

REPORT P2

PLANNING COMMITTEE

23.05.2006

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: 06/00152/FUL
Applicant: H.E Property
Location: 136 Newbold Road Barlestone Nuneaton, Warwickshire CV13 0DT
Proposal: IMPROVEMENTS TO ACCESS (RENEWAL OF PLANNING PERMISSION 92/0249/4)

Introduction:-

A decision on this application was deferred by Members, at the request of the applicant, at their last meeting on 25th April 2006.

The previous report and recommendation are repeated below for member’s information and any additional information received will be reported to the meeting

Members will recall originally resolving to grant planning permission for this proposal at its 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 application is for improvements to an existing access at 136 Newbold Road, Barlestone. An identical proposal was approved in 1992 but this permission has now expired, having never been implemented.

The purpose of this application has never been entirely clear, given that the access details approved in 1992 have been superseded by subsequent planning permissions to develop the site to the rear.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:-

00/01172/FUL	Erection of five detached dwellings	Refused	04.04.01
		Subsequent appeal allowed	
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, 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:-

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 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 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/Policies T5 of the adopted Hinckley and Bosworth Local Plan.

- 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.

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: 02

Reference: 06/00164/FUL

Applicant: Cartwright Homes

Location: Land Off St Francis Close Hinckley Leicestershire

Proposal: REVISION TO LAYOUT AND SUBSTITUTION OF HOUSETYPES

Introduction:-

This application is for full planning permission for a revised layout and substitution of housetypes on land off St Francis Close, Hinckley.

The proposal relates to 13 dwellings on part of a larger site that was originally granted planning permission for the erection of 59 dwellings in February 2005. As the original layout showed 14 dwellings on this part of the site, the total for the site would be reduced to 58 dwellings if the current proposal is permitted. The changes to the layout are necessary to incorporate forward visibility splays required by the Highway Authority, which came to light following approval of the previous scheme.

The new housetypes, whilst of different design, are of similar size and scale to those approved in that they are two or two-and-a-half storey. However, a number are approximately 1 metre closer to the eastern boundary (which adjoins the rear gardens of properties fronting York Road) than previously approved.

The site adjoins the rear gardens of dwellings fronting Tudor Road and York Road to the south-east, whilst to the west is Richmond Park. At the rear of the site (north) are industrial units fronting Barleyfield and to the north-east is an area of land, formerly the Hinckley United football ground, which is currently being developed for 90 dwellings.

A Section 106 legal agreement was completed for the previous scheme covering education and open space contributions and the provision of affordable housing. Although the whole scheme would be for one less dwelling (a total of 58), the applicants have confirmed that, should planning permission be granted, they would be willing to make the same contributions as before (relating to 59 dwellings) so as to expedite the issuing of the decision.

History:-

04/0228/FUL	Residential development of 59 dwellings	Approved	23.02.05
03/00402/FUL	Erection of 8 dwellings and 5 flats	Refused	07.01.04
99/00578/FUL	Erection of 10 dwellings	Withdrawn	05.11.02

Consultations:-

No objection has been received subject to standard conditions from Environment Agency.

The Director of Community Services, Leicestershire County Council requires a contribution of £20,501 towards education and £690 towards library facilities. Indigenous trees and shrubs should be planted to replace any lost habitat for bats and birds.

The Manager of Leisure Services (Green Spaces Team) expresses concerns about the height of the development, the lack of screening to Richmond Park and that there should not be access to the park from the development.

Neighbours notified, one letter received expressing concerns about the access to the development and the implications road safety.

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

Borough Council's Land Drainage Consultant
Director of Highways, Transportation and Waste Management
Head of Health and Environment Services
Severn Trent Water Ltd
Leicestershire Constabulary Crime Reduction Officer
Chief Housing Officer.

Development Plan Policies:-

The site lies within a primarily residential area within the settlement boundary of Hinckley as defined in the adopted Hinckley and Bosworth Local Plan.

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

Policy REC3 of the Local Plan requires new development to provide informal outdoor play space for children. However, the supporting text to the Policy states that in assessing the need for such informal space, consideration will be given to the nature and type of housing development proposed as well as its location in relation to existing open space.

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 are not

adversely affected by activities in the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; where they do not adversely affect the amenities of neighbouring properties; where they incorporate landscaping to a high standard; where they would not be prejudicial to the comprehensive development of a larger area of land of which the development forms part; and where they are in-keeping with the character of the area, and ensure an adequate degree of amenity and privacy.

Policy RES3 of the Local Plan relates to an appropriate provision of affordable housing on new residential development sites.

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

Policy T5 of the Local Plan refers to the application of appropriate standards for highway design and for parking targets for new development unless a different level of provision can be justified.

Policy T9 of the Local Plan requires development to have regard to facilities for pedestrians and cyclists.

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

Middlefield Lane Planning Brief was adopted in January 2002 as Supplementary Planning Guidance. The Brief sets the framework for the development of the application site, and several other sites, off Middlefield Lane. The Brief anticipates access to the that development of the application area, together with the adjacent former football ground, will be secured from Middlefield Lane. However, it does recognise that the access from Tudor Road would be capable of supporting a limited development.

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

Appraisal:-

The revised layout, including the new housetypes, does not significantly change the size, scale and nature of the scheme as already approved. However, a number of new dwellings are now approximately one metre closer (21 metres) to dwellings on York Road, although these do not directly face the habitable windows of the existing properties. They would be no closer than some of the dwellings as already approved.

The revised scheme maintains the adequate off-street parking provision for the development, in accordance with the Council's normal standards.

A number of the concerns currently expressed by consultees and neighbours were considered at the time of Members determination of the original scheme and therefore need not be reconsidered again here, given that the proposal is only for relatively minor changes in layout and housetypes. Similarly, the completed section 106 legal agreement for the original development need only be subject to a supplementary agreement to relate it to the current proposal. Whilst the agreement relates to more dwellings (59) than the proposed amended scheme (58), the applicants wish the original agreement to be transferred so as to expedite the issuing of any forthcoming planning permission.

On the basis that the proposed amendments do not materially change the nature or impacts of the development of the site, as already approved, and that the new layout would improve highway visibility within the site, it is considered that the proposals are acceptable.

RECOMMENDATION:- That following the execution of an amended Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide a financial contribution towards the local education infrastructure and the provision of affordable housing units within the site, planning consent be granted subject to the following conditions below. Failure to complete the agreement by 6 July 2006 will result in the application being refused.

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 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority.
- 3 Development shall not begin until a scheme for protecting the proposed dwellings from noise from adjacent industrial units has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.
- 4 A public sewer crosses the site and shall not be built over or nearer to than 2.5 metres, unless otherwise agreed in advance with the Local Planning Authority.
- 5 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 Local Planning Authority in writing.
- 6 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 and boundary details, including railings, gates, walls and fences together with the species and materials proposed and their disposition.
- 7 The approved landscaping scheme shall be carried out during the first appropriate planting season following the initial occupation of the first dwelling. 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.
- 8 No development hereby permitted shall commence until improvements to the St Francis Close/Tudor Road Junction have been carried out in accordance with the details shown on drawing No IP04-013-02/25 received by the Local Planning Authority on 4 February 2005 in connection with planning permission ref No 04/00228/FUL.
- 9 All the car parking spaces, access drives and turning areas indicated on the approved plan shall be surfaced with tarmacadam, brick paviors, or other such materials as may be previously agreed in writing the Local Planning Authority, and made available before the development is brought into use and kept available for such use at all times that the site is in use.

- 10 Any garage doors shall be set back from the Highway boundary a minimum distance of 5 metres for sliding or roller/shutter doors, 5.6 metres for up-and-over doors or 6 metres for doors opening outwards and thereafter shall be so maintained.
- 11 The gradients of access drives or parking areas adjacent to the Highway shall not exceed 1:12 for the first 5 metres behind the Highway boundary.

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 To ensure that the existing uses do not become a source of annoyance to future residents to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system.
- 5 To ensure that all development is provided with a satisfactory means of drainage.
- 6 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 7 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.
- 8 To ensure a satisfactory form of development in the interests of Highway safety, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure that adequate off-street parking facilities are available to accord with policy BE1 and T5 of the adopted Hinckley and Bosworth Local.
- 10 To enable a vehicle to stand clear of the highway to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 11 In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 1991 for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 This permission is subject to a supplementary Section 106 legal agreement.
- 3 The applicant's attention is drawn to the following advice from the Highway Authority:-
 - a) the existing section of St Francis Close must also be made up to adoptable standard. All street managers (normally frontage owners) will also need to agree to the making up and be party to a legal agreement (as below).

- b) you will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development.
- c) all details of the proposed development will need to comply with the design standards of the Leicestershire County Council as contained in its current design standards document (on the LCC website at www.leics.gov.uk/htd). Such details must include parking and turning facilities, access widths, gradients, surfacing and visibility splays and will need to be submitted for approval by the Local Planning Authority in consultation with the Highway Authority before development commences.
- d) your attention is drawn to the requirement contained in the Highways Authority's current design guide to provide Traffic Calming measures within the new development.

Contact Officer:- N Wright Ext 5605

Item: 03

Reference: 06/00165/FUL

Applicant: Mrs D E Zuger

Location: 3 Main Street Carlton Leicestershire CV13 0BZ

Proposal: ERECTION OF ONE DWELLING

Introduction:-

This is a full application for the erection of a single detached dwelling on land adjacent to 3 Main Street, Carlton. The application site is surrounded by residential properties and is currently garden land of the applicant's property, 3 Main Street. Access is proposed through an existing farm gate from a private drive that leads from Shackerstone Walk .

The proposed dwelling is two storey with the first floor within the roof space. Dormer windows and roof lights are proposed. The dwelling is of a similar design to the applicant's property which was designed by the same architect in 1989. Surrounding properties are a mixture of one to two storeys including residential conversions of farm buildings at the rear of Stud Farm to the north and conversion of the former school, Old School Cottage, to the south of the application site.

The area is characterised by detached properties on large plots creating an open nature. The design statement suggests that the varied style of buildings in the immediate area suggests some flexibility in design terms but high quality materials are required for long term success.

History:-

No relevant history.

Consultations:-

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

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

The Head of Health and Environment recommends the inclusion of a condition requiring a scheme for the monitoring of landfill gas to be submitted and agreed in writing.

The Environment Agency raises no objection to the proposal but notes that a landfill site is within 250m of the application site.

Carlton Parish Council has objected to the proposal on the following grounds:-

- a) the dwelling by virtue of its height, massing and positioning will have a detrimental enclosing effect on Stud Farm and adverse effect on the amenity of the occupiers
- b) the proposed dwelling should be located 6m from the boundary with Stud Farm
- c) surface water from the proposed dwelling should be piped into the existing ditch not the sewer
- d) visibility is poor leaving the site to the right
- e) there is no right of vehicular access from Shackerstone Walk across Carlton Green to the site. The PC does not intend to take any action to prevent vehicles using the existing gateway, but will not allow this access to be moved or widened.
- f) covenants prevent building on this site.

The Parish Council also point out errors in the design statement which refer to the site falling within a Conservation Area, and that access to the site is not directly off Shackerstone Walk but off a private drive which crosses Carlton Green.

Three letters have been received from neighbours raising points previously raised by the Parish Council and the following issues:-

- g) the rear of the proposed property abuts the boundary with Stud Farm and would be 10m from the southern corner of the dwelling at its nearest point
- h) the size and proximity of the proposed development would have a marked 'enclosing' affect on the southern grounds of Stud Farm particularly in relation to the southern corner as in point g) above
- i) the proposed development would be visually detrimental to Stud Farm and would be intrusive on the views from first floor windows on the south side of this house
- j) the proposed development is out of character with all other houses fronting the green. Other properties have low ridges and dormer windows
- k) the ridge height of 8.9m with a further 1m due to the site cross-fall will give a final ridge height of 9.9m above the average ground level of the green, making the size of the proposal too imposing
- l) numerous trees will be removed which currently form a natural screen
- m) off road parking for more than three cars should be provided for
- n) the style of building proposed will result in an extensive area of roof tiling up to 8.9m high forming an ugly and unsightly backdrop to the green.

Development Plan Policies:-

The site is situated within the settlement boundary of Carlton as identified in the adopted Hinckley and Bosworth Local Plan.

Policy RES5 of the adopted Hinckley and Bosworth Local Plan assesses proposals for residential development on unallocated sites. Policy BE1 requires high quality design which complements or enhances the surrounding area and adjacent properties in terms of mass, scale, design, density, materials and architectural features while retaining adequate amenity and privacy. Policy T5 applies County Council highway standards to new developments.

Further guidance is provided within the Borough Council's Supplementary Planning Guidance for residential development.

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

Appraisal:-

Principle

The proposed dwelling is sited within the settlement boundary of Carlton therefore there is a presumption in favour of residential development subject to acceptable siting, design and layout.

Density

The application site measures approximately 1035 square metres giving a density of 10 dwellings per hectare. This is below the density of 27 dwellings per hectare stated in the local plan and the 30-50 dwellings per hectare suggested in Planning Policy Guidance Note 3. However, the proposed density is considered acceptable as the surrounding dwellings are detached properties on large plots. The developable area of the site is reduced by existing hedgerows and trees the majority of which are to be retained in the proposed scheme.

Design and Layout

The proposed dwelling has been designed specifically for this position. It reflects the adjacent property which was designed by the same architect and constructed in 1989. The design does not try and replicate vernacular rural features, nor does it try to appear as anything other than a newly constructed dwelling. The design statement describes the style as Arts and Crafts.

The surrounding properties are a mixture of designs, styles and sizes. Properties to the north and east are recent barn conversions while Old School Cottage to the south is a conversion of a school building. To the east lies the applicant's property, with a further new dwelling beyond. Surrounding dwellings are a mixture of one and a half and two storey dwellings.

The Supplementary Planning Guidance requires separation distances of 25 metres between primary windows and 14 metres between windows and blank elevations. The proposal meets these requirements in relation to all surrounding properties.

Objections have been raised regarding the proximity of the proposed dwelling to Stud Farm. At its nearest point Stud Farm will be 13 metres distant to the oil and log store of the proposed dwelling. This part of the proposal is 1 metre high to the eaves sloping back to 6.5 metre high at the ridge 18 metres from Stud Farm. Given that the proposed dwelling is off set from Stud Farm this is considered acceptable.

