

REPORT P14

PLANNING COMMITTEE

18.07.2006

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: 06/00597/DEEM
Applicant: Hinckley & Bosworth Borough Council
Location: 30-41 Peggs Close Earl Shilton Leicester LE9 7BP
Proposal: CONVERSION AND ALTERATION OF FLATS INTO A MANAGED SINGLE ACCOMMODATION FACILITY COMPRISING 22 BEDSITS WITH SHARED FACILITIES

Introduction:-

This deemed application seeks permission for the change of use of the flats at 31-40 Peggs Close, Earl Shilton to a managed single accommodation facility comprising 22 bedsits with shared facilities. The application site measures approximately 2845 square metres and is accessed from Peggs Close and Candle Lane. The site lies to the north of Candle Lane between Peggs Close and Astley Road and is bounded on all sides by residential properties.

The site itself comprises 3 blocks of 3 storey flats, two of which are joined and are located to the north of the site and one of which is detached and located to the south of the site. The detached block has six one bedroom and six two bedroom flats. There are external brick built bin stores adjacent to each block, grassed and planted areas surrounding the blocks and a car park to north of the site, which is accessed from Peggs Close.

The application proposes to change the use and to convert the detached block into a managed single accommodation facility comprising 22 bedsits with shared facilities. In addition the proposal includes the addition of a roof to one of the bin stores adjacent to the detached block for use as a bike and pram store; a small extension to the Peggs Close entrance to the block; cedar cladding infilling between the existing bay windows and block paving to the existing pedestrian accesses to all three blocks.

Information submitted in support of the application describes the proposal as a conversion to a 24 hour 7 days a week fully supported single person accommodation complex to house single people who meet the government homelessness criteria. It states that these people are currently being housed in private bed and breakfast accommodation. It states the 24 - 7 full management of the complex is designed to supervise the residents; ensure the safety of the residents; signpost residents to other agencies for support and monitor the surrounding open plan areas and the other blocks. The details include a description of the proposed works detailing the staff accommodation; two furnished emergency bedrooms; 20 bedsits with those on the ground floor suitable for disabled users; shower and toilet on the ground floor for use by disabled persons; new access doors with electronic access system; CCTV surveillance cameras; showers, toilets, lounge, kitchen, laundry, storage rooms on each floor; conversion of part of existing bin store into lockable pram/cycle store; infilling between bay windows; block paving to replace tarmac paths and additional lighting to the open plan areas.

History:-

01/01200/DEEM Removal of Parapet Walls Deemed Approval 04.02.2002

Consultations:-

No objections have been received from:-
Environment Agency

No objections subject to standard conditions have been received from:-
Borough Council's Land Drainage Engineer
The Director of Highways, Transportation and Waste Management
Severn Trent Water

No response has been received at the time of writing from Head of Health and Environment

Earl Shilton Town Council suggests that a public meeting be held in order to address public fears.

Leicestershire Constabulary Crime Reduction Officer raises no objection but makes the following observations:-

- a) all cycle storage areas should be provided with ground anchor or wall shackles
- b) the staff area should be provided with a monitored alarm system, which includes a panic attack facility
- c) the development should be designed to Secure by Design standards and discussions on this matter are welcomed.

The area is described as on the edge of a hot spot location and describes hot spots as covering all incidents received by the Police. The details also question what type of access control is going to be used and what CCTV provisions are going to be put in place. In addition the response also states Section 17(1) of the Crime and Disorder Act 1998: Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in it's area.

Weavers Close C.E. Primary School expresses concerns regarding the lack of restrictions on the category of person who will be housed, which might include convicted criminals, drug addicts or paedophiles. If this is the case they object to the proposal on the following grounds:

- a) jeopardise the safety of pupils, staff and visitors
- b) security of the school, particularly outside of normal working hours
- c) detrimental impact on the ability to attract new pupils and keep present numbers intact
- d) catchment area is already described as an area of high deprivation.

