

REPORT P88

PLANNING COMMITTEE

25.04.2006

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: 05/00971/COU
Applicant: Burbage Taekwon-Do Club
Location: Unit 3 Carr House Hawley Road Hinckley Leicestershire
Proposal: CHANGE OF USE TO TAE-KWON-DO CLUB

Introduction:-

Members will recall that at their meeting on 10 January 2006 they resolved to grant planning permission for this proposal, subject to the execution of a legal agreement to secure and ensure the availability of additional car parking spaces at Carr House during the proposed hours of use. The applicant's agent had earlier confirmed to officers that the use of the entire Carr House car park (55 spaces) would be included within such an agreement, and this fact was duly reported as a late item. However, officers are now informed that only 33 spaces can be provided under the agreement. Consequently, Members will need to reconsider the proposal in the light of this new information.

The previous report and recommendation are repeated below, with appropriate amendments, for Members' information.

This is an application for the change of use of part of an existing industrial building to use as a TaeKwon-Do Club. The Club would occupy the ground floor of Unit 3, Carr House, which is a two storey purpose-built industrial building constructed approximately eight years ago. Six car parking spaces would be provided within the adjoining car park, which serves the whole of Carr House. Access to the car park is off Hawley Road.

The Club is proposed to be open between 5.00 pm and 9.00 pm Monday to Friday and 10.00 am to 12 noon at weekends. Class size is 20-30 students, with around 80 of a total membership of 120 attending during anyone week. The applicant's agent points out that as the club will operate mainly outside normal working hours, car parking should not be an issue. In addition, most of the young students are dropped off so the six dedicated parking spaces are considered adequate.

The property is surrounded by other industrial land and buildings.

History:-

None.

Consultations:-

No objections have been received from: -

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

Director of Highways, Transport and Waste Management objects on the grounds that it has not been sufficiently demonstrated that there is an appropriate level of on-site parking provision. However, the Director would be prepared to look more favourably on the proposal if a unilateral legal agreement was offered that would provide additional car

parking at Carr house, over and above the six allocated spaces. At the time of writing this report, comments are still awaited on the revised number of parking spaces to be included in this legal agreement.

Development Plan Policies:-

The property lies within the settlement boundary for Hinckley, designated as an employment site, in the adopted Hinckley and Bosworth Local Plan.

Strategy objective 1a) of the Local Plan seeks to provide opportunities for investment in the Borough and promote economic growth through sustainable development.

The current adopted Local Plan designates the site as part of the Hawley Road/Southfield Road Industrial Estate. This industrial estate is allocated as an EMP1 (b) - Existing Employment Site, which means the area is generally considered to be an acceptable employment location but where proposal for alternative uses would be considered on their merits. The Local Plan was adopted in 2001 but is currently under review in order to produce the Borough's first Local Development Framework. As part of this process, a review of existing allocations will be made and any new sites for employment use designated. The Employment Development Plan Document is not due for consideration until April 2006 (as part of the Local Development Scheme).

The Employment Land & Premises study published in 2004 assesses the supply and demand for employment land in the Borough and makes recommendations in relation to the Hawley Road/Southfield Road Industrial Estate, specifically that 25-50% of the area should be retained for employment purposes.

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

Appraisal:-

The main considerations with regard to the application are the resulting loss of employment land and whether off-street parking arrangements are adequate.

This designated employment site is one where proposals for alternative uses of land and buildings can be considered on their individual merits (Policy EMP1(b) The Council's Employment Land and Premises Study further clarifies that 25-50% of the whole of the Hawley Road/Southfield Road Industrial Estate should be retained in employment use, and specifically recommends the retention of certain buildings for employment use. The application site is not one of those buildings. However, this is a high quality purpose-built industrial building and is, therefore, a valuable employment building that officers would prefer to see retained for future employment use. Even so, in considering the proposal to change its use, it would appear that the combination of specified retained employment buildings along with recommended employment allocations in the Hinckley Town Centre Masterplan relating to other areas of the Industrial Estate, that the minimum 25% employment use would still be achievable without the retention of the application building in such use. On balance, therefore, the proposal appears to be difficult to resist.

However, the Highway Authority remains concerned that a potential lack of parking facilities could lead to vehicles parking in the Highway. With two full time members of staff and other trainee instructors, it is considered that the six parking spaces could be fully occupied before even considering member parking. Notwithstanding this, the Highway Authority is currently considering additional information supplied by the agent, clarifying the way the business will operate, including the offer of a unilateral legal undertaking to provide 33 additional car parking spaces. Members have, of course, already resolved to grant planning permission for the proposal, but on the understanding that all 55 spaces would be made

available. Highway comments on the revised figure will be reported to Members at the meeting, but with class sizes of 20-30 members it is anticipated that a total of 33 spaces would be sufficient on-site parking provision for the proposed use.

RECOMMENDATION :- That following the execution of a legal undertaking to secure and ensure the availability of additional car parking spaces at Carr House during the proposed hours of use, the Head of Culture and Development be granted powers to issue planning permission subject to the following condition:-

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The Club shall not be open for use outside the following times:- 5pm to 9pm on weekdays and 10am to 12 noon at weekends.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that adequate off-street parking facilities are available, to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer :- N. Wright Ext 5605

Item: 02

Reference: 06/00078/FUL

Applicant: Bellway Homes (EM) Ltd

Location: Land Off Station Road Bagworth Coalville Leicestershire

Proposal: RESIDENTIAL DEVELOPMENT OF 43 UNITS AND ASSOCIATED WORKS

Introduction:-

This is a resubmitted full planning application for residential development of a 1.43 hectare, roughly triangular site on the western side of Bagworth. The application has been resubmitted to take into account a number of relatively minor amendments to the layout following amendments to the drainage strategy, together with some substitution of house types but essentially remains very similar to the originally approved scheme. A draft Unilateral Deed of Obligation pursuant to S106 of the Town and Country Planning Act 1990 has been submitted as part of the application which ties the obligations of the previously signed S106 agreement to the new permission should it be granted. The land was formerly used as a managed travellers site with an associated paddock area but has now been cleared. The site is bounded by new residential development to the east, north and west. Open countryside lies to the south and south-west and a sewage pumping station is located adjacent to the northern boundary.

The proposal comprises 43 detached, linked and terraced, two, two and a half and three storey properties arranged around a series of cul-de-sacs and small squares and accessed from the new road layout constructed as part of the adjoining development. A Planning and Design Framework document has been submitted in support of the application that explains the planning context of the proposal as well as the development principles and analysis of the wider area and the scheme itself.