The proposed dwelling has been positioned within the plot so as not to obstruct the south facing views of Stud Farm. The proposal will also be screened from the Farm by existing trees and vegetation and some screening also exists on the southern boundary facing Shackerstone Walk.

The proposal meets the Supplementary Planning Guidance's requirement of 80 square metres for a three-bedroomed dwelling for private amenity space.

Parking and Access

Adequate off-street parking spaces should be provided in line with Appendix D of the Local Plan. For this proposal three parking spaces are required which are shown on the submitted plans as two spaces to the west of the proposed dwelling and a single integral garage.

Access is proposed via private road that leads from Shackerstone Walk. The Highway Authority has not objected to this proposal.

Other Considerations

The consultation responses have raised the issue of a covenant which covers the application site. This is a private legal matter and is not a material consideration.

The application plans show a number of small trees are to be removed with those to the boundary of the site to be retained. None of the trees are covered by Tree Preservation Orders and therefore the removal of these trees could occur outside of planning control.

The play and open space contribution applicable to this proposal is £1,850 in line with the objectives and recommendations of the Parish Public Open Space Quality/Accessibility Audit 2005.

Conclusion

The proposed dwelling meets the quantifiable criteria set out in the adopted Local Plan and Supplementary Planning Guidance in terms of separation distances, amenity space and parking requirements.

The density of the proposal is below that required but is considered to be in keeping with the surrounding properties which are characterised by detached dwellings on large plots. The design of the proposal is unique and is considered to complement the adjacent property in terms of scale. The surrounding dwellings show a variety of designs and it is considered that the proposed dwelling will add to this variety.

RECOMMENDATION :- That the Head of Culture and Development be granted powers to issue planning permission subject to the following conditions:-

SUMMARY OF DECISION – The proposal is in conformity with Policy/Policies BE1, T5, REC2, REC3 and NE12 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

- 3 No development approved by this permission shall be commenced until such time as a scheme for the monitoring of landfill gas has been submitted to and agreed in writing with the Local Planning Authority. The development and monitoring of landfill gas shall be carried out in accordance with the agreed details.
- 4 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.
- 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 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - i) proposed finished levels or contours
 - ii) hard surfacing materials
 - iii) planting plans
 - iv) written specifications
 - v) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - vi) implementation programme.
- 7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 To safeguard the amenities of the future occupants of the dwelling.
- 4 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure the provision of adequate play and open space within the vicinity of the site to accord with policies REC2 and REC3 of the Hinckley and Bosworth Local Plan.
- 6&7. To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 3 Attention is drawn to the comments of the Environment Agency, in their letter dated 29th March 2006, a copy of which is enclosed.
- 4 Surface water should discharge to soakaways, subject to satisfactory ground strata, or to the ditch on the western boundaries. parking and turning areas should be of permeable paving - again subject to ground strata with suitable percolation properties.
- 5 Condition 5 refers to play and open space contribution. In this instance a contribution of £1,850 per dwelling is required towards the provision and maintenance of off-site Public Open Space.

Contact Officer:- P Metcalfe Ext 5740

Item: 04

Reference: 06/00193/REM

Applicant: Desford Parish Council

Location: Sport In Desford Peckleton Lane Desford Leicester LE9 9JU

Proposal: DEVELOPMENT OF NEW SPORTS AND LEISURE FACILITY
(RESERVED MATTERS FOR OUTLINE APPLICATION 03/01289/OUT)

Introduction:-

This is a reserved matters application for the construction of a new sport and leisure facility at Sport in Desford. Outline planning permission was granted for the extension of the existing facility in January 2004. The proposed facility is 525 squared metres and is located to the front of the site fronting Peckleton Lane. The building comprises at ground floor a hall (255 squared metres); male and female toilet and shower facilities; kitchen and storage; and at first floor a viewing area of the hall; male and female toilet facilities; 2 meeting rooms; and a craft room. The building has been designed to reflect the existing building to the rear of the site and measures 7.9 metres to the ridge and 5.4 metres to the eaves. Revised plans have been received which improve the entrance to the building. The application also proposes to create a secure recreation area laid to grass to be used by young children for scouting activities; and an additional parking area. The site has established boundary hedges to the south east and south west which are to be retained, it also has a few young trees on the site some of which are to be retained.

The existing sports facility which is the north of the application site includes the sports hall, car parking and turning facilities together with a football pitch; tennis courts and bowling green.

History:-

03/01289/OUT	Development of new sports and leisure facility	Approved	13.01.04
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Consultations:-

No objections have been received from:-

Borough Council's Land Drainage Engineer
Central Networks.

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

The Director of Historic and Natural Environment (Archaeology) initially raised concerns that the development could affect archaeological remains and required a condition be imposed. However, following discussion with the applicant further assessment suggests that the scale of the work will not significantly affect the expected underlying archaeological deposits and therefore it is recommended that no further archaeological works is necessary and that the condition imposed at outline stage is discharged.

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

Neighbouring properties and businesses
Parish Council
Site Notice.

Development Plan Policies:-

The proposal site is outside the settlement boundary for Desford in an area of open countryside as defined in the adopted Hinckley and Bosworth Local Plan.

Policy NE5 of the Local Plan makes provision for sports and recreation facilities so long as associated buildings are in keeping with the scale and character of existing buildings; the development would not have an adverse impact on the landscape; it would not generate unacceptable levels of additional traffic; and the proposal is landscaped effectively.

Policy REC1 makes provision for the development of existing sports facilities.

Policy BE1 makes provision for the high quality of design in developments, which protect the amenities of neighbouring properties.

Appraisal:-

The site currently forms part of the 'Sport in Desford Site' and is located to the south of the existing sport and leisure building immediately adjacent to Peckleton Lane. The application proposes the details of the sports facility that has already received outline planning permission. Whilst the design of the proposed facility is similar to that of the existing sports facility to the north, it was considered that the front entrance to the building was poor and was in need of improvement to aid legibility. Revised plans have been submitted that include a glazed suspended canopy over the entrance with an illuminated canopy over the sign, whilst the changes are relatively subtle it is considered that legibility has been improved for users when arriving at the site. Visually, the appearance is also improved with some slight relief on the main elevation.

The application also proposes a secure recreation area to the south of the proposed building, this will be laid to grass and will enable young children to carry out scouting and other outdoor activities in a safe contained environment. This area is bounded by existing hedges to the south-east and south-west, the proposed building will form the north-east boundary and it is proposed to erect a 2 metre high close boarded fence along the remaining boundary. It is considered that a 2 metre high close board fence is inappropriate in this position as it is prominent from the car park and Peckleton Lane. A condition is therefore proposed to request a different method of enclosure, ie a dark green powder coated chain link fence behind an indigenous hedgerow would be considered more suitable to the rural location of the site.

The outline application included indicative proposals for a new cricket square, one football pitch, two smaller pitches, a parking area, a new cricket pavilion, an all weather sports area and a gym extension to the existing building. None of these details form part of this application and will require further submission of reserved matters prior to being carried out. The outline permission was granted subject to conditions regarding flood lighting, landscaping, method of disposal of drainage, phasing of development and floor levels. None of these have been addressed within the reserved matters application and will again require the submission of details prior to commencing development.

RECOMMENDATION :- Permit subject to the following conditions :-

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

- 1 This permission relates to the application as revised by amended plan 05-1894-01B received by the Local Planning Authority on 27th April 2006.
- 2 Notwithstanding the details submitted, no development shall commence until further details of the boundary treatment to the secure recreational area have been submitted to and approved in writing by the Local Planning Authority.
- 3 Notwithstanding the details submitted, no development shall commence until samples of all proposed materials are submitted to and approved in writing by the Local Planning Authority.
- 4 Before the development hereby permitted is first used, the parking and turning area shown on the submitted plan shall be surfaced and marked out and shall be so maintained at all times. Details of the method of surfacing shall be submitted to and approved in writing by the Local Planning Department prior to commencement of development.
- 5 This permission relates to the proposed extension and secure recreation area only.

Reasons :-

- 1 To define the permission
- 2&3 To ensure the development has a satisfactory visual appearance to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that adequate off-street parking facilities are available to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To define the permission.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 3 Condition 2 requires further details of the boundary treatment to the secure recreational area as the proposed method of a 2 metre high close boarded fence in this location is considered inappropriate. It is suggested that an alternative acceptable method would be a dark green powder coated chain link fence behind an indigenous hedge.
- 4 The applicant's attention is drawn to the conditions attached to the outline planning permission 03/01289/OUT. Prior to commencement of development further details are required to comply with Conditions 2, 3, and 4.

Contact Officer :- T. Miller Ext 5809

Item: 05

Reference: 06/00206/FUL

Applicant: Dewar Developments Ltd

Location: Hopkins News Ltd 165 London Road Hinckley Leicestershire LE10 1HH

Proposal: DEMOLITION OF EXISTING STORE AND ERECTION OF REPLACEMENT STORE

Introduction:-

The application is a full application for the demolition of an existing detached convenience store and the erection of a new larger single storey convenience store. The existing floorspace is approximately 100 square metres and the proposed gross floorspace equates to approximately 330.5 square metres. There is also a service yard proposed surrounded by a 2.8 metre high close boarded fence. 19 car parking spaces and turning facilities are proposed adjacent to the site, accessed from London Road. Cycle stands, a trolley bay and an ATM facility are proposed to the front of the site. The proposed operating times are 07:00 to 23.00 seven days a week.

The site is currently occupied by a Londis convenience store and is positioned on London Road, opposite the junction with Forest Road, Hinckley. London Road is a main route leading both into and out of the town centre. This is a busy traffic route and there is a pedestrian crossing in close proximity to the site.

There are mainly residential properties surrounding the site. To the south-east, beyond a small area of vacant open land is the main railway line.

The applicant has submitted both a minor traffic assessment and an environmental noise assessment as part of the application.

History:-

02/00195/FUL	Two storey rear extension to retail premises	Approved	20.06.02
99/00846/FUL	Extension to retail premises	Refused	27.04.00
97/00502/ADV	Freestanding illuminated sign	Approved	23.07.97
95/00512/FUL	Shop front	Approved	08.08.95

Consultations:-

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

The Environment Agency
Rail track.

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

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

Neighbours notified and no letters of objection have been received.

A Member of the Borough Council has raised concerns in regards to the proposal. Whilst welcoming the proposed redevelopment of the site it has the potential to become a licensed premises operating 24 hours, the car park and ATM will become a gathering point, there doesn't appear to be any provision for CCTV, there will be an increase in traffic generation and parked vehicles at the location of the site with likely increased activity poses risk to highway safety.

Development Plan Policies:-

The application site lies outside the Hinckley Town Centre in a primarily residential area.

Planning Policy Statement 6: Planning for Town Centres, identifies policy objectives to promote the expansion and viability of town centres. Development should be focussed in existing town centres in order to strengthen, and where appropriate, regenerate them.

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

Policy T5 refers to highway standards and parking requirements.

There is no policy directly related to demolition and rebuild of existing retail units that are outside of the Hinckley Town Centre and not in an existing or proposed local shopping centre. However, Policy RETAIL 14 of the Local Plan does refer to extensions to existing shops and states that planning permission will be granted provided the extension would not result in a reduction of open storage facilities or off-street parking spaces; it would not have

a seriously detrimental affect on neighbouring residential amenity; and it would be constructed in materials and to a design which is compatible with the existing building. It is considered that the implications of this policy are relevant in this case because there is an existing store on the site and the proposal seeks to extend and expand the existing facility.

Appraisal:-

As the site is an existing retail use the principle of developing the site to a similar scale to improve the existing use is acceptable. Notwithstanding this however, the proposal needs to be assessed in regards to design, highway standards and residential amenity.

By nature of the open car parking area to the north east and the area of vacant land adjacent to the railway line the site is highly visible to both vehicular and pedestrian traffic along London Road. As such, the overall design of the scheme is of particular importance. Comprised of a single storey, flat roof, box like structure the overall design of the proposal is considered to be bland and lacking in any architectural merit. Taking into account the site's prominent location and the poor standard of design proposed, it is considered that the proposal if permitted would present a serious detrimental impact on the street scene and surrounding area. The applicant has been advised and details of any amended plans will be reported as a late item.

The proposal seeks to significantly increase the overall size of the store posing a potentially greater impact on the residential amenity of the neighbouring residential properties. Whilst the development is at single storey level, has a flat roof and is set in one metre from the common boundary, it proposes to extend almost the entire length of the rear garden area. This is considered to unacceptably impose on the neighbouring property to the detriment of residential amenity. The applicant has also been advised of this and details of any amended plans will be reported as a late item.

The Director of Highways, Transportation and Waste Management has recommended that the application is refused on the basis that the applicant has failed to demonstrate: that an appropriate and safe vehicular access can be provided, that an appropriate level of on-site car parking provision can be made together with adequate delivery off-street loading/unloading facilities to cater for the size and number of delivery vehicles likely to be visiting the site. Moreover, whilst a minor traffic assessment has been submitted this does little to provide the necessary information to demonstrate that the proposal is acceptable in highway terms.

Therefore, in light of the above, the scheme being in such a prominent and busy location, is considered unacceptable.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, by reason of its size and flat roofed design the proposal would result in an unacceptably incongruous form of development, to the detriment of the street scene and visual amenity of the surrounding area, contrary to the intentions of Policy BE 1 of the adopted Hinckley and Bosworth Local Plan.
- 2 In the opinion of the Local Planning Authority by virtue of size and scale the proposed development would have a serious detrimental impact on the amenities of the neighbouring property, contrary to the intentions of Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- 3 In the opinion of the Local Planning Authority the applicant has failed to satisfactorily demonstrate that an appropriate and safe vehicular access would be provided to the development potentially leading to road safety hazards, which would not be in the interests of highway safety, contrary to policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 4 In the opinion of the Local Planning Authority the applicant has failed to demonstrate, that an adequate level of on-site car parking, together with, off-site loading/unloading facilities, can be provided to prevent vehicles parking or loading/unloading in the Public Highway to the detriment of highway safety and contrary to the intentions of Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- E MacDonald Ext 5682

Item: 06

Reference: 06/00220/COU

Applicant: Daniel Property Investment Co Ltd

Location: Blueberry International Unit B Warwick Building Rossendale Road Earl Shilton Leicester

Proposal: CHANGE OF USE FROM TRAINING CENTRE TO STORAGE AND DISTRIBUTION USE

Introduction:-

This application seeks to change the use of one unit from a training centre to storage and distribution, with no external alterations to the building. The site sits within the Warwick Buildings that are located between Rossendale Road and New Street, and has an elevation bordering Hinckley Road. The Warwick Buildings consist of five units originally constructed for commercial use. The application site is approximately 1070 square metres and has service access to the front, off Rossendale Road. Parking is provided for 9 vehicles to the south of the site further along Rossendale Road, approximately 100 metres away from the site. The application site was used as a signalling training centre for the railway industry between September 2003 and November 2005. This application seeks to change the use of the unit back to an employment use.