Neighbours notified, 73 letters received raising the following concerns:-

- a) existing anti-social behaviour problems in the area
- b) proximity to schools
- c) the type of people who might occupy the proposed accommodation: ex-offenders, individuals with an ASBO, drug users/addicts, sex offenders, asylum seekers, paedophiles
- d) affect on property prices
- e) secrecy, lack of consultation or notice regarding the application
- f) inappropriate development in a family orientated location
- g) additional teenage presence in the area will cause distress to families and the elderly in the area
- h) limited police presence in the area

- i) existing issues with loud music, drug dealing, abusive and aggressive behaviour, vandalism, antisocial behaviour and crime
- j) the number of 16 -18 year olds in one place
- k) distance from essential services and support agencies
- l) noise and disturbance
- m) high density
- n) insufficient parking and on-street parking problems
- o) lack of consideration of the current residents
- p) potential future conversion of the remaining blocks
- q) children will no longer be able to walk to school unaccompanied
- r) potential health risks from discarded needles
- s) proposed CCTV and wardens suggest tenants which will cause nuisance or harm
- t) lack of control of residents when outside of the complex
- u) the money to fund the scheme could be better spent elsewhere
- v) recent progress will be thwarted by the proposed development.

A petition to oppose the proposed development, signed by 842 people, has been received with the following title:-

As residents of Earl Shilton we URGE you, the Planning Committee, to deny this application. How can you possibly grant a change of usage for these properties when Planning at HBBC - by their own admission - do not know what they will be used for! YES we understand that HBBC will use the converted property to help relieve pressure on funding used for B&B but that is all we know. As residents we beg of you to use your common sense in this issue and to deny this application UNTIL such time as HBBC provide full details of the criteria for allocating rooms in this property. Speculation and rumour is rife in our village mainly due to the lack of answers from HBBC and also due to the underhand way this whole issue has been dealt with by HBBC. Please HBBC lets deal with this issue the correct way by having a clear indication of the types of people that will be allocated rooms in this property BEFORE the planning application is passed.

As this is a deemed application where a large number of objections have been received the Government Office for the East Midland (GOEM) have been consulted. However, they do not consider that the application meets their criteria to be called in, as it does not have an impact on the wider region.

Development Plan Policies:-

The site lies within the settlement boundary for Earl Shilton, 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 and to provide a mix in the size, type and location of housing in order to create mixed communities.

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.

Policy RES8 of the adopted Local Plan states that planning permission for development proposals for the subdivision of buildings with an existing residential use within settlements, to flats or bedsits, will be granted where they are satisfactory in terms of adequate provision of on-site parking; the effect on the amenities of neighbours and the effect on the general character of the surrounding area.

Policy T5 of the adopted 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 Earl Shilton where the subdivision of buildings to form bedsits may be acceptable depending on adequate on-site parking, the effect of the amenities of neighbours and the effect on the general character of the surrounding area.

Intensification of Use and Impact on Neighbours

There are currently 6 one bedroom and 6 two bedroom flats. Taking each of these in turn, it is possible that the 6 one bedroom flats could accommodate, six couples equalling 12 people. The 6 two bedroom flats could accommodate 6 couples each with one child, equalling 18 people. At the other end of the scale, the one bedroom flats could accommodate 6 single individuals and the 6 two bedroom flats 6 single individuals each with one child. The block in its current use therefore has a capacity at the high end of 30 people and at the low end of 18 people. However, it is unlikely that either situation would be the norm and it is considered that for comparison the average of the two figures, 24 people, should be used.

The proposal is for one staff bedroom, two emergency bedrooms and 20 standard bedrooms, all for use by a single person, resulting in a maximum of 23 people. It is not considered that the proposed change of use would give rise to an intensification of the current permitted use as 6 one bedroom and 6 two bedroom flats. As such it is considered that the proposed change of use would not have an adverse impact on the amenities of nearby residents.