History:-

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| 87/1073/4 | Appeals against refusals of planning permission for a private gypsy caravan site and against the service of an enforcement notice were dismissed and upheld in August 1988 and June 1989, respectively. |
| 90/0737/4 | Private gypsy caravan site for two families refused and dismissed on appeal in October 1991. |
| 91/01038/4 | Change of use to private gypsy caravan site - withdrawn in November 1991. |
| 99/00820/OUT | Outline planning permission - Approved May 2001. |
| 04/00231/FUL | Full planning permission granted for 43 dwellings and associated works - Approved January 2005. |

Consultations:-

Director of Highways, Transportation and Waste Management has no objection in principle but raises some minor issues with regard to parking provision and layout that were considered at the time of the original approval.

Leicestershire County Council seek financial contributions from the developer towards the provision and improvement of various community facilities if planning permission for this development is granted.

The Primary Care Trust seeks financial contributions from the developer towards health care facilities.

The Coal Authority suggests the applicant contact them directly for any advice on past, current and proposed surface and underground coal mining activity that might affect their development. This is in line with new Standing Advice.

The Leicestershire Constabulary Crime Reduction Officer has no objections to the planning application in principle but makes various observations regarding minor alterations to the scheme that would result in a more secure development.

The Cyclists' Touring Club express a concern about the lack of cycle spaces on the development and the number of car parking spaces provided and that the issue of Safe Routes to Schools should also be considered.

Head of Environmental Services recommends a condition requiring a full contaminated land survey and remediation measures to be submitted if planning permission is granted.

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

Environment Agency
Severn Trent Water
Council's Land Drainage Engineer.

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

Bagworth and Thornton Parish Council
Director of Environment and Heritage Services (Archaeology)
The National Forest Company
Site Notice
Press Notice
Neighbours.

Development Plan Policies:-

The site is located within the settlement boundary for Bagworth on land allocated for residential development in the adopted Hinckley and Bosworth Local Plan (Policy RES1a). Various criteria are associated with the development of this allocated site including a limit on overall numbers of dwellings.

A Bagworth Planning and Design Brief of February 2000 was prepared in parallel with the Local Plan and adopted for development control purposes after receipt and consideration of the Local Plan Inspectors Report. This Supplementary Planning Guidance covers a number of housing allocations in Bagworth including land to the north of the colliery, which encompasses the application site.

Policy BE1 of the adopted Hinckley and Bosworth Local Plan requires a high standard of design for new developments which compliment or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Supplementary Planning Guidance also gives advice regarding the requirements for new residential development including issues such as public open space contributions and the provision of affordable housing.

Appraisal:-

Principle of Development

The application site represents a mixture of previously developed brownfield land (the travellers site and commercial compound) and an area of greenfield land (the associated Paddock). The site lies within the settlement limits of Bagworth Village on part of an allocated residential area and a similar scheme for 43 dwellings was granted planning permission in January 2005. It is therefore considered that planning permission in principle is acceptable.

Layout and Density

Officers had extensive negotiations with the applicant at the time of the previously approved application which also involved the Borough Council's Urban Design Consultants. Within the constraints imposed by the use of standard house types a scheme has been produced which, it is considered, will create a high quality design in accordance with adopted policy and Central Government guidance. The design concept reflects the current nature of the site by focusing a tighter, higher density element upon the previously developed area and a looser, lower density and outward looking form of development on the western part of the site. Overall this gives a transition between existing recent development to either side of the site. Overall the density is 30 per hectare reflecting the lower end of guidance but paying due regards to the character of the area.

The scheme envisages a series of linked spaces incorporating key focal buildings which allows for street scenes of character with parking generally to the rear of properties so that the development is not vehicle dominated. Towards the western perimeter of the site the development becomes outward facing allowing properties views out over the surrounding

countryside and presenting a softer edge to the built environment. Further refinements to the scheme are being considered and any alterations or additions will be reported to Committee on the late item agenda.

Contributions

The applicants have already agreed to provide developer contributions towards the provision and improvement of various community facilities and for National Forest planting which has been dealt with by the S106 agreement tied to the previous planning permission. The draft Unilateral Deed of Obligation submitted as part of this application ties in these agreed contributions should planning permission be granted.

Affordable Housing to required levels (i.e. 8 rented and 1 shared ownership units) will form part of the development and the applicant is in negotiations with Registered Social Landlords to enable this aspect of the scheme to be realized.

The Primary Care Trust has indicated the need for and is actively pursuing the provision of health care facilities in Bagworth and the applicant is willing to contribute towards these important local facilities

Conclusions

It is considered that whilst the proposal increases the number of new dwellings in Bagworth this will not unacceptably compromise the balanced development of the community bearing in mind other undeveloped commitments in the village and recent appeal decisions. The principle of residential development of the site is acceptable and the detailed design meets the high quality aspirations of adopted Local Plan policy as well as Central Government guidance. Subject to the completion of the Unilateral Deed of Obligation it is recommended that the application be approved subject to conditions.

RECOMMENDATION:- That following receipt of the completed Unilateral Deed of Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide financial contributions towards community facilities, health infrastructure and National Forest Planting as well as the provision of affordable housing units within the site, 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 BE1 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions:-

- 1 The development hereby permitted shall be begun within three years from the date of this permission.
- 2 This permission relates to the application as revised by amended plan nos. 745-02 Rev Y, 745/54 Rev A and additional plan no. BEL/V/BW received by the Local Planning Authority on 5th April 2006 and plan nos. 745/47 Rev E, 745/45 Rev F, 745/46 Rev E, 745/53 and 745/55 received on 30th January 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 dwellings, garages and screen walls shall be deposited with and approved in writing by the Local Planning Authority.

- 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 approved 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 The approved landscaping scheme shall be carried out during the first appropriate planting season following the date when the proposed dwellings are 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 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.
- 6 No development shall commence until details of a contaminated land survey indicating any remedial measures has been carried out, submitted to and approved in writing by the Local Planning Authority. The remedial measures shall be carried out as part of the approved development
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the integral garages and car ports on Plots 13, 17, 22, 23, 24 and 42 shall not be converted into additional living accommodation or enclosed by gates or doors before planning permission for such development has first been granted 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 Class A-E (inclusive) shall not be carried out before planning permission for such development has first been granted by the Local Planning Authority.
- 9 The shared private drives shall be a minimum 4.25 metres wide for a distance of at least 5 metres from the highway boundary.
- 10 Any garage shall be set back a minimum of 5.0 metres behind the highway boundary if 'sliding', 'roller shutter' or inward opening doors are fitted, 5.6 metres if 'up and over' type doors are fitted or 6.0 metres if outward opening hinged doors are fitted.
- 11 The accesses shall be surfaced in tarmacadam or similar bound materials for the first 5 metres behind the highway boundary before the dwelling is first occupied
- 12 No walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 0.9 metres in height above the level of the adjoining carriageway unless otherwise agreed in writing by the Local Planning Authority.

