highway design and vehicle parking standards.

Policy CF1 of the Local Plan refers to community uses and states that planning permission for the development of community facilities, or the extension of existing facilities within or abutting the centres of local settlements will be granted provided that the proposal: does not detrimentally impact on the amenity of adjoining residential properties, will not detrimentally impact on the general character of the area, will not represent an over development of the site, will not over intensify the use of an existing access and makes adequate provision for off street car parking.

Policy RETAIL 7 relates to local shopping centres.

Appraisal:-

Principle

Whilst the site falls within a local shopping centre, the current Hope Community Church and Family Centre building is an existing community facility. The relevant plan policy is therefore in support of extensions to existing community facilities subject to residential amenity, character of the area, car parking and highway safety.

Design, siting and amenity

The proposal seeks to extend the existing entrance area to the front of the building as well as extending to the rear to provide the facilities for a pre-school, meeting room and further office space.

The land to the rear of the building is currently vacant and is covered by overgrown vegetation. The proposal seeks to fully utilise this available space. The additional site area proposed by the application is approximately 320 square metres.

By proposing to extend across the far perimeter of the shopping precinct, the development not only occupies a prominent position but also proposes to become a focal point. Accordingly, whilst the proposal has adopted characteristics of the existing building through the introduction of gables and raised brickwork, further detail has been incorporated into this elevation to add interest. The proposed glazing and curved walls break up the elevation, providing a central feature to the shopping area and considerably enhancing the shopping area which has been of some concern for many years.

The proposal will also run parallel to the rear boundaries of the existing flats at Clifton Court. The difference in ground levels, in addition to the reduced ridge height and pitched roof, helps to reduce the potential impact on the residential amenity of the neighbouring properties. The number of roof lights proposed on the elevation fronting the flats has been reduced from the initial application from eleven to two but with the addition of two ridge-line roof lights to light the main hall. The use of roof light and ridgeline windows also help to reduce the impact on residential amenity by avoiding windows on the side elevation directly facing the residential properties.

The rear elevation of the proposal indicates the positioning of a set of double doors. The adjacent car park however is privately owned and therefore would need the permission of the owners. The applicant has been advised of this, particularly in light of the neighbours' concerns and objections raised in respect of the privately owned car park. Officers will update members on this issue as a late item. However, this is a private law issue, ultimately.

No new hours of operation have been proposed and therefore the facility will operate as existing.

Access, parking and highway considerations

As the site is bounded by privately owned land and a pedestrian shopping precinct there is some difficulty in relation to access for construction traffic. Unlike the previous application however, the applicant has submitted a notice under Article 6 and a letter of support from Jelsons to confirm that access will be gained through the shopping precinct during the construction phase.

No additional parking facilities have been provided as part of the proposal. Notwithstanding this however, there is a public car park adjacent to the building to serve both the facility and shopping area. No comments have yet been received from the Director of Highways, Transportation and Waste Management to confirm that the applicant has adequately demonstrated that an adequate level of car parking is available. This will be reported as a late item.

Conclusion

It is considered that the proposal seeks to improve the community facilities in the area, has adopted an attractive design that not only relates well to the existing building but will improve the appearance of the shopping centre, and has taken into account factors to minimise the potential impact on residential amenity. Accordingly, subject to the receipt of no objections from the Director of Highways, Transportation and Waste Management it is recommended that the proposal is approved subject to conditions.

RECOMMENDATION: that following the receipt of no significant objections from outstanding consultees, the Head of Development and Culture be granted powers to issue planning permission subject to the following conditions:-

SUMMARY OF DECISION - The proposal is in conformity with Policies CF1, T5 and BE1 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions:-

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

- 3 Notwithstanding the details of the plan submitted, there shall be no doors positioned on the rear elevation of the proposal and shall be retained as such at all times thereafter.