The surrounding area is characterised by a mix of uses, the Warwick Building itself consists of storage and warehousing and commercial uses; opposite the site there is a car repair garage. There are also residential properties within the area.

History:-

03/00485/COU	Change of use of premises to a railway signalling training school	Approved	29.07.03
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Consultations:-

No objections have been received from:-

Environment Agency
Earl Shilton Town Council.

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

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

Severn Trent Water Ltd
Neighbouring properties and businesses
Press and Site Notice.

Development Plan Policies:-

The application site forms part of a larger area identified in the adopted Hinckley and Bosworth Local Plan as being an existing Employment site. Policy EMP1 categorises the site as one where the Local Authority would encourage alternative uses subject to the appropriate design policies of the plan.

The Employment Land and Premises Study undertaken by consultants on behalf of the Borough Council recommends the site is retained as a category c site with 100% of other uses allowed.

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

Policy T5 of the adopted Local Plan seeks to ensure adequate parking and access to sites in the interest of highway safety.

Appraisal:-

The site was originally used in connection with the boot and shoe industry, it consists of a large commercial unit with servicing accessed off Rossendale Road. The area in general has a mix of uses, many of which are commercial in nature. The site is identified in the adopted Hinckley and Bosworth Local Plan as an existing employment site and Policy EMP1(c) encourages alternative uses on sites where environmental problems have, or are experienced. The previous use as a boot and shoe factory was unrestricted and could conceivably have resulted in environmental problems through noise and disturbance. It is therefore considered appropriate that both hours of use and deliveries to and from the site are restricted. This will reduce noise and disturbance in the area that has more residential than when the historical use was granted.

The application proposes no external alterations to the building, all changes are internal. The development is speculative and therefore it is not known how many staff will be employed or how many vehicles will visit the site. Parking for 9 cars has been provided to the south of the site approximately 100 metres away which the Director of Highways, Transportation and Waste Management requests is conditioned to be provided prior to the unit being occupied and retained thereafter.

The Environment Agency raises no objection but comments that the site is within 250 metres of two landfill sites and as such considers there is a potential risk that landfill gas could adversely affect the development. Should the application be approved it is suggested

that the details of the landfill sites are provided to the applicant for his information. It is however considered that any potential risk would be minimal as the application is only seeking change of use and no building works are proposed.

In conclusion, it is considered that there would be no justifiable reason to refuse the granting of planning permission for the change of use of this unit back to an employment use. The proposed use has a service area and parking provision, will not make any external changes to the appearance therefore an considered acceptable.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1 and T5of 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 Before the development hereby permitted is first used the parking area shown on the submitted plans shall be provided for use and shall thereafter permanently remain available for such use.
- 3 This permission relates solely to the proposed change of use of the building for storage and distribution purposes, and no material alterations to the external appearance of the building shall be carried out until detailed plans have been submitted to and approved by the Local Planning Authority by way of a formal planning application.
- 4 The use hereby permitted shall only be conducted between the hours of 7.30 am to 8.00 pm Monday to Friday; 8.00 am to 1.00 pm on Saturdays and at no time on Sundays or Public Holidays and no deliveries shall be taken at or despatched from the site outside of these hours unless agreed previously in writing with the Local Planning Authority.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that adequate off-street parking facilities are available to accord with policy BE1 and T5 of the adopted Hinckley & Bosworth Local Plan.
- 3 To enable the Local Planning Authority to consider any material alterations to the external appearance of the building in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 4 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.

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 site is within 250 metres of two landfill sites however as the application proposes change of use only it is not considered necessary for conditions to be imposed relating to protection from the landfill sites. The applicant's attention is however, drawn to the attached letter from the Environment Agency dated 16th March 2006, the content of which should be noted.
- 3 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

Contact Officer:- T Miller Ext 5809

Item: 07

Reference: 06/00242/FUL

Applicant: Mr And Mrs S P Warner

Location: 20 Lime Grove Earl Shilton Leicester LE9 7JD

Proposal: EXTENSIONS AND ALTERATION TO DWELLING

Introduction:-

This full application is for a two storey extension to the side of No. 20 Lime Grove, Earl Shilton. Lime Grove consists of nine pairs of semi-detached two storey dwellings of a similar design. The site is located on the north side of Lime Grove and consists of a semi-detached dwelling with original box dormer windows to both the front and rear. The side of the property currently provides a parking area and gives access to a garage at the rear. The proposed extension will extend the property to the boundary with No. 22 Lime Grove to provide a car port with box dormer windows to facilitate a bedroom and bathroom in the roof.

This application is being reported to Planning Committee at the request of a Member of the Council.

History:-

No relevant history.

Consultations:-

No objections have been received from:-

Head of Health and Environment
Borough Council's Land Drainage Engineer
Earl Shilton Parish Council
Neighbours notified.

The Director of Highways, Transportation and Waste Management requests that the Officers consider the required parking provision and the restriction of the future conversion of the car port to a habitable room.

Development Plan Policies:-

The site lies within the settlement boundary for Earl Shilton, as identified in the adopted Hinckley and Bosworth Local Plan. Policy BE1 of the adopted Hinckley and Bosworth Local Plan seeks a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. It provides measures to ensure development does not have an adverse impact on the environment; occupiers of neighbouring properties; or highway users.

Policy RES7 of the adopted Hinckley and Bosworth Local Plan provides that such proposals respect the scale and character of the existing dwelling and streetscene; retains adequate parking provision; is designed to mirror the existing building to create a unified overall appearance; does not adversely affect the occupiers of neighbouring properties; and is carefully sited to avoid a terracing effect which would be created if similar extension were repeated on other dwellings.

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

The Council's Supplementary Planning Guidance for house extensions sets out additional criteria for layout and design.

Appraisal:-

The application seeks approval for a 2.8 metre wide side extension which will be flush with both the front and rear of the existing dwelling and will extend to the boundary with No. 22 Lime Grove. The extension will have an opening at both the front and the rear to form a car port and give access to an existing garage at the rear. The proposal will continue the line of the existing gabled roof with box dormer windows to both the front and rear. The first floor accommodation will consist of a bedroom to the front and bathroom with obscure glazed window to the rear.

The advice given in the Supplementary Planning Guidance on House Extensions is that to respect the character of residential areas the space between houses should not normally be infilled completely. The guidance requires that two storey side extensions should not be constructed closer than 1 metre from the site boundary and should normally be set back by 1 metre. The development does not comply with this requirement as the proposed extension runs flush with the front of the existing dwelling, the ridge is at the same level and it extends to the boundary of the site. It is considered that the proposal would consequentially not appear subordinate to the existing dwelling. This conflicts with the aims and specific guidance contained within the Supplementary Planning Guidance on House Extensions.

It is not considered possible to reduce the proposal to achieve a 1 metre distance from the site boundary, as this would remove the majority of the proposed extension and reduce the off street parking provision to only 1 space. In circumstances where this distance cannot be achieved Officers would usually request a 2 metre set back from the front of the dwelling. However, as this proposal is for a one and a half storey side extension and No. 22 Lime Grove is set approximately 3 metres in front of No. 20 Lime Grove it is considered that a 1 metre set back would be acceptable. This amendment was requested but the applicant is not prepared to amend the scheme in this way due to the reduction in the required accommodation. The applicant considers that the set back is not needed as the adjacent property at No. 22 Lime Grove is 3 metres in front of No. 20 Lime Grove and a terracing effect could not be created if No. 22 Lime Grove was extended in the same way. The applicant also contends that a similar proposal to extend No. 10 Lime Grove was previously permitted.

The site forms part of a line of 3 pairs of semi-detached dwellings and whilst No.'s 18 and 20 Lime Grove are set approximately 3 metres back from the other dwellings it is considered that a terracing effect would be created if the gaps between these dwellings was to be infilled completely.

It is accepted that No. 10 Lime Grove has been extended in a similar way. However, this property has not been extended to the boundary, is located in a corner plot and is not inline with any other dwellings. In addition the extension was approved and constructed in 1981, some 16 years before the adoption of Supplementary Planning Guidance on House Extensions.

In conclusion, it is considered that the proposal is not subordinate and would create the potential for a terracing effect should the neighbouring dwellings be extended in a similar way. As such the proposal is considered contrary to the adopted Supplementary Planning Guidance on House Extensions and Policy RES7 of the adopted Hinckley and Bosworth Local Plan.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, it is considered that the proposed extensions due to their scale, design and siting would create the potential for a terracing effect and would not be subordinate to the existing dwelling which would have an unacceptable detrimental impact on the character of the area and the streetscene. The proposed development is, therefore, contrary to policy RES7 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Guidance on House Extensions.
- 2 In the opinion of the Local Planning Authority the approval of this proposal would set precedent for the consideration of further applications of a similar nature, to which the Local Planning Authority would also object, but which would consequently be difficult to resist.

Contact Officer:- D. Warden Ext 5691

Item: 08

Reference: 06/00260/OUT

Applicant: Mr And Mrs Spencer

Location: R/O 3&5 The Rookery Groby Leicester LE6 0GP

Proposal: PART DEMOLITION OF NO 3 AND ERECTION OF BUNGALOW

Introduction:-

This is an outline application for the erection of a single storey dwelling on garden land to the rear of a pair of two-storey semi-detached houses involving the demolition of part of one of the existing houses. The remainder of this dwelling would be incorporated into the other existing dwelling to form a larger detached house. This application is for access only at this stage with all other matters reserved although an indicative plan to show possible siting has also been submitted.

The site is close to the centre of Groby and adjacent to, but not within, the Groby Conservation Area. The site is surrounded by other single and two storey residential properties on Leicester Road, Pymm Ley Gardens, Rookery Lane and The Rookery. The plot itself is a level site measuring approximately 0.09 hectares (900 square metres), an average of 50 metres depth by 18 metres width and is bounded by a mixture of hedges, trees and fences of different height and structure. There is a Tree Preservation Order on a tree close to the rear (south-western) boundary of the site. The proposed means of access to the plot would be gained by demolition of part of No. 3 The Rookery and via the existing vehicular access to that dwelling onto The Rookery.

The applicant has provided further information in support of his application for a single dwelling on the site relating to there being very limited potential for future development of a wider area.

History:-

06/00261/FUL	Part Demolition of 3 The Rookery and extensions and alterations to 3 and 5 The Rookery	Pending Consideration
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Consultations:-

No objection has been received from:-

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

Director of Highways, Transportation and Waste Management has no objections to this proposal as the application will not result in any additional vehicular movements to and from the site and the number of dwellings will remain the same. Whilst the Highway Authority are not in a position to resist this proposal or require any access improvement works to the existing vehicular accesses, it would seek to resist a higher density of development incorporating other gardens in terms of inadequate access and unacceptable increase in traffic using The Rookery and its junctions at either end.

Groby Parish Council raise concerns regarding the potential loss of privacy to existing surrounding properties, the potential threat to a mature tree protected by a Tree Preservation Order and the potential that if outline permission is granted, that further amendments to the proposal could follow in the future.

Site Notice posted and Neighbours notified, 5 letters received raising the following concerns:-

- i) effect on Groby Conservation Area
- ii) undesirable and unacceptable tandem development
- iii) intrusion into an enclosed garden area
- iv) loss of peaceful wildlife habitat, trees and shrubs on the site
- v) no planning gain
- vi) too close to garden boundaries
- vii) loss of privacy to surrounding houses
- viii) impact on TPO tree
- ix) potential for 2 or 3 storey development in the future
- x) potential for higher density of development in the future and on adjoining areas
- xi) continued loss of recreational/garden areas in Groby
- xii) detrimental to highway safety/increased traffic flow and congestion
- xiii) use of brownfield sites rather than green spaces within villages
- xiv) lack of affordable housing

- xv) degradation of a historic part of Groby
- xvi) loss of open aspect/view
- xvii) loss of property values.

Development Plan Policies:-

Local Plan Policies

The site is within the settlement area of Groby as defined in the adopted Hinckley and Bosworth Local Plan.

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. Development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features; avoid the loss of open spaces, important gaps in development and features which contribute to the quality of the local environment, Development should incorporate landscaping to a high standard and ensure adequate highway visibility for road users and adequate provision for on and off street parking for residents and visitors together with turning facilities and should not adversely affect the occupiers of neighbouring properties.

Policy BE7 of the adopted Local Plan states that the special character and appearance of the Conservation Areas should be preserved or enhanced, including views in and out of the area.

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

The Borough Council's Supplementary Planning Guidance on New Residential Development provides further guidance for developers on density, design, layout, space between buildings and landscaping/boundary treatments along with highways and parking. The main aims of the guidance are to ensure that new developments are well integrated into their surroundings and offer a good standard of security and amenity to future residents whilst protecting the amenity of existing occupiers. Housing developments should make efficient use of land and be of appropriate density taking into account the general character of the surrounding area and the provision of necessary open spaces. Layout should seek to maximise amenity and visual interest and provide safe and convenient vehicular and pedestrian access.

Policy T5 of the Local Plan refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified.

Supplementary Planning Guidance for Play and Open Space Guide requires a financial contribution towards formal and informal public open space if it cannot be provided within the site.

Appraisal:-

The site is not specifically allocated in the Local Plan for residential development, however it is within the settlement boundary of Groby and therefore residential development is considered acceptable in principle, subject to the siting, design, density, scale and layout not being in conflict with the relevant plan policies. This application seeks approval for means of access only with all other matters being reserved at this stage.

The current proposal for one dwelling equates to a density of only 11 dwellings per hectare which is lower than Government guidance of between 30-50 dwellings per hectare contained in Planning Policy Guidance 3. However, the applicant has provided further information in support of the application to demonstrate that the potential for future development of this site (or a wider area) at a higher density is limited and the Highway Authority has also raised concerns about a higher density of development to which it is likely to object. In addition a recent application on an adjacent site on The Rookery (04/01320/FUL) was approved at a reduced density, although this site was in the conservation area.