Reasons :-

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To define the permission.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with policy BE1 of the adopted Hinckley and 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 adopted Hinckley and Bosworth Local Plan.

- 6 To ensure safe development of the site.
- 7&8 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure that vehicles can pass within the site clear of the public highway
- 10 To enable a vehicle to stand clear of the highway to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 11 In the interests of road safety to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 12 To ensure that an adequate line of vision is available in the interests of road safety to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 1991 for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Western Divisional Surveyor (telephone Ashby 414151).
- 3 The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

Contact Officer:- R. Wright Ext 5894

Item: 03
Reference: 06/00096/COU
Applicant: Earl Shilton Trials Club
Location: The Yennards Farm Potters Marston Lane Earl Shilton Leicester LE9 7TR
Proposal: CONTINUATION OF USE OF LAND FOR MOTORCYCLE TRIALS, RETROSPECTIVE

Introduction:-

This application seeks consent to continue to use two areas of land either side of the M69 motorway, equating to 3.7 hectares in area for motorcycle trials practice and events. The site consists of spoil waste from a quarry that was last mined in the 1930's. The ground levels vary across the sites and an underpass allows access either side of the M69; this underpass is wide enough for vehicular access. The site has been used for the purpose of motorcycle trials practice and events for several years. Public Footpath U18 runs along side with one section of it crossing a corner of the site.

Access is gained via The Yennards Farm, Pingle Lane and is gated at the entrance into the site to discourage use by non-club members. The site is used approximately once a month for official events and is open at all times for practice, but is mainly used Friday afternoons and weekends. It is unusual for it to be used prior to 9 am on any day and use ceases at dusk. Use for practice is adhoc with there being no set time or specified number of users. A typical trials event day would have up to 100 contestants and 30 spectators; these tend to arrive in groups with motorcycles transported in trailers or vans. There is a flat gravelled area either side of the underbridge that is used for parking by contestants and spectators.

The site use itself consists of motorcyclists passing through a section, which is approximately 50 metres long, without putting feet on the ground or stopping. For each event there are 10 sections, the position of which varies from one event to another. Each section includes 3/4 obstacles to test the rider's balance and control and is undertaken in most cases at less than walking pace. Travelling between sections takes place with a speed restriction and does not form part of the event itself. The sections can be distributed across both the northern and southern site or all accommodated within the southern site. If both sites are used the northern site can accommodate 2/3 sections and the southern site 7/8 sections. The obstacles within each section all exist on the site and are fixed. None are man-made structures all taking the form of either rocks or tree trunks. The obstacles vary in height and length with the maximum height being 1.5 metres. All motorcycles are required to meet MOT levels of noise control.

History:-

A certificate of lawful existing use was refused, as the applicant could not demonstrate that the site had been used for motorcycle trials more than 14 days per year for 10 years continuously. Furthermore, any certificate if issued would only allow use for the number of days demonstrated and no more.

Consultations:-

No objection has been received from: -

Leicestershire Constabulary Crime Reduction Officer
Health and Safety Executive
Head of Health and Environment.

No objection subject to standard conditions has been received from the Director of Highways, Transportation and Waste Management.

The Environment Agency comments that a small watercourse is located to the west of the site and recommends a 10 metre buffer strip from the top of the bank and any motorcycle activity.

Director of Environment and Heritage Services (Rights of Way) comment that it is apparent from a site visit that an inconsistency exists between the route of footpath U18 and that customarily used by pedestrians on the ground. The actual legal line of footpath U18 crosses diagonally the embankment surrounding the former quarry and its use by pedestrians would not be conducive to their personal safety. The desired line apparent on site is around the perimeter of the embankment. The making of a Public Path Diversion Order has not formally ratified this alternative arrangement and until such a time that written assurance is given by the applicant that an application for the official diversion is made planning permission should not be granted. Furthermore, advisory notices containing the words 'Caution - Please give way to pedestrians' should be located at both entrances to the motorway underbridge to encourage drivers of motor vehicles to exercise an appropriate standard of care towards any pedestrians who may be present along footpath U18 at this location.

Blaby District Council suggest that the principle of the development is an acceptable use in the open countryside but is concerned that the noise generated by the development may cause a detrimental impact to any nearby property. Furthermore, concern is expressed regarding the number of additional traffic movements created by the development in this locality.

The Highway Agency requested further information regarding the use of the M69 underbridge and whether the use of the public footpath is permitted and until such information is supplied and any concerns are addressed and overcome, determination of the application should be deferred. Following receipt of the additional information the Highway Agency raises no objection but has raised concern regarding the conflict between pedestrians and motorcycles on the public footpath. They further suggest that if planning permission is granted consideration should be given to the issue of public liability.

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

Transco
Earl Shilton Town Council
Ramblers Association.

One letter of support has been received from a local resident who states that the site has been used since the 1960's and the motorcycle trials club provides a facility to young riders to achieve control of their motorcycles.

Development Plan Policies:-

Policy BE1 provides guidance for the design and siting of development ensuring uses complement or enhances the character of the surrounding area.

Policy NE5 provides that suitable development within the countryside can include sport and recreation uses providing there is no adverse effect on the appearance or character of the landscape; it is in keeping with the scale and character of the surroundings; it is screened effectively by landscaping where necessary; and it will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy REC11 provides that planning permission will be granted for noisy recreational pursuits providing it is not unduly detrimental to the environment of the area; it does not have a detrimental effect on neighbouring land uses and amenities; adequate parking and access arrangements should be provided and the local road network has capacity to accommodate the development and it conforms to the environment and highway policies of the local plan.

Appraisal:-

The application as submitted seeks continued use of the site for motorcycle trial practice and events. Evidence was submitted with the certificate of lawful existing use application that demonstrated the site had been used for this purpose for several years. However it could not be demonstrated that the use had taken place for more than 14 days a year as documentation of only the events was provided. As discussed in the introduction the trial practice takes place sporadically with no set times or days; therefore it is difficult to demonstrate this use for a certificate of lawful existing use. This resulted in the submission of this application.

Policy allows for such development subject to criteria, these will be addressed in turn.

Effect on character of area and surrounding landscape

In visual terms the site comprises no fixed man-made structures that would be uncharacteristic of the area. The obstacles used for the sections are created from natural materials such as rocks and tree trunks. There is no set track as sections vary in position around the obstacles. Any change in character to this landscape has happened gradually over a number of years. It is considered that visually the use does not cause detrimental harm to the character of the area.