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 BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 In the interests of residential amenity in accordance with policy CF1 and BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

Contact Officer:- E Macdonald Ext 5682

Item: 08

Reference: 06/00151/FUL

Applicant: Toby Morrison

Location: Barn At Hall Farm Church Road Peckleton Leicester LE9 7RA

Proposal: CONVERSION OF EXISTING BARNs AND CONSTRUCTION OF ADDITIONAL BASEMENT

Introduction:-

This is a resubmitted full planning application for the conversion and alteration of a traditional brick and tile range of vacant agricultural buildings into a two bedroom dwelling with en-suite facilities and studio space together with the construction of an additional basement area below ground level under the existing courtyard. The resubmitted scheme has removed previously unacceptable extensions to the existing buildings and the applicant has provided additional supporting information in the form of building method statements to overcome previous reasons for refusal regarding the structural condition of the buildings. The site is located in an isolated and prominent position approximately 500 metres southeast of Peckleton, surrounded by open arable fields. The site is accessed by an unmade single width track that is also the route of Public Bridleway T75 and Public Footpath T73.

The site comprises a two storey and a single storey building arranged around the western and northern sides of a yard enclosed by low walls on the other two sides. A steel framed Dutch barn lies 10 metres to the west across a small concrete yard. The site includes significant portions of the adjacent agricultural fields to the west, north and east. The

residential curtilage would extend 4 metres to the north and 11 metres to the east of the complex and be defined by new hedge planting.

History:-

05/01293/COU	Conversion of existing barns and construction of basement	Refused	27.01.06
05/01072/FUL	Conversion of existing barns and single storey extension	Refused	11.01.06
05/00556/FUL	Conversion of existing barns and extension	Withdrawn	08.08.05
00/00760/FUL	Conversion of barns to dwelling	Approved	08.11.00

Consultations:-

Director of Highways, Transportation and Waste Management has concerns with any proposals to develop in remote areas that have poor access to services and alternative means of transportation. However, considering the existing use of the site and the fact that the proposal is unlikely to result in a significant increase in vehicles using Church Road or its junction with Main Street he has no objection subject to a condition requiring hard surfacing of part of Church Road adjacent to the junction.

Director of Environment and Heritage (Rights of Way) points out that the vehicular access to the development would be contiguous with the routes of Bridleway T75 and Footpath T73. If planning permission is granted, free access by the public along these routes shall be maintained at all times and any damage to the surface will be the responsibility of the developer to repair.

Director of Environment and Heritage (Archaeology) points out that the barns are 19th century or earlier in date and have characteristic features such as the diamond ventilator panels. As traditional farm buildings such as these are a rapidly diminishing resource and are historically important it is recommended that if planning permission is granted a condition be imposed requiring the implementation of a programme of historic building recording before development commences.

The Head of Health and Environment recommends the inclusion of conditions requiring a contaminated land survey and any remediation measures to be submitted to and approved by the Local Planning Authority if planning permission is granted.

The Borough Council's Land Drainage Engineer points out the need to ascertain whether the ground is suitable for soakaway drainage.

No response has been received at the time of writing this report from the Site Notice.

Development Plan Policies:-

The site lies within the open countryside as designated in the adopted Hinckley & Bosworth Local Plan.

Structure Plan Policies

Strategy Policy 8 of the adopted Leicestershire, Leicester and Rutland Structure Plan states that the countryside will be protected for its own sake and that development in such areas will only be acceptable if the general appearance and character of the landscape and the

countryside is safeguarded or enhanced. Development should be designed sympathetically to fit into the local surroundings. Existing buildings should be reused where appropriate.

Local Plan Policies

Policy NE5 states that the countryside will be protected for its own sake, however it also states that the re-use of existing buildings within the countryside may be acceptable in principle, subject to there being no adverse affect on the appearance or character of the landscape and it is effectively screened by landscaping or other methods.

Policy BE20 relates to the re-use of and adaptation of rural buildings, including those for residential purposes. It states that such proposals will be granted provided that there is no adverse affect on the landscape, highway safety, protected wildlife habitats, or to the design, character, appearance and setting of the building. The building should also be capable of conversion without significant alterations, extensions or rebuilding.