The Highway Authority have stated that they have no objections to the current proposal as the development would not result in a material increase of traffic movements to and from the site when considering that no additional dwellings or vehicular accesses are being created. The indicative layout provided demonstrates that adequate amenity and car parking and turning facilities can be provided within the curtilage of the site and that minimum distance standards to existing dwellings can be achieved. Adequate amenity and improved car parking is provided for the retained dwelling (No. 5) fronting The Rookery.

The proposal would result in a large bungalow on a substantial plot but would not be out of character with the existing dwellings at 7 The Rookery and those on Pymm Ley Gardens to the South-East. The site is surrounded by other residential properties and there is concern over the possible loss of privacy and amenity to these existing dwellings through overlooking. However, should the application be approved, conditions could be attached to limit future development to a single storey dwelling and require details of boundary treatments to be provided to remove potential overlooking and reduce any impact on privacy to neighbouring dwellings.

The access to the site is on the boundary of the Groby Conservation Area and includes the existing stone walls either side of the vehicular access. The applicant does not intend to alter the access and the demolition of part of No. 3 The Rookery is not considered to be detrimental to the Groby Conservation Area. The major part of the site is located to the rear of the existing dwellings on The Rookery, Leicester Road, Rookery Lane and Pymm Ley Close and therefore any impact on the Groby Conservation Area itself would be limited from public areas, especially given a single storey dwelling.

The site is currently used as residential gardens for Nos. 3 and 5 The Rookery and is substantially laid to lawn with shrubs and trees mainly to the boundaries. Whilst these large gardens are likely to be inhabited by wildlife, it is difficult to sustain an argument that they are a significant or important habitat that must be maintained. In addition the indicative plan shows a distance of approximately 22 metres between the footprint and the tree that is subject to a Tree Preservation Order. Such a distance is considered unlikely to result in a threat to the future viability of the tree itself.

A financial contribution of £1,850 towards the provision and maintenance of formal and informal public open space provision will be required as this has not been provided on site. This is required to meet recommendations of the Parish Public Open Space Quantity / Accessibility Audit 2005

Conclusion

The use of the site for residential development is acceptable in principle subject to siting, design and layout. The Highway Authority do not object to the current proposal but would raise objections to any increase in density on the site. The indicative footprint provided with the application is considered to demonstrate that a dwelling can achieve minimum standards of distances between existing dwellings, provide adequate residential amenity and parking and turning facilities and would be in keeping with the character of adjacent existing dwellings. There is not considered to be a significant impact on the Groby

Conservation Area. Therefore on balance it is considered that the application be approved subject to conditions.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, BE7, T5 and RES5 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

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

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

- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 The proposed dwelling shall be single storey only.
- 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.

Reasons :-

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990.
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- 5 To ensure that the development contributes towards the provision of public open space facilities within the vicinity of the site in accordance with policies REC2 and REC3 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 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 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.
- 4 Condition 5 refers to public open space. In accordance with the adopted 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 financial contribution of £1,850.00 is required towards the provision of off-site public play and 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:- R Wright Ext 5894

Item: 09

Reference: 06/00269/FUL

Applicant: Advent Horsefair

Location: Land Adjacent To No 10 Beatty Close Hinckley Leicestershire

Proposal: ERECTION OF THREE DWELLINGS

Introduction:-

This is a full application for the erection of three two storey dwellings and associated garaging on land adjacent 10 Beatty Close, Hinckley. The proposed dwellings are linked detached properties. The application site is approximately 0.1 hectares.

The site is an area of undeveloped land surrounded by residential properties. The land is overgrown with trees extending along the boundaries with the neighbouring residential properties. The land also has two ditches running along the northern and western boundaries that converge, running north west to Nelson Drive.

An application for one dwelling was submitted to the Borough Council and refused by Planning Committee on 4th October 2005. The application was refused as it was considered the proposal did not achieve the required density level and therefore not a sustainable form of development. The applicant appealed the decision which was subsequently dismissed.

Information submitted in support of the application includes a design statement consisting of an existing area analysis, proposed site layout and photo viewpoints. It demonstrates the nature of the existing development surrounding the site and its relationship with the proposal.

History:-

05/00861/FUL	Proposed dwelling and detached garage	Refused	04.10.05
			Appeal dismissed

Consultations:-

No objection has been received from Head of Health and Environment Service.

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

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

Neighbours notified and 8 letters of objection have been received raising the following concerns:-

- a) increase in traffic
- b) the proposed access route is at present a shared drive
- c) change in character to the area by changing the existing close into a road
- d) impact of the development on the ditches and land drainage
- e) loss of wildlife
- f) increase in noise
- g) encroachment on an already overcrowded street
- h) access difficulty for construction vehicles
- i) there is already a problem with on street parking
- j) a bungalow would be less intrusive
- k) too many dwellings proposed
- l) loss of privacy
- m) impact on the trees
- n) limited access for emergency vehicles
- o) increased demand on existing resources in the area
- p) impact on water table.

Development Plan Policies:-

Structure Plan Policies

Housing Policy 5 states that housing development should be of a type and design to achieve as high a net density as possible, by considering proximity and accessibility to centre; the provision of a mix of housing types to establish socially mixed communities; good principles of design and layout which make the most economical use of land and respect the local context; green space and landscaping requirements.

Local Plan Policies

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

Strategy objectives 2 and 3 are to meet the housing needs of the Borough by promoting sustainable development and enhance the quality of life of all members of the community by promoting high quality living environments and sustainable development.

Policy RES5 assesses residential proposals for development on unallocated sites.

Policy BE1 seeks to ensure high quality of new development that complements 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:-

Principle

As the site lies within the settlement boundary and in light of the recent appeal decision, the principle of residential development is considered to be acceptable. Nevertheless, the suitability of the proposal in terms of density, character of the area, design and layout needs to be assessed.

Density

The application site measures approximately 0.1 hectares. The proposal therefore achieves a density level of around 30 dwellings per hectare. This is above the minimum density level of the local plan of 27 dwellings per hectare, and in accordance with Planning Policy Guidance Note 3 requiring 30-50 dwellings per hectare. It is considered that the proposed dwellings are in keeping with the character of the area.

A previous application was refused and upheld on appeal, based on an unacceptable density level. The previous proposal was for the erection of one dwelling with a density level equating to approximately 10 dwellings per hectare.

Design and Layout

The site is positioned between Sunnyside, Beatty Close and Nelson Drive. The residential area surrounding the site predominantly comprises of two-storey detached and semi-detached dwellings. The proposal is for three link detached two-storey properties and associated garaging.

The plans initially submitted posed some concern in regards to design, as it was considered, the elevations were bland and lacking in character. Following discussion with the applicant's agent amended plans have since been submitted. The amended plans have

introduced further elevation details to the properties, including the incorporation of chimneys, adding further character to the proposal. It is considered, that the standard of design now proposed is comparable to existing properties surrounding the site and therefore a refusal based on design grounds would be unsustainable. Neighbours have been notified of the amended plans.

With regards to privacy and outlook, the Supplementary Planning Guidance requires a distance of 25 metres between facing windows and 14 metres between facing windows and gable walls. The proposed layout does achieve these distances with existing properties on Sunnyside, Nelson Drive and Beatty Close.

It is considered that the design and layout of the proposal has taken into account the amenity of the neighbouring properties and accordingly, does not have an overbearing or detrimental impact on amenity to warrant refusal of the application.

Landscaping

The site as existing is relatively overgrown. There are a number of trees along the boundaries of the site which help provide screening to the neighbouring properties and these are identified on the site plan. There are also a number of protected trees on the site and therefore careful consideration needs to be given to any potential impact resulting from the proposed development.

The amended site layout plan identifies the location of protected trees, trees requiring removal and the siting of replacement trees. Initially, in order to provide the necessary access the application proposed to remove a protected crab apple tree and a protected Ash tree and the provision of a replacement Ash tree. Following on from consultation with the Borough Councils Arboricultural Consultant, the condition of the Ash tree shows it to be leaning heavily into the site and its retention an impractical proposition. In addition, it is recognised that the long term survival of a second Ash tree will also be prejudiced by the works necessary to form the access drive. Taking into consideration the condition of the trees, the Borough Council's Arboricultural Consultant has advised that thought is given to the removal of both Ash trees with the provision of replacement trees more acceptable to the location. Having taken this into account, in addition to the site's history, it is considered on balance, that the removal of both Ash trees in addition to the provision of three semi-mature Standard Hornbeam trees more suitable to the location is acceptable. The replacement planting has also been indicated on the revised layout plan.

In regards to the boundary trees the application has been amended to pull the development further into the site and further away from the tree canopies to prevent future requests to remove the trees.

Highways

Adequate off street parking provision has been provided within the site. The proposed access is directly from Beatty Close across the drive ways to 10-14 Beatty Close.

The Highway Authority have raised no concerns in regard to the proposed access, subject to adequate parking being provided.

Contributions

The play and open space contribution applicable to this proposal is £1,850 per dwelling and equates to a sum of £5,550, in line with the objectives of both the adopted Green Space Strategy and recommendations of the Parish Public Open Space Quantity/Accessibility Audit 2005.

Conclusion

Having considered the density, design and layout of the proposal and in light of the recent appeal decision relating to the site, it is considered that the proposal should be approved subject to conditions.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies RES5, BE1, NE12 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 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed buildings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - i) proposed finished levels
 - ii) means of enclosure
 - iii) hard surfacing materials
 - iv) planting plans
 - v) written specifications
 - vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - vii) implementation programme.
- 4 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.
- 5 Before any development is commenced on the site, including site works of any description, each of the trees covered by a tree preservation order shall be securely fenced off by protective fencing on a scaffolding framework in accordance with B. S. 5837 erected in a circle round each tree at a radius from the bole of 3 metres or to coincide with the extremity of the canopy of the tree, whichever is the greater. Within the areas so fenced off, the existing ground level shall be neither raised or lowered, (except as may be approved by the Local Planning Authority as part of the development) and no materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

- 6 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.
- 7 The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.
- 8 There is a public sewer which crosses the site. No building shall be erected or trees planted within 5 metres of the sewer.
- 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 This permission relates to the application as revised by amended plan 06/0026910B/FUL and 06/0026912A/FUL received by the Local Planning Authority on 3rd May 2006

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 To enhance the appearance of the development to accord with policies BE1, NE12 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1, NE12 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 5 The trees on this site are subject to a Tree Preservation Order and this condition is necessary to ensure that proper steps are taken to safeguard the trees during the course of development.
- 6 To ensure that adequate off-street parking facilities are available to accord with policy BE1 and T5 of the adopted Hinckley & Bosworth Local Plan.
- 7 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.
- 8 To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewage system.
- 9 To ensure the provision of play and open space to accord with policies REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan.
- 10 To define the permission.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 In reference to Condition 8, the applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with Section 185 of the Water Industry Act 1991. You may wish to contact M Vaghela on 0166 2343146. A copy of the plan supplied by Severn Trent Water is attached to this decision notice.
- 3 The proposal is situated in excess of 45 metres from the Highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 1980 and Building Regulations Approved Document B, Fire Safety 2004.
- 4 Condition 9 refers to a financial contribution required towards the provision of play and open space. In this instance a sum of £5,550 is required.
- 5 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.
- 6 Connection to an existing public foul sewer may require crossing private land and permission to do so should be sought from the owner.
- 7 In reference to Condition 3(ii) the use of permeable hard surfacing materials should be considered.

Contact Officer:- E MacDonald Ext 5682

Item: 10

Reference: 06/00278/FUL

Applicant: Dr J Lees

Location: 163 Main Street Markfield Leicestershire LE67 9UW

Proposal: ERECTION OF WIND TURBINE

Introduction:-

This is a full application for the installation of a domestic scale wind turbine. The application property is addressed both as 163 Main Street and 4 The Crofts Markfield, an infill development of 5 properties constructed in 1989.

The property is accessed from a private drive which leads from Main Street. The dwelling is bounded by residential properties on all sides.

The application proposes the erection of a turbine on the western gable end of the property. The proposed turbine is attached to the dwelling by way of an aluminium pole which is fixed to the gable wall. The turbine is proposed to be sited 0.5m above the ridge of the dwelling.

The proposed turbine is a Swift model manufactured by Renewable Devices which consists of 5 blades of 2 metre diameter surrounded by a cowl with twin vanes to the rear. The blades are constructed of carbon fibre and have a matt black surface to reduce reflectivity. The length of the turbine from blades to the tip of the vane is around 1.2m.

The device is rated at 1.5kW and is anticipated to meet around one third of a households annual needs.

History:-

88/0274/4	5 Houses and double garages.	Refused
88/0899/4	5 Houses with garages.	Approved
88/1118/4	Erection of house and double garage (Change of design)..	Approved

Consultations:-

No objections have been received from:

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

At the time of writing this report no formal comments have been received from The Head of Health and Environment, although discussions have taken place with the applicants supplier regarding any potential noise.

Six letters have been received from neighbours raising the following issues:

- a) visual impact, proposal will be clearly visible to all adjacent properties.
- b) proximity to residential properties and gardens.
- c) noise generated particularly as the machinery and bearings wear.
- d) danger of device falling on property or person.
- e) precedent and the impact on the skyline if further properties followed suit.
- f) impact on house prices.
- g) affect on protected oak tree at 5 The Crofts.
- h) access to turbine will be over shared access drive.

Development Plan Policies:-

Planning policy for renewable energy schemes is set out in Planning Policy Statement 22 - Renewable Energy. This states that 'small scale renewable energy schemes utilising technologies such as ... small scale wind turbines ... can be incorporated both into new developments and some existing buildings. Local Planning Authorities should specifically encourage such schemes through positively expressed policies in local development documents.'

The Regional Spatial Strategy for the East Midlands (RSS8) contains Policy 41 - Regional Priorities for Renewable Energy. This states that Local Development Frameworks should give particular consideration to the benefits of smaller scale grid and non-grid connected generation.

The Leicestershire, Leicester and Rutland Structure Plan includes Resource Management Policy 3 concerning energy installations. This states that proposals for the generation of energy from renewable sources will be encouraged and particular account will be taken of the wider environmental benefits of using renewable energy sources.