Design and Layout

The proposal includes limited external alterations to the buildings comprising of new access doors with an electronic access system; CCTV surveillance cameras; conversion of part of existing bin store into lockable pram/cycle store; infilling between bay windows; block paving to replace tarmac paths and additional lighting to the open plan areas. The proposed changes are considered acceptable. However, further details of the proposed doors, CCTV and lockable store will be required in order to satisfy the requirements of

Leicestershire Constabulary Crime Reduction Officer. In addition the staff area should be provided with a monitored alarm system, which includes a panic attack facility, this along with the details above will be dealt with by condition.

The proposal will retain the existing open plan complex which has no private amenity space. However, the complex does benefit from a large area of communal amenity space around the blocks themselves and to the northeast of the site and this is considered acceptable.

Impact on Character of Surrounding Area

The area surrounding the development is varied in character. Whilst there is a mix of dwelling types and styles the area consists predominantly of two storey terrace and semi-detached dwellings. Both PPG3/PPS3 and the Leicestershire, Leicester and Rutland Structure Plan seek a mix of property types and sizes to establish socially mixed communities. The proposal will provide a wider mix of housing and although there are no other such units in the near vicinity, the use is not considered to be out of keeping with the character of the area.

Highways

The site has an existing car park located to the north of the site and accessed from Pegs Close. However, the car park is not laid out with a specific number of spaces. It is considered that the car park could currently accommodate approximately 30 parking spaces. The Highway Authority has requested a condition requiring plans to be submitted and approved with specific spaces marked out within the existing car park.

Other Issues

A large number of letters and a petition have been received objecting to the application. The objections detail a number of issues including the affect on property prices, funding for the scheme, potential future conversion of the remaining blocks and various crime and anti-social behaviour problems. The vast majority of the objections focus on the 'type' of people who might occupy the proposed bedsits. Regarding the matter of crime and anti-social behaviour, Leicestershire Constabulary Crime Reduction Officer does not object to the application and as detailed above their security requirements will be secured by condition. The remaining issues above are not material planning considerations and cannot inform the decision making process. It is considered that all material planning considerations have been covered above.

Conclusion

The application proposes a change of use which it is considered, in planning terms, would not be dissimilar from the existing permitted use. It is unlikely there would be an increase in the number of people permitted to use the facility. It is considered that the proposal meets the relevant criteria set out in the local plan in that there is sufficient parking on-site, the effect on the amenities of neighbours would be limited given the lack of an increase in the number of people using the facility and the effect on the general character of the surrounding area is considered acceptable. There is widespread public concern regarding this proposal. However, this in itself is not a valid reason for refusal of a planning application and it is considered that the concerns do not relate to planning issues. As such the proposal is recommended for approval, subject to the following conditions.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, RES8 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 alterations 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 Before development commences, an amended plan shall be submitted to and approved in writing by the Local Planning Authority showing car parking spaces marked out within the existing car park, so as to maximise the number of spaces available. The approved scheme shall then be provided before the development is brought into use and shall thereafter permanently remain available for car parking.
- 4 Notwithstanding the submitted details, the shared private drive to the car park 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 junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.
- 5 No building shall be erected or trees planted within 3 metres of the 300mm public foul and public combined sewers which cross the site.
- 6 Before any development commences full details of a scheme to manage the facility shall be submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved details prior to the development being first brought into use and shall be maintained thereafter unless agreed in writing with the Local Planning Authority.
- 7 Before any development commences a liaison committee shall be formed to include the applicant, representatives of the Borough Council and Earl Shilton Town Council and local residents to consider methods to minimise the impact of the development.
- 8 Before any development commences full details of the proposed access doors including electronic access system, CCTV surveillance cameras and lighting shall be submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 9 The cycle storage areas shall be provided with ground anchor or wall shackles and the staff area provided with a monitored alarm system, which includes a panic attack facility. Before any development commences full details of which should be submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

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 adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