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features, Development should incorporate landscaping to a high standard and ensure adequate highway visibility for road users and adequate provision for parking and should not adversely affect the occupiers of neighbouring properties.

Policy T5 seeks to apply the County Council highway standards and parking targets when considering new development.

Planning applications will also be assessed against guidance contained in the Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings. This states that residential re-use may not be allowed unless: the applicant has made every reasonable attempt to secure suitable business re-use, and a statement of support of the efforts made accompanies the application; residential conversion is a subordinate part of a scheme for business re-use; it would meet a specific local need; it would provide the most sustainable option; it meets an identified housing need; it does not result in the creation of a residential curtilage which would have a harmful effect on the character of the countryside; there are significant overriding material planning considerations. The guidance also provides further guidance on external building character, internal features, the setting of converted buildings, habitat preservation and landscaping.

Appraisal:-

Principle

The application proposes conversion and alteration of a 'L' shaped range of traditional barns that have remained vacant for a number of years and consequently are in a deteriorating condition. Policy seeks to encourage either employment, recreation or tourism uses in the first instance and only if proven that there is no interest for these purposes or there are significant overriding material planning considerations should residential use be considered. In this case there is a previous planning permission for residential use including detailed plans for a conversion scheme. Although Supplementary Planning Guidance has been adopted since the original consent was granted it is considered unreasonable to insist upon evidence being submitted at this stage to show that the barns have been marketed for employment, recreation or tourism purposes. In addition, the resubmitted scheme is considered to be an improvement on the scheme previously approved.

Structural Condition

Policy BE20 of the adopted Hinckley and Bosworth Local Plan and the adopted Supplementary Planning Guidance state that the buildings should be structurally sound enough to be capable of conversion without significant adaptation or rebuilding.

A structural survey carried out in April 2005 concluded that the defects noted were generally the result of poor maintenance and age/weather deterioration of the structural fabric. If refurbishment and/or conversion works are not carried out within the near future, further areas of the building may become structurally unstable and collapse. However, the majority of the defects are relatively minor and localised and can probably be addressed by repair/strengthening of the affected elements. Consequently, it is considered by the report that the existing barn structures are of a permanent and substantial construction and extensive rebuilding or alteration works should not be required to implement the proposed conversion works that will enhance the rigidity of the building.

Officers have had concerns that the buildings have deteriorated further since that report was carried out, however the applicant has provided further information in support of the application with regard to the method of conversion of the existing buildings and the construction of the basement area. The building method statements supplied have been considered by the Council's Building Surveyors who have indicated that given the condition of the buildings there will be a need for some localised repair and rebuilding works to be carried out as part of the proposed conversion although this does not appear to be so extensive as to warrant refusal of the application and that with good site management the method of basement construction should not affect the existing structures.

Design and Layout

Policy BE20 of the adopted Hinckley and Bosworth Local Plan and the adopted Supplementary Planning Guidance state that planning permission will only be granted for the reuse and adaptation of a rural building if it can be converted without involving extensions that would significantly alter the form and general design of the building in a way that would detract from its existing character and appearance. In this case the scheme to convert the barns utilises the few existing openings available and introduces a minimum number of new openings in a style considered appropriate, the proposal does involve the construction of an underground basement area, however this will not have an impact on the character or appearance of the buildings as it will be under the existing courtyard area and accessed from within the existing buildings.

Impact on the Countryside

The site lies in a very prominent position and isolated rural location where policy seeks to protect the countryside for its own sake. The policy does allow for the change of use, re-use or extension of existing buildings, particularly those of historic value providing that the development would not have an adverse effect on the appearance or character of the landscape and it is in keeping with the scale and character of existing buildings and the general surroundings. Furthermore, Policy BE20 and Supplementary Planning Guidance seek to protect the setting of converted buildings requiring the retention of a rural character and appearance. The application site is visible for considerable distances because of the relatively flat topography and can be viewed at very close quarters from the public footpath and bridleway that pass to the south and west of the site. The proposal incorporates a fairly modest residential curtilage beyond the existing confines of the buildings and yard that would be defined by new hedge planting. This is comparable to the curtilage proposed in the previously approved application. New hedge planting is also proposed along the boundary with the public footpath to the south. No details are provided of boundary treatment to the overall site boundary. Given the modest size of the residential curtilage it is considered that this would minimise any impact on the visual appearance or character of

the surrounding landscape and given the previous approval is probably acceptable in this case to comply with development plan policy.