Local Plan Policy BE27 - Wind Power states that planning permission for wind farms and individual wind turbines will be approved where the proposal is capable of generating wind power; where the visual impact is minimised; where noise levels are acceptable; where the turbine is sited away from any public highway or publicly accessible area and no additional overhead power lines are required to connect the proposal to the grid.

Policy BE1 seeks to ensure high quality of new development that complements and enhances the existing environment while protecting the amenity of neighbouring properties.

The Corporate Energy Policy includes an aim to promote and encourage the use of renewably generated energy in buildings throughout the borough and encourage the development of renewable energy technologies in the borough within the boundaries of local planning policies.

Appraisal:-

The proposed turbine is 1.2m in length and has a blade diameter of 2m. Though the size of the turbine is considerable, it is not solid and the blades take up only a small proportion of the 2m diameter. As the turbine rotates to catch the wind surrounding properties will face a variety of views of the device which should mitigate its impact.

The position of the turbine is around 15m from the rear of 47 Upland Drive and will be visible from a number of rear gardens on this road. From the public realm, glimpses of the turbine will be possible between the dwellings on Upland Drive. The device may be visible from Main Street and will be visible from leaving Main Street into The Crofts. The proposed position is the furthest point from the surrounding residential properties.

Though the Head of Health and Environment is yet to formally comment, information provided by the applicant suggests that noise levels will be less than 35dB(A) which equates to background noise. The Head of Health and Environment has requested further information from the manufacturer with regards to this issue. Noise levels are anticipated to increase with wind speed, however this will be balanced by the increase in background noise.

Subject to satisfactory comments from the Head of Health and Environment, a condition will stipulate a maximum level of noise emissions. This will ensure that should noise levels increase as the device wears suitable enforcement action can be undertaken.

The device meets British Standard EN 61400-2 1995 'Wind Turbine Generator Systems - Safety Requirements' and is designed to withstand high wind speeds and shut down in extreme conditions to protect the device from damage. Therefore the safety of the device is acceptable.

The impact on house prices is not a material consideration. The erection of the proposed turbine does not involve any ground works therefore the protected tree will not be impacted upon.

Conclusion

National and regional policy strongly supports renewable energy in order to meet both Co2 reduction and renewable energy generation targets, however proposals are only acceptable

where they respect the amenity of neighbouring properties particularly in terms of noise. The proposal meets the criteria set out in Local Plan Policy BE27 - Wind Power subject to comments relating to noise. Given the content of the earlier report on domestic wind turbines it is considered that this proposal is acceptable subject to satisfactory comments regarding noise from the Head of Health and Environment.

RECOMMENDATION :- That the Head of Culture and Development be granted powers to issue planning permission subject to satisfactory comments from the Head of Health and Environment and subject to the following conditions:-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1 and BE27 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 The turbine shall be installed, operated and maintained so that noise levels at the boundary of the nearest noise sensitive premises do not exceed **dB.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To safeguard amenities of neighbouring properties 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.

Contact Officer :- P. Metcalfe Ext 5740

Item: 11
Reference: 06/00288/FUL
Applicant: Mr And Mrs P Brewer
Location: Land at Rear of No 1 New Street Barlestone Nuneaton Warwickshire
Proposal: DETACHED DWELLING

Introduction:-

This is a full planning application for the erection of a two and a half storey dwelling on land off Newbold Road currently forming part of the rear garden of No 1 New Street which is the

end property of a terrace of six properties. The development site occupies a prominent location in the street scene and is currently occupied by a large shed. A previous application for a much higher dwelling on the site was withdrawn following negotiations with Planning Officers.

The proposed development site is located on the edge of the commercial heart of the village. The eastern boundary of the site fronts Newbold Road although the proposed site is approximately one metre above pavement level. To the west are the rear gardens of the other properties in the terrace and to the north is the gable of the modern two storey extension to No 4 Newbold Road, a semi-detached property.

A site analysis, design statement and street scene has been submitted in support of the application. These indicate that the proposal has been designed to respect the character and amenity of the surrounding dwellings.

History:-

05/01349/FUL	Erection of detached dwelling and vehicular access	Withdrawn	06.02.06
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Consultations:-

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

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

The Head of Health and Environmental Services has no comments on the proposal.

Neighbours notified and 5 letters of response have been received raising the following concerns:-

- a) The proposed dwelling is out of character with the area
- b) The vehicle visibility splays and car parking arrangements are inadequate
- c) The proposed building will restrict daylight and overlook nearby properties, particularly No 4 Newbold Road and No 2 and No 3 New Street
- d) The property will restrict the view from No 4 Newbold Road also No2 and No 3 New Street
- e) The property should be set behind the existing wall to No 4 Newbold Road
- f) The building works will cause disruption in the area and impact directly on the drainage and foundations of No 3 New Street
- g) The proposed development will have a detrimental impact on property values
- h) The levels proposed for the building are unclear.

Development Plan Policies:-

Policy RES 5 assesses residential proposals for development on unallocated sites. It states that on those site 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 does not conflict with the relevant plan policies.

Policy BE1 seeks to ensure high quality design to secure attractive development and to safeguard and enhance the existing environment. Development should complement and not adversely affect the surrounding area or adjacent properties, and ensure adequate amenity and privacy.

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

The Borough Council's Supplementary Planning Guidance on 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 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 a single dwelling where facilities cannot be provided within the site.

Appraisal:-

The site lies within the settlement boundary and the principle of developing the plot is considered acceptable. 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 amenities of neighbours.

Design and character of the area

The application site lies within an area of mixed dwelling types from many different historic periods. In addition to Victorian terraces, these include modern detached properties and historic properties with modern frontages or large modern extensions. Existing buildings are either two or two and a half storeys in height and are set back away from the main road behind short front gardens or hard surfacing. Typical architectural features include segmental arched windows, slate or tiled pitched roofs, brick or rendered elevations, plain gables and chimneys.

The elevational treatment of the proposed dwelling incorporates several of these traditional features. It also successfully achieves the transition between the high end gable of the Victorian terrace property of 1 New Street and the large modern extension to No 4 Newbold Road by being stepped in both plan and height. The impact on neighbouring properties has been further reduced by setting the ground floor of the dwelling at pavement level, approximately one metre below the existing garden level.

Officers are of the opinion that this new dwelling will be an improvement to the street frontage if permission is granted to replace the existing large shed, which currently occupies the site.

Privacy and outlook

The principle windows of all habitable rooms in the proposed dwelling face Newbold Road. All other windows are below boundary fence level or obscured glazed. In regard to the impact on the private amenity space of No's 2, 3 and 5 New Street, it is considered unlikely that the two storey dwelling in this location at the end of the garden, will have an unduly detrimental impact on the occupiers of these two dwellings. The building is also at pavement level and dug into the site, which further reduces its impact on neighbouring properties

It is also recognised that the private amenity space provided for the dwelling and No 1 New Street is below the Council's normal standards. However the proposed dwelling will replace the existing unattractive shed offering the major benefit of improving the street scene.

Parking and Access

Adequate off street parking provision has been provided in accordance with the Highway Authority's standards, which for the proposed three-bedroom property is two spaces. The Highway Authority has raised no objections to the proposal subject to standard conditions. They comment that speeds on Newbold Road are restricted due to the bend and there is adequate stopping distance towards a vehicle emerging from the new access.

Other Considerations

The impact on property values is not a material planning consideration, nor is the nuisance caused by the construction works, which are of a temporary nature.

The Borough Council's Land Drainage Consultant recommends that soakaways are incorporated into the proposal or it should be demonstrated that an alternative surface water disposal exists. Potential structural problems are civil matters between those affected.

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. The proposed development is considered acceptable in terms of Policies REC5, BE1 and T5 of the adopted Hinckley and Bosworth Local Plan and to the Council's Supplementary Planning Guidance on New Residential Development.

RECOMMENDATION :- Permit subject to the following conditions :-

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 This permission relates to the application as revised by amended plan 01B received by the Local Planning Authority on 26 April 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 dwelling and the boundary treatment shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A-H (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 No gates shall be erected to the vehicular access.
- 7 Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller/shutter doors, 5.6 metres for up-and-over doors or 6 metres for doors opening outwards and thereafter shall be so maintained.
- 8 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.
- 9 The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided before the dwelling including the garage space is first occupied and shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.
- 10 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.
- 11 Before first occupation of the dwelling 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.
- 12 The gradient(s) of the access drive(s) shall not exceed 1:12 for the first 5 metres behind the highway boundary.
- 13 No development shall commence on site until such time as the existing and proposed ground levels and proposed finished floor, ridge and eaves levels have been submitted to and agreed in writing by the Local Planning Authority. The proposed levels shall then be implemented in accordance with the approved details.

Reasons :-

- 1 To comply with the requirements of Section 18 of the Planning (Listed Building and Conservation Areas) 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 & Bosworth Local Plan.
- 4 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure the provision of public open space to accord with policies REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan.
- 6 To enable a vehicle to stand clear of the highway to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 7 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed to protect the free and safe passage of traffic including pedestrians in the public highway.

- 8 To reduce the possibility of surface water from the site being deposited in the highway causing danger to road users to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 9 The proposed dwellings shall be either single storey or dormer styled bungalows. To reduce the possibility of the proposed development leading to on street parking problems.
- 10 To reduce the possibility of deleterious material being deposited on the highway to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 11 To ensure that an adequate line of vision is available in the interests of road safety to accord with policy T5 of the Hinckley and Bosworth Local Plan.
- 12 To safeguard amenities of neighbouring properties 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 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.

Contact Officer:- B Whirrity Ext 5619

Item: 12

Reference: 06/00296/COU

Applicant: A W Oliver

Location: Fenn Lane Farm Fenn Lanes Upton Nuneaton, Warwickshire CV13 6BL

Proposal: CHANGE OF USE FROM AGRICULTURAL BUILDING TO STORAGE

Introduction:-

This is an application for the change of use of a former livestock building to B8 (Storage or Distribution) use and forms part of a farm diversification project following the decline of livestock farming at Fenn Lane Farm, Fenn Lanes, Upton.

The farm and associated buildings are located south of Upton on Fenn Lanes that runs between Fenny Drayton to the west and Sutton Cheney to the east. The application proposes 1080 square metres to be used for the storage and wholesale distribution of cut timber operating between the hours of 8.00am and 8.00pm and employing 10 staff. Vehicle movements are estimated to be 6 cars and 8-10 light vans per day with two articulated lorries per week.

History:-

96/00487/COU	Change of use of agricultural buildings for preparation & storage of drainage equipment.	Approved	18.09.96
01/00226/FUL	Relocation of agricultural buildings	1 of 3 Approved	19.07.01
01/00227/FUL	“ “ “	2 of 3 Approved	19.07.01
01/00228/FUL	” ” ”	3 of 3 Approved	19.07.01
05/00369/FUL	Construction of agricultural hardstanding winter food storage & bedding area	Approved	29.07.05
05/01070/COU	Change of use of farm building to bottling & storage of local spring water & relocation of farm entrance.	Approved	24.08.05
06/00200/COU	Change of use of farm building to the restoration of classic motorcars	Approved	04.05.06

Consultations:-

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

The Environment Agency
 Director of Highways, Transportation and Waste Management
 Leicester Constabulary Crime Reduction Officer.

No objections were received from :-

Parish Council
 Press Notice
 Site Notice
 Neighbour Letters.

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

Severn Trent Water Ltd
 Leicestershire County Council Developer Contributions
 The Borough Councils Land Drainage Consultant.

Development Plan Policies:-

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

Planning Policy Statement 7 supports the use of appropriately located and suitably constructed existing buildings in the countryside. The countryside should be protected and where possible enhanced. Farm diversification should not result in a detrimental impact on the countryside and should have regard to the amenity of nearby residents or other rural businesses that may be adversely affected by new types of on-farm development.

Structure Plan Policies

Strategy Policy 5 states that development in the countryside will only be acceptable if the general appearance and character of the landscape and countryside is safeguarded or enhanced.

Local Plan Policies

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

Policy BE20 also stipulates permission will be granted unless the proposals involve significant areas being utilised for external storage or that the building is in a structurally unsound condition and thus incapable of conversion without significant adaptation and rebuilding.

Policy T5 states that LCC's design standards will be applied for new accesses or highways.

Appraisal:-

The principle of farm diversification is acceptable in the right location with a resulting appearance appropriate to the character of the area for alternative uses. Fenn Lane Farm and the associated outbuildings are an established feature in the local landscape. There will be no changes to the external appearance of the building with parking and turning taking place in the existing yard in front of the building. There are no proposals for external storage. Other than improvements to the access to the yard, the built form will retain its general appearance and character.

The proposed use for the wholesale distribution of timber is considered unlikely to have an adverse impact on other activities that still continue at the farm. There are no immediate neighbours residential or otherwise.

Highway Considerations

Fenn Lane is a Class III highway (a former Roman road) and the farm is located on a stretch of straight road with good visibility in both directions. Links with the main trunk road network are also relatively good, both the A444 and A447 are within close proximity. Due to the size of the existing concrete yard (approx 2000 sqm) it can comfortably accommodate the required access improvements, turning, parking and loading/unload areas and current uses.

Conclusion

Within the Borough the importance of farm diversification is recognised. Many schemes have been considered acceptable where they are in keeping with the character of the area and appropriate to the location. Planning Policy Statement 7 and Local Plan Policy encourage diversification in rural areas to other uses.

As a former livestock operation the movement of stock would have included vehicular movements in and out of the site that included large lorries. It is considered the proposed change of use would not see an unacceptable increase in this type of traffic.

The applicant has applied for a change of use with a specific end user in mind rather than creating a speculative unit to be let at some future date. A condition can be applied limiting the use to the storage and wholesale of timber.