- 4 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 policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
 - 5 To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system
 - 6 To ensure the successful management of the facility to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
 - 7 To promote local discussion on the running of the facility to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 8&9 In the interests of security and crime reduction.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 3 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager - (telephone 01530 262380).
- 4 The runoff from the new roofs should discharge to soakaways, subject to satisfactory ground strata. Similarly the new paving should be permeable. As this is a site under single management the use of a SUDS system ought to be feasible from a management and maintenance point of view.
- 5 The applicants attention is drawn to the comments of the Environment Agency in their letter dated 9th June 2006, a copy of which is enclosed.
- 6 In relation to condition 5, please find attached a map of the sewers. In addition 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.
- 7 In relation to conditions 6 & 7, the applicant is advised to consult with the Leicestershire Constabulary Crime Reduction Officer.

Contact Officer:- D Warden Ext 5691

Item: 02
Reference: 05/01208/OUT
Applicant: JS Bloor (Tamworth) Ltd
Location: Land Rear of Barons Park Farm Desford Lane Kirby Muxloe
Leicestershire LE9 9BE
Proposal: RESIDENTIAL DEVELOPMENT AND NEW VEHICULAR ACCESS

Introduction:-

This application is an outline application for residential development and vehicular access off Barons Close. The site falls within two local authority districts: the access is located completely within Hinckley and Bosworth Borough; and the area for residential development falls completely within Blaby District. At this time the application submitted with Blaby has not been determined.

The site itself currently forms the rear gardens of Nos 7 and 9 Gullet Lane (Blaby District); it is proposed to access the site from Barons Close between Nos 48 and 56. The proposed access is currently a small block paved drive serving 5 dwellings, Nos 48, 50, 52, 54 and 56, currently this drive terminates to the front of No 54, the area between the drive and the garden of No 9 Gullet Lane is grassed, the boundary currently consists of a hedgerow. The site is completely surrounding by residential development.

The application, whilst in outline form indicates within the Transport Assessment that the site is likely to accommodate 31 dwellings, this calculates on a site area of 0.94 ha as 33 dwellings per hectare. This density is characteristic of the surrounding residential development. The access to the site that will be the only point of entry onto the estate is between Nos 48 and 56 Barons Close and it sweeps round passed the front of No 54 and comes within 4 metres of the front elevation to the property. Barons Close is a relatively new development that formed an allocated housing site within the Hinckley and Bosworth Local Plan.

History: -

None relevant.

Consultations:-

No objections from:-

Land Drainage Engineer
Head of Health and Environment.

The Director of Highways Transportation and Waste Management comments that the development would result in exceeding the limit of 150 dwellings off a single point of access and further land is available in the area that could increase this further. The transport assessment suggests an emergency access is available at The Huntings; this is not considered to be an acceptable solution due to level differences between The Huntings and Desford Lane and emergency accesses are notoriously difficult to control and administer. Further concerns were raised regarding the route being highly circuitous resulting in walking distances to destinations such as the school or village shops would be well over

800 metres. It is therefore likely that walking; cycling and public transport use would be reduced resulting in an unsustainable development. However whilst significant concerns are raised there have been no reported personal injury accidents in the past 5 years in the estate or at the junction of Barnes Close with Hedgerow Lane, and the junction is designed to modern standards and is capable of accommodating the newly generated traffic. As such it is considered there are no sustainable highway reasons for refusal.

Kirby Muxloe Parish Council objects to the proposal on the grounds of increase in traffic to the area; and impact on local amenities such as the local primary school.

At the time of writing the report there have been no formal comments from Blaby District Council, however officers at Blaby District Council have indicated their support for the application. They have also indicated verbally that a second application submitted by Taylor Woodrow has been approved subject to a Section 106 agreement for residential development of the site with access gained off Barnes Close, this application falls completely within the District of Blaby.

One letter of objection received raising the following concerns:-

- a) increase in traffic and subsequent disturbance due to position of traffic calming table directly resulting in vehicular acceleration, noise and fumes
- b) increase in traffic would devalue property
- c) increase in traffic adversely affecting highway and pedestrian safety
- d) when purchasing our property the developers did not indicate these plans were coming forward.