Conclusion

There is an existing planning approval for a residential conversion of these vacant agricultural buildings. The current proposal is considered to be an improved, modest scheme that respects the scale and sensitivity of the site in a prominent isolated countryside location. Therefore, on balance, the proposal is considered to be acceptable to development plan policies and the Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policies BE1, BE20, NE5 and T5 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 This permission relates to the application as endorsed by the Repair Works Method Statement and Basement Construction method received by the Local Planning Authority on 14th February 2006.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed barn conversion, including fenestration and rainwater goods, shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved details.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A - H inclusive or Part 2 Classes A - C inclusive shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 5 Before any development is commenced on site a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate the treatment proposed for all ground surfaces including hard surfacing materials, car parking provision, planting plans noting species, size of plants, proposed disposition and numbers/density. The scheme shall then be carried out in accordance with the approved details.
- 6 The approved landscaping scheme shall be carried out during the first appropriate planting season following the date when the proposed conversion is first ready for occupation. The scheme shall be maintained for a period of five years from the date of planting. During this period any trees, hedges or shrubs that die or are damaged, removed, or seriously diseased shall be replaced by trees, hedges or shrubs of a similar size and species to those originally planted.
- 7 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.

- 8 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.
- 9 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.
- 10 No development shall commence on site 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.
- 11 Before first occupation of the development hereby permitted, the access drive and any turning space shall be surfaced with tarmacadam or similar hardbound material (not loose aggregate) for a distance of at least 7 metres from its junction with Church Road and shall be so maintained at all times.
- 12 Before development commences full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

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 BE20 of the adopted Hinckley & Bosworth Local Plan.
- 4 To safeguard the character of the existing buildings and in the interests of visual amenity to accord with Policy BE20 of the adopted Hinckley & Bosworth Local Plan.
- 5 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 7-9 To ensure safe development of the site and to protect the amenities of future residents to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 10 To ensure satisfactory historic building recording.
- 11 To reduce the possibility of deleterious materials (loose stones etc.) being deposited in the highway.
- 12 To safeguard the character of the existing buildings and in the interests of visual amenity to accord with Policy BE20 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.
- 3 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 (01530 262380)
- 4 The applicant's attention is drawn to the contents of the attached report from the Leicestershire County Council Public Rights of Way Officer regarding footpath T73 and bridleway T75.
- 5 In relation to conditions 7-9 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.
- 6 The applicant is advised that this permission relates to residential conversion of the existing barns and in no way implies permission for demolition and rebuilding or any commercial use.

Contact Officer:- R Wright Ext 5894

Item: 09

Reference: 06/00152/FUL

Applicant: H.E Property

Location: 136 Newbold Road Barlestone Nuneaton, Warwickshire CV13 0DT

Proposal: FORMATION OF ACCESS ROAD

Introduction:-

This is an application for the formation of an access at 136 Newbold Road, Barlestone. An identical proposal was approved in 1992 but this permission has now expired, having never been implemented.

The access would serve an area of land to the rear, on which outline planning permission was granted in February 1996 for the erection of five single storey dwellings. In July 1998, a renewal of this permission was refused on the grounds that the development lacked the necessary 2 metre by 2 metre pedestrian visibility splay at its junction with Newbold Road, and the applicant was unable to provide this on land within his control. However, in June 1999, reserved matters approval was granted as the Highway Authority were not taking issue with the lack of pedestrian visibility splay at the entrance to the site.