In terms of effect on the character by virtue of noise the site is located either side of the M69 and therefore, it is unlikely that any noise generated from the use of this site will adversely effect the character of the area over and above that already generated by the traffic on the M69. Health and Environment have raised no concerns regarding the proposal.

Effect on neighbouring land uses

Agricultural fields surround the site and the M69 goes through the site. To the north-east there is a farm complex (The Yennards), some 400 metres away and to the south sits the Calor Gas site, some 250 metres away. Any noise and disturbance caused to the residents of the farm complex is likely in the first instance to be caused by traffic on the M69. Vehicle access is gained to the site along an access track adjacent The Yennards Farm Complex; it is located closest to The Yennards Lodge, who incidentally have supported the application. Again no complaints have been received historically from residents in the area regarding disturbance through the use of this site.

Concerns have been expressed by the Rights of Way Officer regarding the conflict of pedestrians using the public footpath U18 and a request made for a diversion application to be submitted. The applicant has confirmed in writing his intention to submit such an application to divert the footpath around the site to protect pedestrians and ensure the use does not adversely affect the footpath users. This is not a reason to with-hold the determination of the application.

The Highway Agency has raised concerns that the use of the underbridge is unclear and that further details are required. They initially issued a direction that planning permission shall not be granted until their concerns are addressed or overcome to ensure that the M69 motorway continues to serve its purpose as part of a national system of routes for through traffic. The applicant has provided the additional information that confirms the access through the underbridge forms no part of the event and is only used to get from one side of the site to the other. The applicant has also offered to place signs at both ends of the underbridge requiring motorcyclists to give way to pedestrians in line with the suggestion of the Rights of Way Officer. Notwithstanding this information, whilst the Highways Agency have stated they have no objection to the proposal they wish consideration to be given to the issue of public liability; this is not a material planning consideration however it is suggested that the applicant is made aware of their concerns.

Traffic Generation and Parking

The applicant has stated that the site is used for the majority of the time for practice, which as already stated takes place in an adhoc manner. Events are held on average once a month and therefore large numbers of vehicles are only arriving at the site infrequently. The site has an area either side of the underbridge that is used for parking. The Director of Highways Transportation and Waste Management have suggested a condition is imposed requiring all vehicles to park within the site and at no time for vehicles to park within the public highway on Pingle Lane. It is suggested that such parking would be unlikely in any event due to the distance of the site from the public highway, however a condition can be imposed on any approval of planning permission requiring details of parking to be submitted. No concerns were raised by the Highways Authority regarding traffic generation.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policies BE11; NE5 and REC11 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 The use hereby permitted shall take place only between the hours of 09:00 and 21:30 each day and at no other times unless previously agreed in writing with the Local Planning Authority.
- 2 Only 15 formal trial events per year shall take place on the site unless previously agreed in writing with the Local Planning Authority.
- 3 Details of the proposed parking areas shall be submitted to the Local Planning Authority by 25th June 2006 for approval in writing. The use shall then continue in accordance with the approved parking scheme.
- 4 Details of advisory signs, to be placed either side of the motorway underbridge, should be submitted to the Local Planning Authority by 25th June 2006 for approval in writing. The submitted details should include the wording, size, height and position of the signs. The signs should then be erected within one calendar month of being agreed.

Reasons :-

- 1 In the interests of the amenities of the occupiers of neighbouring properties to accord with Policy BE1 and REC11 of the adopted Hinckley and Bosworth Local Plan.
- 2 To ensure the proposed use does not become a source of annoyance to nearby residents and other road users in accordance with Policy BE1 and REC11 of the adopted Hinckley and Bosworth Local Plan.
- 3 In the interests of road safety to accord with policy BE1 and REC11 of the Hinckley and Bosworth Local Plan.
- 4 In the interests of pedestrian safety to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 The applicant should note that a small watercourse is located adjacent the site which should not be used as part of the trials course. The Environment Agency recommends a 10 metre buffer strip from the top of the bank and any motorcycle activity.
- 2 The applicant should be aware that concerns have been raised regarding the safety of pedestrians using public footpath U18. The County Council have requested that a footpath diversion is applied for to ensure the motorcycling activities do not interfere with pedestrian safety. Furthermore, it is suggested that the footpath is segregated from the motorcycling activities by a suitable fence, however the fence should be located so that the width currently available to lawful users is not reduced.
- 3 Concern has been expressed regarding the potential for accidents arising from the conflict between motorcycles and the lawful users of the footpath at the motorway underbridge. The applicant is therefore requested to address the issue of public liability and provide relevant details to the Highway Agency and Leicestershire County Council.

Contact officer :- T Miller Ext 5809

Item: 04
Reference: 06/00152/FUL
Applicant: H.E Property
Location: 136 Newbold Road Barlestone Nuneaton, Warwickshire CV13 0DT
Proposal: FORMATION OF ACCESS ROAD

Introduction:-

Members will recall resolving to grant planning permission for this proposal at its last meeting in March, subject to the imposition of conditions relating to the development of the land to the rear of the application site. However, officers wish to clarify that the development to the rear, whilst it does propose an access similar to that being proposed here, is the subject of an entirely separate planning permission with its own conditions, including those relating to the provision of the access. Therefore, Members are advised that this application should be determined strictly on the basis of the submitted details, which show only proposed improvements to an existing combined field/single residence access. Accordingly, it is suggested that only conditions that directly relate to the development should be attached, as set out at the end of this report. An advisory note to clarify this matter for the applicant is also suggested.

The previous report and recommendation is repeated below for Members information.

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 superseded 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:-

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| 00/01172/FUL | Erection of five detached dwellings Subsequent appeal allowed | 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 |
| 92/0249/4 | Improvement to access | Approved | 19.05.92 |

Consultations:-

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

Neighbours notified, one letter 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:-

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

Development Plan Policies:-

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

Policy BE1 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 existing access is subject to a separate planning permission relating to the development of the land to the rear, the current application 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 :- Permit 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 adopted Hinckley and 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.

Notes to Applicant:-

- 1 This permission is based strictly on the basis of the details submitted showing improvements to an existing access and in no way relates to the development of the land to the rear, which is subject to a separate conditional approval of planning permission, on appeal (ref no. 00/01172/FUL).

Contact Officer:- N Wright Ext 5605

Item: 05

Reference: 06/00171/OUT

Applicant: Mr And Mrs S Bennett

Location: 109 Teign Bank Road Hinckley Leicestershire LE10 0ED

Proposal: RESIDENTIAL DEVELOPMENT

Introduction:-

This is an outline application for the siting of two dwellings and access, together with a two storey extension and detached double garage to 109 Teign Bank Road.