Development Plan Policies:-

The majority of the application site lies outside the jurisdiction of Hinckley and Bosworth Borough Council. The access to the site that lies within this district is located within a residential allocation indicated on the Local Plan proposals map (Policy RES10). This residential development lies on the edge of Kirby Muxloe, a settlement that lies within Blaby District.

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

Policy T5 refers to Highway standards and parking requirements.

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

Appraisal:-

As the site falls across the boundary of two local authorities, it is considered that it falls to consider the principle of the development as a whole. Whilst the majority of the site is within Blaby District Council the whole site is proposed to be accessed from within the

boundary of Hinckley and Bosworth Borough Council. It is the construction and use of this access to serve the residential development that is to be assessed.

The access, as described above, is via Barons Close between Nos. 48 and 56. There is currently a block paved drive in this position serving 5 dwellings. The proposal seeks to widen this access to meet highway adoption standards and extend the access to the boundary with No 9 Gullet Lane. The proposed access has been designed with a 5.5 metre wide carriageway and 1.8 metre wide footpaths either side. The access is proposed to sweep round in front of No. 54 Barons Close, coming within 4 metres to the front elevation of this property. The property currently has the block paved drive some 7 metres away with vehicles for only 2 other dwellings using this end of the drive. The character of the area is comparable to the end of a quiet cul-de-sac.

The proposal seeks to alter this character creating a through route to approximately 31 dwellings; when taking the average vehicle movements per dwelling it is calculated that the development would result in an additional 248 vehicle movements.

A resident fronting Barons Close has raised concerns whilst the affect on property values is not a material consideration; the concerns regarding the increase in traffic are to be considered. This property fronts onto Barons Close and has no front garden; it is thus located 4.5 metres from the edge of the vehicular carriageway. It is considered likely that the increase in traffic resulting from the proposed development will be significant for residents along Barons Close, and the slowing and acceleration of vehicles in the vicinity of the access point with Barons Close is likely to cause an increase in noise. Furthermore, cars entering the new development will by virtue of the orientation of No 54 cause detriment to amenity of residents due to car headlights shining directly into living accommodation.

Comments received from the Highway Authority whilst raising concerns indicate there is no justifiable reason for refusal on highway ground therefore concerns over road and pedestrian safety cannot be substantiated to justify refusal of the application.

Objections from the Parish Council include pressure on local amenities; this is an issue for the majority of new developments. However, the requirement for developer contributions towards infrastructure improvements generally addresses these issues.

Conclusion

It is considered that the vehicle movements associated with the new residential development would significantly adversely affect the amenity of the occupiers of No. 54. It is therefore considered that the principle of development on this site via the proposed access is an unacceptable form of development that should be refused planning permission.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, the proposed development will adversely affect the amenities of occupiers of neighbouring properties by virtue of the proximity of the proposed access to the dwellings and the significant increase in traffic and activity passing by the dwellings to serve the new development. The proposal is therefore contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- T Miller Ext 5809

Item: 03

Reference: 06/00352/FUL

Applicant: F E Downes Ltd

Location: 44 Westfield Road Hinckley Leicestershire LE10 0QW

Proposal: DEMOLITION OF EXISTING HOUSE AND ERECTION OF FOUR HOUSES AND SIX APARTMENTS

Introduction:-

This is a full application for the demolition of an existing house on land at 44 Westfield Road and the erection of four new houses and a block of six apartments. The land and existing building are currently vacant, but the site was last used as a horticultural nursery and included a glasshouse that has now been removed. An operational railway track runs along the rear of the site. The site is otherwise surrounded by residential properties; a detached bungalow to the west and two storey semi-detached houses to the east and opposite.

The scheme shows a single apartment block at the front of the site and a terrace of four two-storey houses to the rear, with rear-facing dormer windows. The apartment building is three-storey in height incorporating dormer windows to both the front and rear elevations. Amended plans have been submitted reducing the overall height of the apartment block and scale of the dormer windows following officer recommendation.