The purpose of this application is not entirely clear, given that the access details approved in 1992 have been superceded by subsequent planning permissions to develop the site to the rear. It is known, however, that there are ownership issues relating to the practical implementation of the access, although these are legal, not planning, matters.

History:-

00/01172/FUL	Erection of five detached dwellings	Refused	04.04.01
99/00092/REM	Erection of five single storey dwellings	Approved	23.06.99
96/00001/OUT	Erection of five single storey dwellings	Approved	07.02.96
92/0294/4	Improvement to access	Approved	19.05.92

Consultations:-

No objections have been received from Borough Council's Land Drainage Consultant

Neighbours notified, two letters received expressing concerns that this is a dangerous bend in the road and questioning whether surface water drainage is acceptable.

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

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

Barlestone Parish Council considers that the access should comply with highway regulations.

Development Plan Policies:-

The site is located within a primarily residential area within the settlement area for Barlestone as designated in the adopted Hinckley & Bosworth Local Plan.

Policy BE 1 of the adopted Local Plan seeks to ensure that development compliments or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

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

Appraisal:-

Although there has previously been a lot of concern from residents regarding the access arrangements and the lack of pedestrian visibility splays, this scheme has the same access arrangements as indicated on the previous approval in 1992. The drainage concerns by residents are issues that are normally dealt with by Building Control when they require the applicant to carry out the appropriate testing for soakaways, and satisfactory provision for drainage can normally be dealt with by condition.

Although the proposed access is related to the development of land to the rear, it remains to be considered in isolation. In this respect, the proposal would improve a substandard form of access off Newbold Road and is considered acceptable.

RECOMMENDATION:- That subject to no significant additional objections being raised on expiry of the consultation period ending 29 March 2006, 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 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 the access drive hereby permitted is brought into use, it shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) and shall be so maintained at all times.
- 3 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 7 metres behind the highway boundary and shall be hung so as to open inwards only.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 3 To enable a vehicle to stand clear of the highway to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- N Wright Ext 5605

Item: 10

Reference: 06/00184/GDOT

Applicant: O2 (uk) Ltd

Location: Land At Oaktree Close Groby Leicester

Proposal: ERECTION OF 15M TELECOMMUNICATIONS MONOPOLE,
ASSOCIATED EQUIPMENT CABINET AND METER CABINET

Introduction:-

This is a prior approval application for the erection of a telecommunications installation disguised as a telegraph pole on the grass verge at the junction of Oak Tree Close and Ratby Road in Groby. This application is made under part 24 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001. There is a statutory period of 56 days to determine the application (i.e. by 19th April 2006) otherwise the applicant has the right to carry out the development. In considering the proposal the Borough Council are restricted to expressing opinions on matters of siting and appearance.

The proposed mast measures 15 metres in height and 0.3 metres diameter, with brown timber effect cladding. The associated equipment cabinets measure 1.5 metres in length

by 0.3 metres in width by 1.5 metres in height and 0.3 metres in length by 0.2 metres in width by 1.3 metres in height. The proposal will be sited on the grass verge between a footpath and Ratby Road, alongside an existing lamppost. The mast has been designed as a telegraph pole and is aligned with the existing lamppost.

Technical information has been submitted by the applicant to show that the purpose of the development is to provide coverage to the Groby area. They have also supplied information showing a number of existing and new sites that have been investigated prior to submitting this application, suggesting that there was only one alternative site which would give the coverage for the operator, but this was discounted due to its close proximity to a school.

History:-

No relevant history

Consultations:-

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

The Director of Highways, Transportation and Waste Management
Borough Council's Arboricultural Consultant
Borough Council's Land Drainage Engineer
Head of Health and Environment
Groby Parish Council.

Ten letters received from local residents raising concerns regarding:-

- a) Highway safety, in particular pedestrians and children
- b) health concerns
- c) site is ill-conceived and clearly inappropriately researched
- d) proximity to residential dwellings
- e) proximity to schools including Brookvale and Elizabeth Woodville
- f) proximity to bus stops, frequently used by children
- g) lack of consultation and compliance with the traffic light system
- h) visual amenity
- i) decrease in property values
- j) must be better sites
- k) effect on nearby trees.