Siting and means of access are the only matters included for approval at this stage, although indicative elevations have also been included with the submission showing two new one-and-a-half storey dwellings to the rear, along with details of the two storey extension to the existing building. A similar outline proposal, but showing two two-and-a-half storey dwellings to the rear, was withdrawn following officers' recommendation of refusal to the Committee in February.

The application site is located close to the town centre and the Druid Quarter. The area is predominantly residential with some employment and commercial uses in the vicinity of the site. The land is currently used for residential purposes with a detached two storey dwelling sited to the front of the plot, and the site is adjacent to residential properties. To accommodate the access, part of No. 109 will have to be demolished and rebuilt, to include a new canopy, two storey side extension and double garage to the rear of the property. The proposal includes the removal of a number of trees from the rear garden.

A design statement, highway statement and supporting statement have been submitted with the application.

The design statement states that given the location of the site the proposed residential development would provide the most efficient use of land with properties reflecting the mass and scale of the surrounding dwellings being most appropriate.

The highway statement concludes that the proposals should not increase traffic flows or turning movements and not cause any adverse impact on the adjoining road network. Adequate parking, turning facilities and pedestrian visibility splays have been provided.

The supporting statement considers that officers' concerns with the previous withdrawn application have been addressed by reducing the height of the dwellings, improving landscaping and parking arrangements and clarifying that the proposed extension is also in outline form and therefore subject to future approval. It concludes that the proposal represents an efficient use of land that satisfies environmental and amenity interests and accords with the development plan and local and national guidance. The statement also notes the requirement for a financial contribution to the provision and maintenance of off-site open space, although no contribution has been submitted with the application.

History:-

| | | | |
|--------------|---|-----------|----------|
| 04/01494/OUT | Residential development of two dwellings and access and extensions to existing dwelling | withdrawn | 21.02.05 |
|--------------|---|-----------|----------|

Consultations:-

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

No response has been received at the time of writing this report from Head of Health and Environment Services.

No objections have been received subject to standard conditions from the Director of Highways, Transportation and Waste Management.

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

- a) Increase in traffic and parking
- b) Parking problems already exist on Teign Bank Road
- c) Highway and pedestrian safety issues, particularly due to bend in road
- d) Overlooking, overshadowing and loss of privacy
- e) Noise and fumes from use of double garage
- f) Same impact as previously withdrawn proposals
- g) Access road would not be adopted therefore wheelie bins will have to be moved to main pavement on Teign Bank Road
- h) Construction nuisance
- i) Headlights and vehicle nuisance
- j) Structural problems from construction
- k) Lack of water pressure and sewer capacity
- l) Impact on property value.

Development Plan Policies:-

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

Policy RES5 assesses residential proposals for development on unallocated sites. Policy BE1 seeks to ensure high quality of new development, that proposals complement and not

adversely affect the surrounding area or adjacent properties, and ensure adequate privacy and amenity.

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

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

The Borough Council'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 of £1,850 for each residential unit, where facilities cannot be provided within the site. This equates to £3,700 for the development.

Appraisal:-

Density

The application site measures 0.1095 hectares and gives a density of 28 dwellings per hectare. This is above the minimum density level of the local plan of 27 dwellings per hectare, but below PPG3 guidance 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 Character of the Area

The application only includes the use of the land for residential purpose, with siting and access to the dwellings. The front elevations have been included for illustrative purposes only. It is unlikely that the indicative plans would be deemed acceptable given the design of neighbouring properties and the proposed siting of the proposals. In addition, the proposed extension to 109 Teign Bank Road does not strictly accord with the Council's Supplementary Planning Guidance in that it exceeds half the width of the existing dwelling and is not sufficiently set back from the main front wall of the existing dwelling. The garage however is judged acceptable and appropriate to its location. It would be unlikely to have an impact on the street scene and create no worse vehicle movements than already exists.

There are no other developments in depth in the immediate vicinity of the application site or off Teign Bank Road itself. This form of development requires sufficient road frontage for safe and convenient access and should not have a detrimental impact on the amenities and privacy enjoyed by the occupiers of adjoining property. Adequate parking provision should also be provided. Whilst adequate parking can be provided and the privacy distances between facing windows can be met, the proposed access road runs almost the length of 113's garden and very close to the dwelling itself. The access road would serve not only the two dwellings but the new double garage for 109 Teign Bank Road. Vehicles are therefore likely to have an unacceptable impact on the amenity enjoyed by the current occupiers of 113, given the residential nature of the area.

Overall the proposed development is considered out of character with the existing area and likely to have a detrimental impact on adjoining occupiers. This gives rise to a reason for refusal of the application.

Privacy and Outlook

The Council's Supplementary Planning Guidance requires a distance of 25 metres between facing windows and 14 metres between facing windows and gable walls. The siting of the proposed dwellings meets these criteria, not only for the properties along Teign Bank Road but also Middlefield Court. The proposals aim to retain the existing boundary treatments to

keep the existing privacy screen between the adjoining properties. In regard to the impact on the private rear amenity space of 107 and 113 Teign Bank Road, it is unlikely that one-and-a-half storey dwellings in this location would have an unduly detrimental impact on the occupiers of these dwellings and this form of building, including fenestration, could be secured by condition.

Parking and Access

Adequate off street parking provision must be provided per the number of bedrooms proposed. The parking standards require a minimum of two spaces for 3 bedrooms or less and three spaces for 4 bedrooms or more. The current proposal indicates that 2 spaces can be provided for the two new dwellings (three bedrooms) and 3 spaces for the extended existing dwelling (four bedrooms).

The Highway Authority have raised no objections to the proposal subject to a number of conditions. They comment that visibility splays are appropriate for the observed average speed of traffic travelling along Teign Bank Road. Vision is clear to the bend in a critical direction for drivers looking to the right. However, the access needs to be of sufficient width to cater for service vehicles.

The proposal includes the addition of a double garage for 109 Teign Bank Road, as the existing garage for the property is proposed to be demolished.

Landscaping and Amenity

Landscaping has not been included as part of the application although the layout plan has shown some landscaping to the scheme.

The Supplementary Planning Guidance requires that 60 square metres of amenity space should be provided per 2 bed dwelling and 80 square metres per 3 bed dwelling. This guideline can be met given the siting of the proposed dwellings.

An open space contribution would be applicable to this application, if the scheme were to be considered favourably.