Eight off-street parking spaces are provided for the four new houses (200%) and nine spaces for the six proposed apartments (150%). All the spaces would be provided within the site to the rear of the proposed apartment building.

A design statement has been submitted which identifies the existing built form and sets out the design parameters of the proposal eg completing the street frontage.

A transportation assessment has been submitted in support of the application demonstrating the likely traffic generation resulting from the use of the site as a garden centre in comparison to the proposed use. Members may re-call a similar scheme previously refused on the basis that the applicant had failed to demonstrate that the traffic likely to be generated would not constitute an unacceptable increase in traffic over the previous use.

It should be noted that, whilst planning permission has previously been granted for the development of land forming part of the current application site, these proposals excluded the existing building, No.44 Westfield Road, and was for three dwellings only.

History:-

05/00059/FUL	Demolition of existing house and erection of four houses and seven flats	Refused	18.05.05
04/01057/FUL	Demolition of existing house and erection of four houses and eight apartments	Withdrawn	29.11.04

02/01435/FUL	Erection of three dwellings and garaging	Approved	07.11.03
00/00865/OUT	Demolition of existing greenhouse and erection of two dwellings	Approved	15.02.01

Consultations:-

No comments received at the time of writing the report from Severn Trent Water.

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

Director of Highways, Transportation and Waste Management
 Environment Agency
 Leicestershire Constabulary Crime Reduction Officer
 Borough Council Land Drainage Engineer
 Network Rail.

Neighbours notified and 3 letters of objection received raising the following concerns:-

- a) highway safety
- b) three storey buildings are out of character
- c) overlooking and loss of privacy
- d) visibility is obstructed by a row of mature trees
- e) there are existing on street parking problems
- f) disruption from refuse collection vehicles in the highway
- g) inaccurate details referred to in the traffic assessment
- h) the trees are not accurately shown in the design statement
- i) that the boundary hedge with 46 Westfield Road.

Development Plan Policies:-

The site is within the settlement boundary for Hinckley as defined in the adopted Hinckley & Bosworth Local Plan.

Policy RES 5 of the Hinckley and Bosworth Local Plan makes provision for the development of sites within settlement boundaries so long as the siting, design and layout of the proposal does not conflict with the relevant plan policies.

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

Supplementary Planning Guidance (SPG) provides further guidance on residential development and financial contributions towards Play and Open Space.

Appraisal:-

Principle

Residential development of this site has already been established with the grant of previous planning permissions on the land associated with the existing dwelling on the site. The current application, however, significantly increases the number of previously proposed dwellings on the site from four (the existing house and three new dwellings) to ten. This

accords with the increased densities recommended in Government guidance contained in Policy Planning Guidance 3: Housing (PPG3), to make better use of previously-developed land.

Design

The nature of the site and its surrounding properties presents limitations for the design implications of the proposal. The mix of properties adjacent to the site means that the proposal needs to be carefully designed in order to ensure the development sits comfortably within the street scene. During previous discussions with the developers and their agents in regards to a development of this type, the Local Planning Authority has suggested that the design should reflect the height of the neighbouring semi-detached dwellings and a façade that includes similar bay window features.

In terms of visual amenity the design of the proposed apartment block has attempted to incorporate features of the surrounding properties. Whilst the apartment block has incorporated dormer windows to achieve a third-storey, the amended proposal has lowered the ridgeline of the previously submitted scheme, and reduced the scale of the dormer windows to help create a more satisfactory overall appearance.

Residential Amenity

With regard to residential amenity, the proposed scheme has attempted to alleviate any potential impact on the adjacent bungalow by setting the apartment building in from the common boundary by approximately 4.8 metres. This distance has increased from previous schemes and not only helps to improve the relationship of the development with the neighbouring bungalow but also increases the access width.

The side facing windows of the apartment building relate to a stairway and the kitchens of some apartments. The use of obscured glazing can be conditioned as part of any approval to reduce any detrimental impact on the neighbouring dwellings, in the interests of residential amenity.