The Elizabeth Woodville Primary School objects to the proposal on the grounds that an alternative site has been dismissed due to the proximity to a school and the lack of consultation from the applicant in line with the industry's code of best practice.

Development Plan Policies:-

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

Central Government Guidance

Planning Policy Guidance Note 8: Telecommunications gives detailed advice on the particular planning requirements of the telecommunications industry and provides advice on the nature and scope of permitted development rights.

Code of Best Practice on Mobile Phone Network Development 2002 gives guidance to both Local Authorities and Code System Operators.

Local Plan Policies

Policy BE23 of the Local Plan states that planning permission for telecommunications masts and antennae will be granted unless there are feasible opportunities to share existing facilities; or the special siting needs of the equipment are outweighed by significant detrimental visual impact.

Supplementary Planning Guidance on Telecommunications supplements local plan policy BE23 in respect of telecommunications development having regard to national policy and guidance. It provides a geographical approach to the siting of telecommunications apparatus within residential areas or mixed use areas.

Appraisal:-

Siting

There are two oak trees to the east providing a limited amount of screening to Oak Tree Close and a number of trees on the grass verge to the south, running down the hill, which provide a far greater level of screening. However, there is no screening to the properties on Ratby Road to the west of the site nor to the north towards Ratby. The existing street furniture includes telegraph poles at approximately 8 metres high, an adjacent lamppost serving the footpath approximately 6 metres high and lampposts serving the highway approximately 9 metres high.

Whilst aligned from west to east with the lamppost serving the footpath it is considered that the proposed mast, at 15 metres in height, would dwarf the existing street furniture and form an incongruous structure in a prominent location on the open entrance to Oak Tree Close and a busy road, cycle and pedestrian route.

The Borough Council's Supplementary Planning Guidance states that the siting of a mast within a residential area may be acceptable provided it is not prominent from the main windows of any neighbouring dwelling. The mast proposed will be seen from residential properties on Ratby Road and Oaktree Close. It is located on the grass verge approximately 22 metres away from the nearest property on Ratby Road and 58 metres from the nearest property in Oak Tree Close. The properties on Ratby Road are single storey bungalows. It is considered that whilst the 'telegraph pole' mast is designed to blend in within the street scene, at 15 metres in height it will be a prominent structure from the main windows of these dwellings and as such will be contrary to adopted Supplementary Planning Guidance.

Appearance

The matters to consider concerning the appearance of the mast and ancillary equipment include materials, colour and design. This covers the dimensions, overall shape and construction. As stated above the mast proposed has been disguised as a telegraph pole, which consists of a 15 metre high pole, with brown timber effect cladding. It is considered that by virtue of its height the mast will form an incongruous structure.

The ancillary equipment is to be housed in two cabinets that are to be painted in accordance with the Local Planning Authority's requirements. It is considered that the appearance of the cabinets would be in keeping with other street furniture and would not look unduly out of place.

Mast Sharing and Alternative Sites

Planning Policy Guidance Note 8 attaches considerable importance to keeping to a minimum number of radio and telecommunications masts, and sites for such installations. The sharing of masts and buildings is, therefore, encouraged. In this instance the applicants have submitted details of alternative sites considered, two of which are existing masts. The sites considered by the applicant were Street Furniture A50/Markfield Road, existing Vodafone mast Newtown Linford Lane, Street Furniture Martinshaw Lane, Street Furniture Ratby Road/Sacheverell Way, Street Furniture Leicester Road and Sacheverell Way and existing T-Mobile mast Ratby Road. However, as stated above, only one of the sites was considered to provide coverage for the area, the site at Martinshaw Lane, which it is stated was discounted due its close proximity to a school.

Health

The applicant has confirmed the development is in full compliance with the requirements of the radio frequency public exposures guidelines of ICNIRP (The International Commission on Non-Ionising Radiation Protection).