Other Considerations

Impact on property value is not a material planning consideration, nor is traffic and nuisance caused by works vehicles due to its temporary nature, or lack of water pressure. The Borough Council's Land Drainage Consultant recommends that sustainable drainage systems (SUDS) should be incorporated in the proposals or otherwise it should be demonstrated that an alternative means of surface water disposal exists. Potential structural problems are civil matters between those affected.

In conclusion while the principle of residential development in urban areas is acceptable, the impact on the character of the area and the amenity of adjoining occupiers is an important material consideration and in this case is judged detrimental enough to warrant refusal of the application.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, the proposed dwellings by virtue of the potential traffic generated by them and the proximity of the proposed access driveway, manoeuvring areas and parking areas the proposal would have an adverse impact on the amenities of the occupiers of adjacent properties. The proposal would therefore be contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- 2 In the opinion of the Local Planning Authority, the proposal would create an undesirable form of development extending back from Teign Bank Road out of keeping with the existing pattern of development along Teign Bank Road creating an incursion in to a currently undeveloped and distinct rear garden area. Therefore, the proposal would be detrimental to the character and appearance of the area and contrary to policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 3 In the opinion of the Local Planning Authority the proposed two-storey extension, by reason of its width and lack of set-back, would be likely to overwhelm the existing dwelling by failing to respect its scale and character, to the detriment of the appearance of both the dwelling itself and the street scene in general. It would, therefore, be contrary to Policies BE1 and RES7 of the adopted Hinckley and Bosworth Local Plan and to the Borough Council's Supplementary Planning Guidance Note 1B.
- 4 The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the local planning authority would also object, but which would consequently be difficult to resist. The proposal is therefore contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 In the opinion of the Local Planning Authority the lack of any financial contribution to address the increase in pressure placed on play and open space facilities of the local area by the proposed development would not accord with Circular 5/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996-2016, Policies REC2 and REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Guidance on Play and Open Space (October 2002).

Contact Officer:- N Wright Ext 5605

Item: 06

Reference: 06/00232/OUT

Applicant: Messrs Freestone And Salisbury

Location: Rear of 219-221 Ashby Road Hinckley Leicestershire LE10 1SJ

Proposal: ERECTION OF SINGLE STOREY DWELLING

Introduction:-

The application is an outline application for the erection of a single storey dwelling on land off Ashby Grange (private road) currently forming part of the rear gardens of 219 and 221 Ashby Road.

The surrounding area is comprised of detached properties fronting on to the A447 Ashby Road. To the north, east and south of the site are the rear gardens of those properties and immediately to the west is the development of Ashby Grange consisting of 4 detached bungalows and one detached house.

A design statement has been submitted in support of the application stating the layout of the proposal would be designed to respect the character and amenity of the surrounding dwellings. Siting and means of access are to be approved at this stage.

History:-

There are no previous applications relating to this site.

Consultations:-

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

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

Neighbours notified and 9 letters of objection have been received raising the following concerns:-

- a) Over / obtrusive development out of character with the area
- b) inadequate parking arrangements
- c) overlooking and loss of privacy
- d) change in character of private and quiet cul de sac
- e) rights of access and possible damage (construction traffic) to Ashby Grange which is a private road owned and maintained by the residents of 1 - 5 Ashby Grange.
- f) the granting of planning permission could result in similar requests from residents of Ashby Road on the other side of Ashby Grange.

Development Plan Policies:-

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

Policy BE1 of the 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 T5 refers to Highway standards and parking requirements.

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

Appraisal:-

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

Layout

The plot is approximately 562 sq m with the proposed dwelling occupying a footprint of 120 sq m. This would leave 442 sq m for parking and amenity space which is acceptable in terms of the Supplementary Planning Guidance on New Residential Development. The donor properties of 219 and 221 Ashby Road would retain adequate amenity and parking space of approximately 220 sq m per property.

With regards to privacy and outlook, the Supplementary Planning Guidance requires a distance of 25 metres between facing windows and 12 metres between facing windows and blank gable walls. In built up locations there is some flexibility with minimum distances and acceptable distances can be achieved with a single storey dwelling in this instance via conditioning of windows, boundary treatment and landscaping.

Currently a 3m conifer hedge provides screening on the western boundary between the site and the nearest property which is 5 Ashby Grange. The proposed dwelling is set 5 m from this boundary and 5 Ashby Grange a further 3.5m from the common boundary with only secondary windows in the eastern elevation facing the site. The distance between the proposal and 219 and 221 Ashby Road is 22.5m which is sufficient with the condition the dwelling is single storey only.

Access and Parking

The Highway Authority have commented that while the existing driveway is substandard in terms of available width at the point where Ashby Grange meets the Highway boundary this can be dealt with via a condition. The applicant was made aware of this issue during pre application discussions and agreed to carry out any such works and this was confirmed in a letter supporting the application. These requirements can be covered by an appropriate condition.

The parking standards required are 2 spaces for dwellings with three bedrooms or less and 3 spaces for dwellings with four or more bedrooms. The number of bedrooms at this stage is unknown but it is considered that the proposal can achieve the required level of parking and can be conditioned to this effect.

Developer Contributions

Developer contributions will be required for play and open space and in this instance the sum required will be £1850.

Conclusion

The proposal will achieve 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. It is considered acceptable in terms of Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan and to the Council's Supplementary Planning Guidance on New Residential Development.

In planning terms the scheme is considered to be acceptable and issues relating to the access rights and ownership of Ashby Grange is a civil matter between the residents of Ashby Grange and the applicants and cannot form grounds for refusal. The scheme is therefore recommended for approval.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policies BE1 , RES5 , IMP1, REC2, REC3 and T5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 This permission relates to the application as revised by amended plan 06/00232/OUT B received by the Local Planning Authority on 3rd April 2006.
- 3 Before the development is commenced, full details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority:
 - i) The design and external appearance of the proposed building
 - ii) The external building materials
 - iii) The provision to be made for vehicle parking on the site
 - iv) The method of disposal of surface and foul water drainage, which shall be on separate systems
 - v) The provision to be made for landscaping of the site
 - vi) The existing trees and hedges on the site which are to be retained
 - vii) The provision to be made for screening by walls and fences
 - viii) The floor levels of the proposed dwelling in relation to the existing ground level and the finished levels of the site.