There are no objections to the proposed four terrace houses to the rear of the site, as it is considered to be no significant further impact on visual or residential amenity over and above that of the previously approved development for three detached houses at the rear.

There is a substantial hedge along the common boundary of the site with the neighbouring property at No 46 Westfield Road and is detailed on the submitted site layout plan. It is considered that the retention of this hedge would also reduce any potential impact on the residential amenity of the neighbouring bungalow.

Highway Considerations

The parking provision for the proposed development meets the parking standards by achieving eight parking spaces for the four new houses (200%) and nine spaces for the six proposed apartments (150%). All spaces are provided to the rear of the apartment building.

Whilst the Highway Authority previously objected to the proposal, it is considered that the traffic assessment submitted demonstrates that the number of vehicle movements associated with the proposed development are unlikely to exceed the level generated by the previous use of the site as a plant nursery. In addition, the proposal also includes an improved access and improved level of parking provision and turning facilities within the site, than that previously available for the nursery. As such the Highway Authority is not in a position to sustain a reason for refusal and has suggested the proposal is approved subject to a number of conditions.

Developer Contributions

The application would, if approved, require a contribution towards play and open space provision from three of the dwellings and all six flats. This would equate to £17,100 in line with 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 require a financial contribution of £510 towards library facilities and a contribution of £370 made payable towards civic amenity, if the application receives approval. No request has been made for Education contributions. The Primary Care Trust has requested a contribution of £2296 towards the provision of healthcare facilities.

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 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 30th August 2006 will result in the application being refused.

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

- 1 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 06/00352/17A/FUL received by the Local Planning Authority on 3rd July 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 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.
- 4 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 7 metres behind the highway boundary and shall be hung so as to open inwards only.
- 5 No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.
- 6 Before first occupation of any dwelling hereby permitted turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.
- 7 For the period of construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the highway.
- 8 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 9 The car parking facilities shown within the curtilage of the site shall be provided before the first use of the development hereby permitted and shall thereafter remain available for such use.

- 10 Before first use of the development 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 7 metres behind the highway boundary and shall be so maintained at all times.
- 11 The proposed access shall have an effective width of a minimum of 4.8 metres for a distance of at least 5 metres behind the highway boundary. The access drive once provided shall be so maintained at all times.
- 12 Notwithstanding the details shown on the submitted drawings, development shall not begin until a scheme for protecting the proposed dwellings from noise from the adjacent railway 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 first occupied.
- 13 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) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - (v) implementation programme.
- 14 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.
- 15 The hedge indicated on the approved plan shall be retained and shall not be cut down, uprooted or destroyed without the prior approval of the Local Planning Authority. If the hedge is to be found dying or diseased within five years from the completion of the development hereby approved it shall be replaced by a hedge of a size and species to be agreed therewith.
- 16 No development shall commence on site until details of the proposed disposal of surface water and foul water, to serve the development hereby permitted, have first been submitted to and approved in writing by the Local Planning Authority.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 To enable a vehicle to stand clear of the highway whilst the gates are opened.
- 5 To ensure that an adequate line of vision is available in the interests of road safety to accord with policy BE1 and T5 of the Hinckley and Bosworth Local Plan.

- 6 To ensure that vehicles may enter and leave the site in a forward direction in the interests of road safety to accord with policy BE1 and T5 of the Hinckley and Bosworth Local Plan.
- 7 To reduce the possibility of deleterious material (mud, stones etc) from being deposited in the highway and becoming a hazard for road users.
- 8 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.
- 9 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
- 10 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
- 11 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.
- 12 In the interests of residential amenity to accord with Policy BE1 of the Hinckley and Bosworth Local Plan.
- 13 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 14 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.
- 15 To ensure that the existing hedge is retained and protected to safeguard amenities of neighbouring properties to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 16 To ensure that adequate drainage is provided for the development.