The general appearance of the farm and associated outbuildings will remain unchanged and modest employment will be created in a relatively sustainable location. The proposal is

considered to accord with the guidelines of Planning Policy Statement 7 and policies of the Local Plan in regard to the conversion of agricultural buildings to alternative uses. It is on this basis that the application is recommended for approval.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION:- The proposal is in conformity with Policies BE1 , BE20 , NE5 and T5 of the Hinckley and Bosworth Local Plan.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995, the premises shall not be used other than for the purposes of the storage and wholesale distribution of cut timber.
- 3 At no time shall sales be made to the general public from the building hereby permitted for use of the storage and wholesale distribution of cut timber unless approved by the Local Planning Authority under a separate planning permission.
- 4 There shall be no storage of materials, plant, oil drums, tyres or waste materials of any description on the open area of the site, unless otherwise indicated on the approved plan.
- 5 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 15 metres behind the highway boundary and shall be hung so as to open inwards only.
- 6 The car parking and any turning facilities shown within the curtilage of the site shall be provided before the development is brought into use and shall thereafter permanently remain available for such use.
- 7 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 15 metre control radii on both sides of the access.
- 8 Before first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and shall be so maintained at all times.
- 9 The development hereby permitted shall not be brought into use until the width of the access shall have an effective width of a minimum of 6 metres for a distance of at least 15 metres behind the highway boundary. The width of 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 shall be provided on that side. If it is so bounded on both sides, additional 0.5 metre strips shall be provided on both sides.
- 10 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
- 11 This permission relates to the application as revised by amended plan No 06/00296/COU B received by the Local Planning Authority on 19th April 2006
- 12 No deliveries shall be taken at or dispatched from the site outside the hours of 08:00am and 20:00pm including Sundays, Bank or Statutory Public Holidays.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the use remains compatible with the surrounding area to accord with policies NE5 and BE20 of the adopted Hinckley and Bosworth Local Plan.
- 3 Although traffic levels likely to be generated by the proposal is acceptable in highway safety terms, a more intensive use of the premises may be inappropriate and create dangers due to increased turning traffic. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the site does not deteriorate into an untidy condition to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To enable a vehicle to stand clear of the highway whilst the gates are opened and protect the free and safe passage of traffic, including pedestrians, in the public highway. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that adequate car parking and servicing facilities will be available to serve the premises when they are brought into use.
- 7 To ensure that an adequate line of vision is available in the interests of road safety to accord with policy T5 of the Hinckley and Bosworth Local Plan.
- 8 To reduce the possibility of deleterious material from the site being deposited in the highway (loose stones etc.) causing dangers to road users and to accord with policy T5 of the adopted Hinckley and 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. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 11 To define the permission.
- 12 To safeguard amenities of neighbouring properties 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 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)

- 3 In accordance with Section 76 of the Town and Country Planning Act 1990, the developer's attention is directed to the following items regarding the detailed design of the development hereby permitted in relation to buildings to which Section 175 of the Factories Act 1961 applies :-
 - a) Relevant provisions in Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and any subsequent amending legislation and
 - b) The Code of Practice for Access for the Disabled to Buildings by the British Standards Institution, reference BS 5810:1979.
- 4 The premises must fully comply with The Health and Safety at Work Act 1974.
- 5 The Highway Authority would seek to resist any future development proposals that would lead to a significant increase in turning traffic, accessing and exiting the site, on this section of Fenn Lane that is a Class III road.

Contact Officer:- S Cheshire Ext 5762

Item: 13

Reference: 06/00314/OUT

Applicant: Trafford Knitwear

Location: Trafford Knitwear Mill View Hinckley Leicestershire LE10 1XD

Proposal: DEMOLITION OF EXISTING FACTORY AND 15 - 21 JOHN STREET HINCKLEY AND ERECTION OF 14 APARTMENTS AND ASSOCIATED WORKS

Introduction:-

This is a resubmitted outline application for the demolition of an existing single storey factory and associated buildings together with four existing terraced dwellings fronting onto John Street and the erection of 14 apartments. This application is for siting and access only at this stage with all other matters reserved. The previous applications were refused on a number of grounds including overdevelopment, impact on amenity of neighbouring properties, inadequate provision of off-street parking, inadequate provision of amenity space and insufficient information for assessment of impact on highway safety and capacity. This resubmitted scheme takes into account the previous reasons for refusal and has reduced the number of proposed dwellings, amended the layout and increased parking provision.

The site is within a mixed residential/employment area of Hinckley and is currently accessed by a narrow road substandard in terms of both width and visibility. The access is shared by a historic cobbled public footpath (U76) that runs along the western edge of the boundary of the site known as Mill View. The site area measures 0.132 ha.

Two factories lie to the north and west of the site. To the south lies a compound belonging to Severn Trent Water Limited housing a covered reservoir. There are two storey terraced residential properties to the north and east of the site. The design statement proposes to maintain the existing street scene by erecting a new building in line with the existing properties along John Street and creating a much improved vehicular access from John

Street to the larger apartment block and parking/amenity areas to the rear. The central part of the site is occupied by a shared courtyard for parking and amenity with views from the existing public right of way bordering the west of the site. The indicative plans and elevation plans show two storey buildings and provide for 150% parking.

History:-

05/01137/OUT	Demolition of existing factory and associated buildings and erection of 14 apartments and associated access and parking	Refused	11.01.06
05/00353/OUT	Demolition of existing factory and associated buildings and erection of 18 flats and 2 town houses, associated access and parking	Refused	15.06.05
04/00226/COU	Part Change Of Use to occasional retail (temporary use)	Approved	21.04.04
99/00138/CONDIT	Extension to industrial premises	Approved	31.03.99
97/00305/COU	Change of Use to Hosiery manufacturing	Approved	29.05.97
96/00395/COU	Change of Use to light industrial use (B1)	Approved	26.06.96

Consultations:-

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

Head of Health and Environment
 The Borough Council's Land Drainage Engineer
 Director of Environment and Heritage Services (Rights of Way)
 Severn Trent Water Limited
 Leicestershire Constabulary Crime Reduction Officer.

Environment Agency advise that the site is located on a minor aquifer and that the proposed development may have the potential to re-mobilise contaminants. The Agency does not object to the application in principle but requires conditions relating to the submission of a desk top study to assess the previous uses of the site, identify potential contaminants, assess the risks and appraise the options for appropriate remediation measures.

Director of Highways, Transportation and Waste Management has no objections subject to standard conditions as it could not be demonstrated that the development would result in a material increase in traffic visiting the site when considering the existing permitted use and an improved access is being provided as part of the proposal.

Leicestershire County Council, Library Services, Waste Management and Ecology would all require developer contributions should planning permission be approved.

Primary Care Trust would require developer contributions should planning permission be approved.

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

Ramblers Association
Neighbours
Site Notice
Press Notice.

Development Plan Policies:-

Government Advice

Planning Policy Guidance 3 Housing encourages the use of previously developed land within urban areas in preference to the development of Greenfield sites for housing. It promotes more sustainable patterns of development and the more efficient use of previously developed land. New housing and residential environments should be well designed and should make a significant contribution to promoting urban regeneration and improving the quality of life.

Planning Policy Statement 23 advises that extreme caution should be taken in the granting of outline planning permission unless the Local Planning Authority is satisfied that sufficient information has been provided by the applicant about the condition of the land and its remediation and the full range of environmental impacts arising from the proposals to be able to grant permission in full at a later stage.

Structure Plan Policies

Housing Policy 5 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996-2016 seeks to achieve a mix of housing types and design with densities of 40 dwellings per hectare. Strategy Policy 10 encourages the promotion of good design in development schemes.

Local Plan Policies

The site is within the settlement area of Hinckley as defined in the adopted Hinckley and Bosworth Local Plan. 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. 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 on and off street parking for residents and visitors together with turning facilities and should not adversely affect the occupiers of neighbouring properties.

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

The Borough Council's Supplementary Planning Guidance on New Residential Development provides further guidance for developers on density, design, layout, space between buildings and landscaping/boundary treatments along with highways and parking. The main aims of the guidance are to ensure that new developments are well integrated into their surroundings and offer a good standard of security and amenity to future residents whilst protecting the amenity of existing occupiers. Housing developments should make efficient use of land and be of appropriate density taking into account the general character of the surrounding area and the provision of necessary open spaces. Layout should seek to

maximise amenity and visual interest and provide safe and convenient vehicular and pedestrian access.

Policy NE2 of the Local Plan states that planning permission will not be granted for development which would be likely to suffer material harm from either existing or potential sources of soil pollution.

Policy T5 of the Local Plan refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified.

Supplementary Planning Guidance for Play and Open Space Guide requires a financial contribution towards formal and informal public open space if it cannot be provided within the site.

Appraisal:-

The Principle

The site, although currently used for employment purposes, is not identified as being an employment site in the adopted Hinckley and Bosworth Local Plan therefore the use of the site for residential development is considered acceptable in principle, subject to the design, density, scale and layout being satisfactory.

Density

Government advice in Planning Policy Guidance 3 welcomes the reuse of previously developed land in order to promote regeneration and minimise the amount of greenfield land taken for development. The more efficient use of land by increasing housing densities is strongly argued in the guidance whilst it also acknowledges that imaginative designs and layouts improve the attractiveness of residential areas.

The Local Plan also states that high densities will be acceptable in certain circumstances, for example where the development would provide for the needs of single person households, the elderly and affordable accommodation, where the development is within or adjoining town centres or where the site is directly accessible to good public transport services.

The proposal would result in an overall density of 106 dwellings per hectare which is higher than Government guidance (30 - 50 dwellings per hectare) however, this represents a substantial reduction from the previously refused schemes and the density is high due to the number of flats included in the proposal. The site is some distance from the Town Centre however 150% off-street parking is provided within the curtilage of the site, there are public transport routes within walking distance and the design statement submitted indicates that the properties would be towards the more affordable end of the property market.

Layout and Design

The scheme proposes to replace the existing 4 X two-storey terraced houses fronting onto John Street with a two storey block of four apartments leading to a larger two storey block of 12 apartments at the rear of the site with amenity and parking areas between. In principle the replacement of the terraced houses fronting onto John Street is encouraged in order to re-establish the existing street scene. The design of these dwellings would need to reflect the appearance and character of the existing two-storey terraced houses either side and opposite. The indicative elevations do show a design that resembles the terraced housing fronting John Street and is considered to be in keeping with the existing street scene.

The minimum distance of 25 metres between habitable room windows of dwellings as outlined in the Council's Supplementary Planning Guidance has been achieved by siting the larger block of apartments towards the rear of the site with small private amenity spaces provided for the ground floor flats to the rear of the block. The indicative elevations show a block with uniform ridge height and similar design details to the proposed apartments fronting John Street to resemble a block of terraced houses. The resubmitted scheme indicates a further reduction of 0.6 metres in the ridge height to 9.2 metres. The central shared parking and amenity areas are likely to have natural surveillance not only from the apartments themselves but also from the public footpath known as Mill View that is adjacent to the western boundary of the site. It is suggested that suitable metal railings be erected on this boundary.

Residential Amenity

The orientation of the proposed 2 storey block of flats will necessitate a number of windows facing onto the rear gardens of the existing terraced properties in John Street, however the general layout of the proposed flats in relation to these properties complies with the guidelines set out in the Council's Supplementary Planning Guidance in terms of distance.

The ground floor apartments in the larger block to the rear are provided with small private amenity areas and the remaining apartments have a small communal area to the south-western corner of the site, together with other small areas of planting.

A vast majority of the central area is taken up by car parking and turning areas therefore there is only a limited amount of amenity space available to future residents, however, given the nature of the development, on balance the level provided is considered to be acceptable.

Highway Safety

Both Planning Policy Guidance 3 and 13 stress that Local Planning Authorities should reassess their off-street parking requirements for housing development and allow for lower levels close to Town centres and where services are readily accessible by other means. The current proposal provides for 21No. car parking spaces i.e. 11/2 spaces per unit (150%). This meets the vehicle parking guidelines in the Local Plan.

A traffic statement provided as supporting evidence to the application by the applicant concludes that the site is central to Hinckley, close to bus routes, shops and schools and therefore sustainable for 150% parking consistent with other comparable recent development within the town centre. It states that the removal of commercial traffic and uses associated with the site and a much improved access to John Street will be a net benefit in terms of highway safety.

The Highway Authority have stated that they have no objections to the proposal as they feel unable to demonstrate that the proposed development would result in a material increase of traffic visiting the site when considering the potential parking demand for a fully utilised existing permitted use, in addition an improved access is being provided as part of the proposal.

Open Space Provision and Developer Contributions

A financial contribution towards the provision and maintenance of formal and informal public open space provision will be required as this has not been provided on site. A contribution amounting to £1,850 per additional dwelling will be required which amounts to £18,500 (10 units net) in order to meet the objectives of both the adopted Green Space

Strategy and recommendations of the Parish Public Open Space Quantity/ Accessibility Audit 2005.

The County Council would also require financial contributions towards Library Facilities and Waste Management. As this application is in outline only, the following contributions have been based on each additional unit being a two bedroom apartment, Waste Management would require £411 (£41.13 per extra unit) towards improvements for the Civic Amenity site at Barwell, Library facilities would require £530 (£52.87 per extra unit) towards books and other materials. These sums may vary accordingly.

Primary Care Trust would require a financial contribution of £3,214 towards the provision of new facilities or improvements to existing facilities.

Conclusion

The use of the site for residential development is acceptable in principle and the resubmitted scheme is considered to take into account previous reasons for refusal. The density, and likely height and mass of the proposal have been reduced and adequate off-street parking has been provided within the curtilage of the site. The Environment Agency do not object to the proposal but recommend conditions to address the previous reason for refusal concerned with potential land contamination and remediation. The indicative footprint and elevations provided with the application are considered to be acceptable in design terms and in keeping with the appearance and character of the existing dwellings and street scene. Therefore on balance it is considered that the application should be approved.

RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972 towards public play and open space, health facilities, library facilities and waste management, the Head of Culture and Development be granted powers to issue planning permission subject to the following conditions below. Failure to complete the agreement by the 26th June 2006 will result in the application being refused.

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, T5 and RES5 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 Nos 5547-O1D and 5547P-O2C received by the Local Planning Authority on 11th May 2006
- 3 Before the development is commenced, full details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority.
 - a) The design and external appearance of the proposed buildings
 - b) The external building materials
 - c) The method of disposal of surface and foul water drainage which shall be on separate systems
 - d) The provision to be made for landscaping of the site
 - e) The provision to be made for screening by walls and fences
 - f) The details of any lamps to be erected within the site
 - g) The floor levels of the proposed buildings in relation to the existing ground level and finished floor levels of the site.