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

- 4 Notwithstanding the 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.
- 5 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.
- 6 Prior to the first occupation of the dwelling hereby permitted, the existing junction between Ashby Grange and the A447 shall be improved to provide a minimum width of 4.8 metres for the first 5 metres beyond the junction and minimum 6 metres kerbed radii to both sides.
- 7 Before the first occupation of the dwelling, car parking provision shall be made within the curtilage of the dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking, unless otherwise agreed in writing by the Local Planning Authority.
- 8 The proposed dwelling shall be single storey only.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 4 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure the provision of Play and Open Space to accord with policies of REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan.
- 6 In the interests of highway safety and to afford easy access to the site.
- 7 To ensure that adequate off-street parking facilities are available to accord with policy BE1 of the Hinckley and Bosworth Local Plan.
- 8 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 3 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 Condition 5 refers to public open space. In accordance with the Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide, public open space should be provided either on site or a contribution made towards off-site provision. In this instance a contribution of £1850 is required towards the provision of off-site public open space. This can be provided by a one-off payment or secured by the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

Contact Officer:- S Cheshire Ext 5762

Item: 07
Reference: 06/00266/OUT
Applicant: Advent Horsefair
Location: Kings Hotel 13 Mount Road Hinckley Leicestershire LE10 1AD
Proposal: RESIDENTIAL DEVELOPMENT COMPRISING CONVERSION OF HOTEL TO FLATS AND ERECTION OF BLOCK OF FLATS

Introduction:-

This is a resubmission of planning application 05/00790/OUT which was refused by the Planning Committee on 4th October 2005. The application is an outline application for residential development at the Kings Hotel, Hinckley. The scheme proposes to convert the existing hotel into eight flats and the erection of a 2.5 storey block at the rear of the site to provide six flats. The site measures 0.14 hectares.

This proposal differs from the previous scheme by relocating car parking, which was initially adjacent to the boundary of 21 Mount Road, to back of the site adjacent to the Argents Mead entrance. This does help to alleviate the impact of the proposal on the adjoining properties. However, to accommodate this, a number of the spaces are now located at ground floor level under the proposed block of flats which, in order to accommodate the flats, has increased the overall footprint of the block significantly. This relocation of car parking however, does now enable the existing vegetation on the site to remain.

The site is within a mixed use area with residential and commercial uses adjacent to the site, and is close to the Town Centre of Hinckley. The property has operated as a hotel for many years with access from both Mount Road and at the rear of the site from St Mary's Road.

Information submitted in support of the application includes existing area analysis, proposed site layout and photographic viewpoints. It is noted that the existing access drive on Mount Road is to be closed to allow for pedestrian access only and the proposed building, to the rear would have an open frontage and front elevation details as neighbouring building, which is an office block.

History:-

| | | | |
|--------------|--|----------|----------|
| 05/00790/OUT | Residential development comprising of conversion of existing hotel to flats and erection of block of flats | Refused | 05.10.05 |
| 04/00134/ADV | Erection of flagpole and flag | Approved | 16.03.04 |

Consultations:-

No response received from:-

Environment Agency
Head of Health and Environment Service
Severn Trent Water Limited
Leicestershire Constabulary Crime Reduction Officer.

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

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

Site and press notices were provided and neighbours notified. One letter of objection received referring to objections made on the previous application, which included concerns of overlooking, increased traffic, increased noise and the removal of mature trees along the Argents Mead access.

Development Plan Policies:-

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

Policy RES5 assesses residential proposals for development on unallocated sites. Policy BE1 seeks to ensure high quality of new development, that proposals complement and not adversely affect the surrounding area or adjacent properties, and ensure adequate privacy and amenity. Policy T5 aims to apply the County Council highway standards and parking standards to new developments.

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

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

Appraisal:-

Density

The application site measures 0.14 hectares with which 14 flats (8 in the hotel conversion and 6 in the new block) gives a density of around 100 dwellings per hectare. This is above the minimum density level of the local plan of 27 dwellings per hectare, and above the Planning Policy Guidance Note 3 guidance that requires 30-50 dwellings per hectare. However Planning Policy Guidance Note 3 does seek higher densities than 30-50, on brownfield sites within urban locations which are close to good public transport and transport corridors. The proposed density is not unusually high for apartment development.

Design

The current application does not include the design of the proposed block, at the rear of the site, for consideration. However, the applicant has submitted an indicative street scene from Argents Mead showing that the building is proposed to be 2.5 storey which is of similar height to the adjacent office building, with windows in the northern, western and southern elevations. There are proposed pedestrian entrances to and from the road frontage and the car parking area.

The residential character of the area is a mix of two and three storey dwellings and the proposed development respects this scale.

While there is a large office block located to the rear of 5-11 Mount Road, there are no other buildings with a relationship to the existing properties as the proposed block of flats would create. The block would be out of keeping with the existing street scene. Particularly between the proposed building and 21 Mount Road.

Layout

With regards to privacy and outlook, the Supplementary Planning Guidance requires a distance 25 metres between facing windows and 14 metres between facing windows and gable walls. The proposed layout does not achieve these distances, particularly between the proposed building and 21 Mount Road, required to safeguard existing residents and future occupiers. The layout plan does site windows in particular elevations of the building. However, it is difficult to fully assess the potential environment for future occupiers and the external appearance of the building. Whilst in built up locations there is some flexibility with minimum distances, there is a likelihood of overlooking of 21 Mount Road not only of facing windows but also private amenity space. This impact on privacy is unlikely to be acceptable.

It is also important to note that whilst the conversion of the existing hotel to flats would slightly increase the impact of overlooking of the neighbouring properties, it is considered that an application solely for the conversion would be difficult to refuse.

Adequate off street parking provision must be provided per the number of bedrooms proposed. The parking standards require a minimum of three spaces per two dwellings. This has been achieved. The current layout has been altered from the previous scheme which showed car parking running adjacent to the boundary of 21 Mount Road. The scheme now proposes undercroft parking, which has helped to alleviate the impact of the parking on the adjacent property.

Access

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

No objections have been raised in regard to highway safety issues or identify an increase in the volume of traffic.

Landscaping and Amenity

The proposed site layout does include an indicative landscaping scheme showing that the majority of the existing trees and vegetation are to remain. However, any future submissions would be required to include a comprehensive landscaping scheme.

The Supplementary Planning Guidance requires that 10 square metres of amenity space should be provided per dwelling. Amenity space has been shown on the amended plan. General calculations indicate that these amenity areas do provide adequate amenity space for the number of flats in line with the Local Plan requirements.

The siting of the proposed building is to the north of properties on Mount Road. It is therefore unlikely to have an impact on levels of sunlight and daylight reaching the gardens of properties on Mount Road.

Developer Contributions

Developer contributions would be required for health care facilities and open space in line with policy had the recommendation been favourable.