Whilst it has to be accepted that the health considerations are a material consideration, the proposal, as shown by the ICNIRP compliance certificate submitted with the application, meets the required guidelines for public exposure and should not need to be considered further.

Following the Independent Expert group on Mobile Phones (Stewart Report) published in April 2000, which advocated a precautionary approach to mobile phone masts an independent Advisory Group on Non-Ionising Radiation (AGNIR) chaired by Professor A Swerdlow reported on the 15th January 2004 and concluded that "There is no biological evidence for mutation or tumour causation by RF exposure and epidemiological studies overall do not support any associations between exposures to RF and the risk of cancer, in particular from mobile phone use.... In aggregate the research published since the Stewart Report does not give cause for concern. The weight of evidence now available does not suggest that there are health effects from exposure to RF fields below guidelines levels, but the published research on RF exposure and health has limitations, and mobile phones have only been in widespread use for a relatively short time. The possibility therefore remains open that there could be health effects from exposure to RF fields below guideline levels; hence continued research is needed".

Planning Policy Guidance Note 8 sets out very clearly the Government's view on public health concerns about telecommunications masts, and the approach that local planning authorities should take in this respect. "Health considerations and public concern can, in principle, be material considerations in determining planning applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision maker (usually the local planning authority) to determine what weight to attach to such considerations in any particular case" (para.97).

"However, it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains Central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval to consider further the health aspects and concerns about them" (para.98).

In certain circumstances resident's general anxiety about the health effects of the masts may materially contribute to a general loss of amenity, for example, if a mast was to be

prominently located in very close proximity to a residential property. In this instance it is considered that the proposed mast and equipment could contribute to a general loss of amenity for those residents with residential dwellings in close proximity, in particular the bungalows on Ratby Road adjacent to the site.

When adopting the Supplementary Planning Guidance on Telecommunications it was stated that emerging appeal decisions would be reviewed in relation to health grounds. On the 12th November 2004 a Court of Appeal judgment (Harrogate BC) concluded if a proposal conformed to ICNIRIP guidelines no further consideration of health effects should be considered.

Clearly, members will need to consider carefully the weight given to public concern on the health issues. Bearing in mind recent emergent case law the planning system is not considered to be the appropriate forum for determining health safeguards.

Other Concerns

Local residents have raised concerns that property values in the area will decline. This is not a material planning consideration when determining planning applications.

Conclusion

In conclusion it is considered that whilst the mast has been designed to blend in with the surroundings, its height and prominent position in close proximity to residential properties, footpaths and roads mean that it will appear visually intrusive and result in a loss of amenity for neighbouring residents. It is considered that the telecommunications operator has not undertaken sufficient consultation nor carried out a satisfactory search of alternative sites which would have less impact on the surrounding area and streetscene. It is therefore considered that prior approval should be refused for the proposed development.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority the proposed telecommunications mast and equipment, due to its height and prominent location in close proximity to residential properties, footpaths and roads will appear visually intrusive to the detriment of visual amenity. The proposed development is therefore contrary to policy BE23 of the adopted Hinckley and Bosworth Local Plan, the Borough Council's Supplementary Planning Policy Guidance on Telecommunications adopted May 2004 and the provisions of Planning Policy Guidance Note 8.
- 2 In the opinion of the Local Planning Authority, the Code System Operator has not undertaken a satisfactory investigation of other sites, which may be technically suitable and would have less impact on the surrounding area and streetscene.
- 3 The proposed mast is to be sited in close proximity to, and in full view of, a number of residential properties. In one case the mast is only approximately 22 metres from a primary window of an adjacent dwelling. A large volume of objections to the proposal have been received, the majority of which reflect residents concerns regarding their well-being. In view of these concerns, the proximity of the mast to residential properties and the siting of the mast in full view of these properties, will have a significant and adverse effect on neighbouring residents amenities.
- 4 The Code System Operator has failed to undertake adequate public consultation contrary to the Traffic Light Rating Model for Public Consultation contained within the Code of Best Practice on Mobile Phone Network Development 2002.

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