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

- 4 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed buildings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 No building on any part of the development hereby permitted shall exceed two storeys in height.
- 6 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- 7 No development approved by this planning permission shall be commenced until:-
 - a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) of the site for all potential contaminant sources, pathways and receptors shall be produced.
 - b) A site investigation has been designed for the site using the information obtained from the desk study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must enable a risk assessment to be undertaken relating to ground and surface waters both on and off the site which may be affected, and refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements.
 - c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been completed.
 - d) A Method Statement detailing remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to remediation being carried out on the site. Prior to the commencement of main site works the approved remediation works shall be completed in accordance with the approved method statement to the satisfaction of the Local Planning Authority. Appropriate validation of the remedial scheme shall be submitted to the Local Planning Authority for written approval.
- 8 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.
- 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 A public sewer crosses the site and no building shall be erected or trees planted within 2.5 metres of this sewer, unless otherwise agreed in writing with the Local Planning Authority.

- 11 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.
- 12 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.
- 13 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 10 metres behind the highway boundary and shall be hung so as to open inwards only.
- 14 Before first occupation of any dwellings hereby approved, car parking and turning facilities as shown on the approved plans shall be provided within the curtilage of the site and shall remain available for such use at all times thereafter.
- 15 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 10 metres behind the highway boundary and shall be so maintained at all times.
- 16 Before first occupation of the dwellings 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.
- 17 Notwithstanding the details shown on the approved plan, the private shared access road shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the highway boundary and have 6 metres kerbed radii at its junction with the adopted road carriageway. The access road once provided shall be so maintained at all times.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 In the interests of visual amenity.
- 6 To avoid water pollution.
- 7 To ensure the site is suitable for its intended use and to protect the quality of the water environment to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 8&9 To ensure the safe development of the site and to protect the amenities of future occupiers to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- 10 To maintain essential access for maintenance, repair and renewal and to protect the structural integrity of the public sewerage system.
- 11 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.
- 12 To prevent the possibility of surface water from the site being deposited in the highway causing danger to road users.
- 13 To enable a vehicle to stand clear of the highway to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 14 To ensure that adequate off-street parking and turning facilities are available and to ensure that vehicles may enter and leave the site in a forward direction in the interests of road safety and to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 15 To reduce the possibility of deleterious materials (loose stones etc) being deposited in the highway and in the interests of highway safety.
- 16 To ensure that an adequate line of vision is available in the interests of road safety to accord with policy BE1 of the Hinckley and Bosworth Local Plan.
- 17 To ensure that vehicles entering and leaving the site may pass each other clear of the highway in the interests of road safety.

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 proposed structure is to be built in close proximity to a public sewer and therefore the foundations of the structure shall be placed at an approved depth such that no load will be transmitted through the ground onto the existing sewer. No part of the building shall be constructed close to the sewer than 2.5 metres.
- 3 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.
- 4 Demolition of the existing buildings requires notification to the Building Control Section of the Local Planning Authority in accordance with Sections 80 and 81 of the Building Act 1984.
- 5 The applicant is advised that owls and bats are protected species under the Wild life and Countryside Act 1981 and should work proceed and any of the above species be discovered, the applicant should contact English Nature immediately.
- 6 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).
- 7 The applicant's attention is drawn to the contents of the attached report provided by the Environment Agency in respect of site drainage, potential land contamination, risk assessments and remediation measure.

- 8 The applicant's attention is drawn to the contents of the attached report provided by the Leicestershire County Council (Rights of Way) in respect of public footpath U76 (Mill View) that abuts the western boundary of the site.
- 9 The applicant's attention is drawn to the attached report provided by Leicestershire Constabulary in respect of crime reduction.
- 10 The applicant's attention is drawn to the attached report provided by Severn Trent Water Ltd regarding an existing public sewer.
- 11 In relation to conditions 7 and 8 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 :- R. Wright Ext 5894

Item: 14

Reference: 06/00335/FUL

Applicant: Mr Steve Brooker

Location: Hillside Main Street Botcheston Leicester LE9 9FF

Proposal: DEMOLITION OF THE EXISTING DWELLING AND ERECTION OF TWO DWELLINGS WITH ASSOCIATED PARKING AND ACCESS

Introduction:-

This application seeks full planning permission for the demolition of Hillside, Main Street, Botcheston and the erection of two detached dwellings with attached garages. The site measures approximately 1450 square metres and is accessed from Main Street. The site lies on the south side of Main Street approximately 70 metres west of the village hall and is bounded to the north, east and west by residential and to the south by open countryside.

The site itself comprises a 1950's two storey dwelling of light red brick and grey tiled pitched roof construction in the centre of the site, an outbuilding in the south-west corner with the remainder of the site being overgrown garden area. There are a number of established trees on the site and established hedges run across the frontage of the site as well as the side boundaries. A field access runs along the west boundary of the site from Main Street to a field at the rear which are also in the ownership of the applicant.

Information submitted in support of the application describes the village as comprising of mainly spacious, detached houses with gabled roofs and four or more bedrooms. The details include an assessment of average plot widths which concludes that on the south side of the village the average plot width is 17.34 metres and on the north side the average plot width is 18.17 metres. The details state the site has an area of 1437 square metres and a site frontage of approximately 34 metres. The proposed buildings are described as having differing styles replicating a number of architectural features found within the village. The details state an intention to keep density low so as not to spoil the street scene and that the proposed development is in keeping with the character of the locality in which it is situated.

History:-

No relevant history.

Consultations:-

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

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

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

One letter has been received from local residents in support of the application with the following comments:-

- a) two dwellings should be a maximum due to a traffic problem in the area
- b) it would be beneficial if the buildings were set back to allow for plenty of off street parking.

A survey of neighbouring dwellings has also been submitted, undertaken by the applicant, with eight responses in support of the application and making the following comments:-

- a) the properties will enhance the appearance of the village
- b) any more than 2 dwellings would be too close together with limited gardens
- c) any more than 2 dwellings would create further traffic and pollution
- d) any more than 2 dwellings would spoil the street and cause overcrowding
- e) a proposal for 4 to 7 dwellings would be strongly opposed as this would create a cul-de-sac.

Development Plan Policies:-

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

National Guidance

Planning Policy Guidance Note 3 (PPG3) and its successor Planning Policy Statement 3 (PPS3), currently at consultation stage in draft form, seek to make more effective use of previously developed/underdeveloped land to minimise the amount of greenfield land being taken for development.

Structure Plan

Housing Policy 5 of the Leicestershire, Leicester and Rutland Structure Plan states that housing development should be of a type and design to achieve as high a net density as possible, taking account of proximity and accessibility to centres, a mix of house types to establish socially mixed communities, good principles of design and layout which make the most economical use of land and respect the local context and green space and landscaping requirements.

Local Plan

Policy BE1 of the Local Plan states that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area;

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

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

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

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

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

Appraisal:-

Principle

The site is located within the settlement boundary of Botcheston where residential development is looked upon favourably providing there is no adverse impact on the amenity of neighbours, character of area and highways.

Density

National and regional policy seeks a density of between 30 and 50 dwellings per hectare for all new residential developments to promote the better use of land. The application site measures approximately 1440 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 2 dwellings would result in a density of 14 dwellings per hectare. It is considered that whilst 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 the proposed density of 14 dwelling per hectare is too low and is considered underdevelopment of the site. There are dwellings within the vicinity at a higher density, notably the adjacent dwellings Coombe-leylands, Belmore, One Oak and Lashmars are at a density of 24 dwellings per hectare. The dwellings opposite at no.'s 6, 8 and 10 Main Street are at a density of 25 dwellings per hectare and the cul-de-sac Berrington Close is at a density of 34 dwellings per hectare.

The policy referred to above recognises the finite nature of development land and seeks to maximise the use of development on previously developed sites within existing settlements. This proposal for only 2 dwellings on the site would not be making the most effective use of land. Whilst there is a need to maximise the density of the site this must not be at the expense of character of the area. In this instance it is considered that the site could easily accommodate 3 frontage dwellings at a density of 21 dwellings per hectare without an adverse impact on the character of the area.

Design and Layout

The proposal seeks permission for two large dwellings set approximately 14 metres back from Main Street, the larger of the two properties has a double garage attached to the side which has rooms in the roof, with the smaller property having a double garage attached to the front. The frontages along Main Street are very open and there is some concern regarding the garage to the front of the proposed dwelling. However, the garage is set 7 metres back from Main Street and has its roof hipped away from Main Street and is therefore considered acceptable.

The larger dwelling has a gabled roof, mirrored gabled features fronting Main Street, arched brickwork above all openings, feature corbelling, natural stone sills and a natural stone plinth. Many of these features are considered to mirror those within the village and are combined to give an attractive appearance which is considered acceptable.

The smaller dwelling has a gabled roof with a forward projecting gabled to its east side, natural stone plinth, natural stone sills, a feature bay window and feature corbelling. The proposal includes arched brickwork above the ground floor and side windows, with the first floor windows meeting the corbelling to give more of a cottage style appearance. The appearance of the proposed dwelling is considered acceptable.

The Structure Plan seeks good principles of design and layout which make the most economical use of land. The proposed development seeks permission for dwellings of substantial width and limited depth, in particular the larger of the two properties, including the attached double garage, is 17.6 metres wide and only 9.7 metres deep. It is not considered that the proposed dwellings have been designed in such a way to make the most economical use of land which further highlights the underdevelopment of this site.

Highways

At the time of writing comments have not been received from the Highway Authority. The proposal incorporates sufficient parking within the site. Further comments will be included as a late item.

Financial Contributions

The application proposes 2 residential units therefore contributions of £1,850 per dwelling towards Play and Open Space would be required. The site lies within 400 metres of Botcheston Playing Field where there is a recognised need for improvement to facilities.

Conclusion

The principle of residential development in urban areas is acceptable and encouraged not only by local, but national guidance. However, the same guidance requires the most efficient use of previously developed land at a density far higher than the proposed 14 dwellings per hectare. Whilst it is considered that the design of the proposed dwellings is acceptable, the Local Planning Authority must maximise opportunities for development within existing settlements to limit the need for future development on greenfield and open countryside sites. Naturally this must not be at the expense of creating an unduly adverse impact on the surrounding area. In this instance it is considered that the development of the site with 3 dwellings at a density of 21 dwellings per hectare would not create such an impact but would be an acceptable compromise from national, regional and local density standards. This proposal for 2 dwellings fails to make the most effective use of land within an existing settlement and is therefore recommended for refusal.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority the proposed development fails to make the most effective use of the proposal site, the proposed density of only 14 dwellings per hectare is considered underdevelopment of the site. The proposal is therefore contrary to Planning Policy Guidance Note 3 (PPG3), Housing Policy 5 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016, Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan, and the Supplementary Planning Guidance on New Residential Development.
- 2 In the opinion of the Local Planning Authority, the lack of any financial contribution to address the increase in pressure placed on the play and open space facilities of the local area by the proposed development would not accord with Government Circular 05/05, Strategy Policy 11 of the Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016, Policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Supplementary Planning Guidance on Play and Open Space adopted October 2002.

Contact Officer:- D Warden Ext 5691

Item: 15

Reference: 06/00361/FUL

Applicant: Rosemound Developments Ltd

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

Proposal: ERECTION OF DISTRIBUTION CENTRE AND OFFICES WITH
ASSOCIATED PARKING AND ACCESS

Introduction:-

This is a full planning application for the erection of a general industrial building on a plot of land of approximately 1.28 hectares located at the north western end of the Logix Park (formerly Grassplots) employment site. The site has frontages to the A5 and to the new footpath/cycleway link adjacent to the Ashby Canal.

The site has previously been granted consent for a unit for a locally based company, who were going to occupy this site and one immediately adjacent, however, it has now been confirmed that they only require one of the sites hence this application for a speculative unit. The building will be 12 metres in overall height with eaves at approximately 8.5 metres and will incorporate architectural elements previously approved for other buildings on the Logix Park development. These include accentuated curved roof profiles with pronounced eaves overhanging, external bracing features and contrasting elevation treatments. The overall floor area of the unit amounts to 5110 square metres incorporating 465 square metres of office space on the south-western elevation of the building. The proposal also includes car parking between the unit and the Ashby Canal for 65 vehicles (3 disabled), facilities for cyclists and a service area. The service area is located to the north of the unit between the proposed unit and the unit to the north on Plot 1, this will be screened along with the parking area from the Ashby Canal by a significant landscaping strip.

History:-

97/01066/OUT	Outline for general industry (Class B2 and warehousing (Class B8) including a new traffic island to the A5 and link road to Sketchley Lane Industrial Estate	Approved on appeal 23.03.99	
00/01167/REM	Siting, design and external appearance of six industrial units, layout of the estate and structural landscaping	Approved	19.07.01
03/00331/FUL	Primary infrastructure for whole estate comprising roads, footpaths, cycleways, drainage and structural landscaping	Withdrawn	10.10.03
03/01217/FUL	Resubmission of primary infrastructure incorporating a Design and Development Framework Document.	Approved	13.01.04
04/00882/FUL	Two general industrial buildings including ancillary offices with associated parking, Landscaping and plot access	Approved	17.12.04

Consultations:-

No objections have been received from:-

The Inland Waterways Association
The Head of Health and Environment.

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

The Borough Council's Land Drainage Engineer points out that at outline stage the surface run-off was to be managed by SUDs methods and that the Environment Agency endorsed this method.

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

The Ashby Canal Association raise concerns regarding the appearance of the unit from the canal and considers that the office area should overlook the canal to provide a more attractive appearance visually for canal users and users of the new unit.

British Waterways raise no objection but comments that visually car parking and servicing adjacent to the canal can result in a negative visual impact but recognises that this enables the building to be set further back from the canal to reduce the visual impact. Details of landscaping and boundary treatment are requested and they comment that there should be no drainage to the canal without the consent of British Waterways.

The Leicestershire Constabulary Crime Reduction Officer raises no objection and provides general comments regarding the safety aspects of the site layout. It is suggested that the barrier at the front entrance to the staff car parking area should be electronic to allow control by reception; the car park should be well lit; CCTV coverage should be considered and the offices require an access control system to improve security within the building.

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

Severn Trent Water
Transco
Highways Agency
Director of Highways, Transportation and Waste Management
The Health and Safety Executive.
Central Networks
Nuneaton and Bedworth Borough Council
Parish Council
Neighbours properties and businesses.