Conclusion

Although the revised car parking proposal does help to minimise the impact of vehicle movements from the adjoining dwellings, this in turn however, has created a larger block of flats at the rear of the site. The siting of a block of flats in close proximity to Argents Mead is not considered acceptable, having a detrimental impact on the character of the area, the amenities of the adjoining properties and by its setting of a precedent.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, the siting of the block of flats creates an overbearing development out of keeping with the character of the area and likely to have a detrimental impact on the amenities of adjoining occupiers, particularly in regard to privacy and overlooking. Therefore it does not accord with policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 2 In the opinion of the Local Planning Authority the siting of the proposed block of flats is likely to have detrimental affect on the character of the area by virtue of its proximity to St Mary's Road and the precedent created by the development. Therefore is contrary to Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 3 In the opinion of the Local Planning Authority, the lack of archaeological information prevents a full assessment of the archaeological impact of the proposals contrary to Environment Policy 1 of the adopted Leicestershire, Leicester and Rutland Structure Plan and Policy BE14 of the adopted Hinckley and Bosworth Local Plan.
- 4 In the opinion of the Local Planning Authority, the lack of any definitive contributions to address the increase in pressure placed on healthcare facilities, waste management facilities, education and library facilities by the proposed development would not accord with Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan and Policy IMP1 of the Adopted Hinckley and Bosworth Local Plan.
- 5 In the opinion of the Local Planning Authority lack of any financial contribution to address the increase in pressure places on Play and Open Space facilities of the local area by the proposed development would not accord with Circular 5/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan, Policies REC2, REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Borough Councils' Supplementary Planning Guidance on Play and Open Space (October 2002).

Contact Officer:- K Garman Ext 5680

Item: 08
Reference: 06/00395/FUL
Applicant: M O Bevins
Location: 7 and 8 Shakespeare Drive Hinckley Leicestershire LE10 0BG
Proposal: ERECTION OF BOUNDARY WALL

Introduction:-

This full application seeks planning permission for the erection of a garden wall at the front of no.'s 7 and 8 Shakespeare Drive, Hinckley. The site is located on the east side of Shakespeare Drive opposite Hollycroft Park Pavilion and close to the junction with Canning Street. The site consists of a pair of semi-detached properties set approximately 13 metres back from Shakespeare Drive. The proposed wall will be constructed adjacent to the public highway. Access points are proposed for each property located adjacent to the boundary with no.'s 6 and 9 Shakespeare Drive, with the proposed wall constructed to cover the remainder of the frontage.

This application is being reported to Planning Committee as the applicant is a Council Member of Hinckley & Bosworth Borough Council.

History:-

No. 7 Shakespeare Drive, Hinckley

04/00702/FUL Erection of a Conservatory Approved 22.07.2004

No. 8 Shakespeare Drive, Hinckley

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
Head of Health and Environment
Borough Council's Land Drainage Engineer
Neighbours notified
Borough Council Conservation Officer.

Development Plan Policies:-

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

Local Plan

Policy BE1 of the adopted Hinckley and Bosworth Local Plan states that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area; where they comply with appropriate design, layout, highways and parking standards to ensure that it does not detract from the general

character of the area or the amenities of adjoining residents; and incorporate landscaping to a high standard.

Policy BE7 of the adopted Hinckley and Bosworth Local Plan provides that the special character and appearance of conservation areas should be preserved or enhanced. It seeks development that is in sympathy with the merits of neighbouring development. The policy requires siting, scale, design and proportions should be taken into considerations and should be sympathetic to the characteristic form of the area and be compatible with adjacent buildings and spaces; existing features of historic or characteristic value should be retained; and building materials and finishes should respect local traditional materials and techniques.

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

Appraisal:-

The application seeks approval to erect two sections of wall across the frontage of no.'s 7 & 8 Shakespeare Drive. Running from the boundary of no.'s 6 and 7 Shakespeare Drive, there will initially be a 5 metre gap for access to no. 7 Shakespeare Drive, followed by a 21.6 metre section of wall, then a further 7.3 metre gap for access and finally a 2.4 metre section of wall. The wall will be constructed of 1.61 metre high pillars at 1.8 metres intervals. Between the pillars will be a 1 metre high wall with 0.46 metre high railings above. The pillars will be 0.3 metres square and the wall between the pillars 0.2 metres thick. The pillars and wall will be constructed in brick and the railings in wrought iron.

The north west side of Shakespeare Drive, opposite the proposal site, is characterised by 1.8 metre high green railings with views onto the Hollycroft Park recreation area. It is considered that the proposed wall should not attempt to compete with these railings, which are an important feature of the Hollycroft conservation area.

There are a mixture of boundary treatments along the frontage of the properties on Shakespeare Drive. The property at no. 1 Shakespeare Drive has a brick wall and railings similar to that proposed. Whilst no.'s 2 and 3 Shakespeare Drive have high hedges along their frontage the remaining properties on Shakespeare Drive have relatively low walls and open frontages. The properties immediately bordering the proposal site, no.'s 6 and 9, have walls of 0.75 metres and 1.2 metres with 1.5 metres pillars, respectively.

It is considered that the height of the proposed wall should be kept to a minimum to ensure that it does not detract from the feature railings on the opposite side of Shakespeare Drive. It is considered that the proposed wall should bring together the adjacent boundary treatments to provide continuity and enhance the streetscene within the Hollycroft Conservation Area. As such, following consultation with the Councils Conservation Officer, amended plans have been requested reducing the height of the proposed wall and will be reported as a late item.

The amendments requested will reduce the height of the brick pillars and the overall height of the wall to 1.46 metres. The wall between the pillars will be reduced to 0.85 metres, whilst the height of the railings will remain 0.46 metres. The height of the pillars will approximately match that of no. 9 Shakespeare Drive and the height of the wall between the pillars will approximately match the wall at no. 6 Shakespeare Drive. The overall scheme will echo the existing wall and railings at no.1 Shakespeare Drive. It is considered that these amendments will pull together the existing boundary treatments along the frontages on Shakespeare Drive.

At the time of writing this report comments are awaited from the Highways Authority. It is anticipated amendments may be required to the proposal, in particular to achieve adequate pedestrian visibility splays, which will be reported as a late item.

In conclusion, it is considered that subject to amended plans being received, as detailed above, the proposal complies with the general design principles contained in policy guidance in that it respects the character of the area and will enhance the Hollycroft Conservation Area. The proposal is therefore considered acceptable.

RECOMMENDATION :- The Head of Culture and Development be granted delegated powers to permit on expiry of the consultation period ending 28th April subject to the following conditions:-

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 This permission relates to the application as revised by amended plan **** received by the Local Planning Authority on ****.
- 3 The materials to be used on the proposed wall shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

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.

Contact Officer:- D Warden Ext 5691