Development Plan Policies:-

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

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

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

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

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

Appraisal:-

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

This application proposes to construct a distribution centre with similar architectural features to units that have been previously permitted. The height, at approximately 12 metres, is lower than the adjacent unit by some 3 metres. The plans propose the unit to be located with the offices located on the southern elevation adjacent the A5. The offices form a feature-glazed projection that will be seen from all directions of approach. All elevations, except the north western elevation that faces the service yard, have full height glazed panels and full height braces, both of which assist to break up the elevations and provide visual interest. The service area is located to the north side of the building and will be screened from view by other units and mounded landscaping. It is considered that the

scheme provides a good form of development that will form a feature building adjacent the canal.

At this time the end user of the unit is unknown, and the application proposes 24 hours opening. The proposed use for the building accords with the original outline planning approval for the site and complies with the Development Plan in land use terms. The financial contribution towards off-site highway improvements, which was a legal requirement of the outline consent, has already been paid.

Planning permission has already been granted for a building on this site for a specific end user, however it is now apparent that the end user does not require the building hence this planning application. This application proposes a building that is located approximately 50 metres away from the canal and is separated by substantial landscaping. The Inland Waterways Association consider this proposal to be better located than the previous scheme and has less impact on the canal even though the design is uncompromisingly modern.

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

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies EMP3 and BE1 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 Notwithstanding the submitted details, no development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed building have been deposited with and approved in writing by the Local Planning Authority. The approved materials shall be incorporated into the development hereby permitted.
- 3 Before any development commences, the colour and treatment of the proposed fencing shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented as part of the development hereby approved.
- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - i) proposed finished levels or contours
 - ii) planting plans
 - iii) written specifications
 - iv) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - v) implementation programme.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

- 6 The gross floor area of the building, including mezzanine accommodation, shall not exceed 5,110 metres squared unless agreed otherwise by the Local Planning Authority in consultation with the Highways Authority.
- 7 No part of the development hereby permitted shall be occupied until a comprehensive green travel plan has been submitted to, and approved in writing, by the Local Planning Authority. Thereafter, the plan shall be fully implemented in accordance with the approved details.
- 8 Before the development hereby approved is first brought into use the car and lorry parking areas, service areas and access roads shall be surfaced in accordance with the approved plans and retained for those purposes at all times thereafter.
- 9 No development shall take place until details of measures to be taken to prevent the deposit of materials, i.e. mud from vehicles leaving the site during construction works being deposited on the public highway, have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be retained and fully implemented for the duration of the construction period.
- 10 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- 11 No development shall commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as part of the development.
- 12 No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has previously been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitable qualified body approved in writing by the Local Planning Authority.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2&3. To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 To 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 adopted Hinckley & Bosworth Local Plan.
- 6 To restrict the size of the buildings and the ability to generate traffic movements in order to ensure the safe and efficient movement of traffic upon the A5 Core Trunk Road as part of the national system of routes for through traffic and for highway safety to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

- 7 In the interests of sustainability of the site to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that adequate car parking and servicing facilities will be available to serve the premises when they are brought into use.
- 9 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 To avoid water pollution.
- 11 To ensure satisfactory provisions are made for the drainage of the site.
- 12 To ensure satisfactory archaeological investigation and recording to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 The applicant is reminded of the requirements of the original outline planning permission for the Logix Park site (Ref 97/01066/OUT) as well as the accompanying legal undertaking and the need to comply with the requirements of the Infrastructure Permission (Ref 03/01217/FUL) particularly in relation to the Design and Development Framework Document.
- 3 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is a multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land ground or strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
- 4 In accordance with Section 76 of the Town and Country Planning Act 1990, the developer's attention is directed to the following items regarding the detailed design of the development hereby permitted in relation to buildings to which Section 175 of the Factories Act 1961 applies :-
 - a) Relevant provisions in Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and any subsequent amending legislation and
 - b) The Code of Practice for Access for the Disabled to Buildings by the British Standards Institution, reference BS 5810:1979.
- 5 The applicant is advised that Central Networks East have apparatus in close proximity of the site and it is advisable to contact Roger Bedford on 01332 393238 prior to commencement of development.

Item: 16

Reference: 06/00362/FUL

Applicant: Rosemound Development Ltd

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

Proposal: ERECTION OF DISTRIBUTION CENTRE AND ANCILLARY OFFICES
WITH ASSOCIATED ACCESS AND PARKING

Introduction:-

This is a full planning application for the erection of a distribution centre with ancillary offices to be constructed on a plot of land of approximately 2.68 hectares located between the A5 and the primary estate road within the Logix Park development. This site lies to the west of the entrance of the estate and helps form the gateway into the development. The overall floor space amounts to 12,263 square metres incorporating 1426 square metres of offices on the eastern elevation of the building. The proposal also includes car parking for 153 vehicles (6 disabled), facilities for cyclists and a substantial service area. The service area is located to the north western side of the building, which will be screened by adjacent new development and mounded landscaping.

The building will be 15 metres in overall height with eaves at approximately 11 metres and will incorporate architectural elements previously approved for other buildings on the Logix Park development. These include accentuated curved roof profiles with pronounced eaves overhanging, external bracing features and contrasting elevation treatments.

This application is an amendment to a previously approved scheme and differs only by an increase in the office space by 1056 square metres thereby decreasing the distribution floor space; an increase in parking spaces by 25; addition of canopy over three service entrances; additional windows to A5 frontage to serve additional office space; and inclusion in eastern elevation of a staff entrance with a simple canopy over.

History:-

97/01066/OUT	Outline for general industry (Class B2 and warehousing (Class B8) including a new traffic island to the A5 and link road to Sketchley Lane Industrial Estate	Approved on appeal 23.03.99	
00/01167/REM	Siting, design and external appearance of six industrial units, layout of the estate and structural landscaping	Approved	19.07.01
03/00331/FUL	Primary infrastructure for whole estate comprising roads, footpaths, cycleways, drainage and structural landscaping	Withdrawn	10.10.03
03/01217/FUL	Resubmission of primary infrastructure incorporating a Design and Development Framework Document.	Approved	13.01.04

04/01150/FUL	Erection of building for use within Classes B2 and B8, offices, parking and landscaping	Approved	17.12.04
05/01015/FUL	Distribution Centre and Ancillary Offices	Approved	30.11.05
05/01183/FUL	Distribution Centre and Ancillary Offices	Approved	25.01.06

Consultations:-

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

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

The Borough Council's Land Drainage Engineer points out that at outline stage the surface run-off was to be managed by SUDs methods and that the Environment Agency endorsed this method.

Leicestershire Constabulary Crime Reduction Officer raises no objection and provides general comments regarding the safety aspects of the site layout. It is suggested that the barrier at the front entrance should be an access control gate; the car park should be well lit and adequately secured with at least a hawthorn hedge; CCTV coverage should be considered; and the offices require an access control system to improve security within the building.

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

Severn Trent Water
 Transco
 Director of Highways, Transportation and Waste Management
 The Health and Safety Executive.
 Central Networks
 Nuneaton and Bedworth Borough Council
 Parish Council
 Neighbours properties and businesses.

Development Plan Policies:-

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

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

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

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

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

Appraisal:-

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

Planning permission has already been granted for a building on this site, however there was no known end user at the time. Since the granting of permission the unit has been let and the future occupiers require additional office space hence this planning application.

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

Although the end user of the unit is not public knowledge, it is proposed that the unit will provide employment for approximately 180 people. The use for the building will accord with the original outline planning approval for the site. The financial contribution towards off-site highway improvements, which was a legal requirement of the outline consent, has already been paid.

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

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1 and T5 of the 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 Notwithstanding the submitted details, no development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed building have been deposited with and approved in writing by the Local Planning Authority. The approved materials shall be incorporated into the development hereby permitted.
- 3 Before any development commences, the colour and treatment of the proposed fencing shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented as part of the development hereby approved.

- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - i) proposed finished levels or contours
 - ii) planting plans
 - iii) written specifications
 - iv) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - v) implementation programme.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 6 The gross floor area of the building, including mezzanine accommodation, shall not exceed 12,263 metres squared unless agreed otherwise by the Local Planning Authority in consultation with the Highways Authority.
- 7 No part of the development hereby permitted shall be occupied until a comprehensive green travel plan has been submitted to, and approved in writing, by the Local Planning Authority. Thereafter, the plan shall be fully implemented in accordance with the approved details.
- 8 Before the development hereby approved is first brought into use the car and lorry parking areas, service areas and access roads shall be surfaced in accordance with the approved plans and retained for those purposes at all times thereafter.
- 9 No development shall take place until details of measures to be taken to prevent the deposit of materials, i.e. mud from vehicles leaving the site during construction works being deposited on the public highway, have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be retained and fully implemented for the duration of the construction period.
- 10 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- 11 No development shall commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as part of the development.
- 12 No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has previously been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitable qualified body approved in writing by the Local Planning Authority.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2&3. To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 To 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 adopted Hinckley & Bosworth Local Plan.
- 6 To restrict the size of the buildings and the ability to generate traffic movements in order to ensure the safe and efficient movement of traffic upon the A5 Core Trunk Road as part of the national system of routes for through traffic and for highway safety to accord with Policy T5 of the Hinckley and Bosworth Local Plan.
- 7 In the interests of sustainability of the site to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that adequate car parking and servicing facilities will be available to serve the premises when they are brought into use.
- 9 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 To avoid water pollution.
- 11 To ensure satisfactory provisions are made for the drainage of the site.
- 12 To ensure satisfactory archaeological investigation and recording to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 The applicant is reminded of the requirements of the original outline planning permission for the Logix Park site (Ref 97/01066/OUT) as well as the accompanying legal undertaking and the need to comply with the requirements of the Infrastructure Permission (Ref 03/01217/FUL) particularly in relation to the Design and Development Framework Document.
- 3 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is a multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land ground or strata. Associated pipework should be

located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

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

Contact Officer:- T. Miller Ext 5809

Item: 17

Reference: 06/00463/DEEM4

Applicant: Simon D Jones

Location: Memorial Gardens Argents Mead Hinckley Leicestershire LE10 1BY

Proposal: ERECTION OF BANDSTAND WITH ENGINEERING AND ASSOCIATED EARTHWORKS

Introduction:-

This is a full application for the erection of a bandstand with associated engineering and earthworks within Argent's Mead as part of the wider enhancement proposals.

The application proposes the siting of a bandstand to the north of the main east-west footpath that crosses the Mead with related works to realign the minor footpaths in a circular design.

The application states that these works will allow a wide variety of local and regional musical performances to be hosted at the heart of Hinckley's commercial area.

The proposed bandstand is of traditional design with a 7.8m diameter constructed of steel and aluminium. The proposal is 2.8 metres to eaves and 5.7 metres to the pinnacle of the roof. The design incorporates the Council logo and is to be finished in black and gold. Internal lighting is proposed.

The application also proposes seating to the south of the main footpath facing the bandstand again in a radial design. The area immediately around the bandstand is to be re-graded to improve visibility. The existing benches will be repositioned to the new footpaths.

Further works include the removal of a secondary footpath around the castle moat and the resiting of benches. The existing mixture of railings will be removed and new railings reinstated where necessary.

History:-

No relevant history.

Consultations:-

At the time of writing this report no comments have been received from:-

Director of Highways, Transportation and Waste Management
Head of Health and Environment
The Borough Council's Land Drainage Engineer
The Borough Council's Conservation Officer
Leicestershire County Council Footpaths Officer
The Ramblers Association
Press Notice
Site Notice
Neighbour Consultations.

Prior to the submission of the application consultations have taken place with English Heritage, The Royal British Legion and local musicians along with the erection of a display within the council's main reception and articles in the local press.

Development Plan Policies:-

The site is situated within the settlement boundary of Hinckley and within the Hinckley Town Centre Conservation Area as identified in the adopted Hinckley and Bosworth Local Plan. Argent's Mead is also identified as a recreational site while the Castle Mound and Moat are a scheduled ancient monument.

Policy BE1 relates to the design and siting of development and seeks to secure attractive development and safeguard the environment. Development should compliment or enhance the character of the surrounding area while maintaining the amenity of neighbours.

Policy BE7 concerns development in Conservation Areas. This seeks the preservation or enhancement of the special character and appearance through sympathetic design, scale, siting and materials.

Development of recreational sites is controlled by Policy REC1. This seeks to protect recreational sites from development unless the development results in the enhancement of facilities.

Policy REC4 concerns proposals for recreational facilities. This states that proposals will be granted planning permission where the development does not have a detrimental impact upon adjacent land uses or upon the amenity of adjacent residents and where the form, scale and design of the proposal are in keeping with the area. Landscaping should be an integral part of the proposal and the rights of way network should not be affected.

Appraisal:-

The proposed development lies within the settlement boundary therefore there is a presumption that development is acceptable subject to conformity with other Local Plan policies.

The bandstand is of traditional design and will complement the existing Conservation Area. The proposed engineering works will allow the scheduled ancient monument at Castle Mound and the Memorial Gardens to be connected to Argent's Mead both visually and by way of improved footpath links.

The proposal is considered to enhance the current facilities and therefore is in line with Policy REC1 concerning development of recreational sites.

The proposal complies with Policy REC4 for new recreational facilities in that adjacent land uses, particularly, in the town centre, will have a positive benefit in terms of increased footfall. The proposal also improves the existing footpath network while retaining the principal east west route from St Mary's Church to Hill Street.

Conditions can be imposed to require further details of soft landscaping works and changes to levels across the site.

Conclusion

The application proposes improvements to the existing Argent's Mead area which are considered to be in line with Local Plan policies in terms of impact on the Conservation Area and the recreational site. The enhancement scheme aims to increase footfall within the town centre during events while enhancing the facilities available for public use. It is considered that the engineering and earthworks proposed are acceptable and that the bandstand will provide a suitable focal point to these works.

RECOMMENDATION:- That subject to no significant objections being received during the consultation period, the Head of Culture and Development be granted delegated powers to issue planning permission subject to the following conditions.

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies NE12 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 No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - i) proposed finished levels or contours
 - ii) means of enclosure
 - iii) planting plans
 - iv) written specifications
 - v) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - vi) implementation programme.
- 3 The hard landscaping scheme shall be carried out in accordance with the approved plan entitled Argent's Mead Enhancement Proposals v2 unless otherwise agreed in writing with the Local Planning Authority.
- 4 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.
- 2-4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

Contact Officer:- P Metcalfe Ext 5740