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 - (telephone 01455 283341)
- 3 In regards to Condition 11, if the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is bounded on both sides, additional 0.5 metre strips will be required on both sides.
- 4 In relation to Condition 16 the drainage systems should incorporate SUDS principles.

Contact Officer:- E Macdonald Ext 5682

Item: 04

Reference: 06/00441/OUT

Applicant: Studon Holdings

Location: Stockwell House 12 - 16 New Buildings Hinckley Leicestershire LE10 1HW

Proposal: DEMOLITION OF EXISTING BUILDING AND ERECTION OF A FOUR STOREY BUILDING COMPRISING COMMERCIAL (A1, A2 & A3) USES AND UP TO THIRTY SIX RESIDENTIAL UNITS WITH PARKING AND ASSOCIATED DEVELOPMENT

Introduction:-

This is an outline planning application proposing the demolition of an existing four-storey office building (Stockwell House) and its redevelopment for commercial and residential mixed use. The site consists of 0.15 hectares and is located to the north of the town centre fronting both New Buildings and Stockwell Head.

The site occupies a visually important location in the street scene and lies opposite three-storey Victorian buildings fronting New Buildings, including a public house, retail and commercial premises. Beyond the modern offices immediately to the south of the application site lie further Victorian commercial and retail premises.

No matters are included for approval with the application, although layout plans have been submitted for illustrative purposes.

Accompanying the application is a design statement which recognises the importance of the location and provides an analysis of the existing site and basic design principles. It adds that a mixed use scheme is proposed, comprising parking on the lower ground/basement, commercial units on the upper ground level (including residential) and a further 3 storeys of residential units above. The total number of residential units is anticipated not to exceed 36.

A similar proposal was refused by Members at their meeting in April 2005, on a number of grounds including that it would be prejudicial to the comprehensive development of a key Hinckley Town Centre Renaissance Masterplan site. A supporting letter explains that the current application has been submitted following changes to the Masterplan since the previous application was determined. It is suggested that these changes now allow favourable consideration of the proposal. The relevant change in the Masterplan relates to the use of this site for a consolidated car park, or for a mixed use if an alternative location for car parking in the town can be facilitated and funded from the development. In addition to this, the anticipated number of dwellings is also reduced from 40 to 36.

History:-

05/00067/OUT	Demolition of existing building and redevelopment as commercial (A 1, A2 & A3 Use) and residential mixed site, parking and associated development	Refused	20.04.05
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Consultations:-

No objections have been received from: -

Neighbours
Site and Press notices.

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

Director of Highways, Transportation and Waste Management (Highways) comments are awaited.

Leicestershire Constabulary Crime Reduction Officer has no objection in principle but offers advice in relation to further measures which could be incorporated into the detailed design of the development to aid security.

The Borough Council's Land Drainage Consultant has no adverse comments, but suggests a ground investigation is carried out to ensure satisfactory drainage of the site.

Hinckley Chamber of Trade strongly opposes this application. The Chamber were supportive of the Hinckley Town Centre Renaissance Masterplan and consider this proposal compromises the redevelopment of the site as outlined in the Masterplan, particularly in respect of the proposed multi-storey car park for the area.

Director of Community Services (Education) identifies a contribution of £7,056 towards education (which equates to £252 per 2-bed apartment) and library facilities of £1 ,690.

Director of Highways, Transportation and Waste Management (Waste Management) seeks a contribution of £1,481 towards infrastructure works at Barwell Civic Amenity Site (which equates to £41.13 per new dwelling).

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

Development Plan Policies:-

Government Guidance

Central Government Guidance Planning Policy Statement I: Delivering Sustainable Development (PPS1) sets out the Government's over-arching planning policies on the delivery of sustainable development through the planning system. The guidance provides a number of key principles including the issue that sustainable development should be pursued in an integrated manner.

Planning Policy Guidance 3 Housing (PPG3) encourages the use of previously developed land within urban areas in preference to the development of greenfield sites. Although the focus for additional housing should be in existing urban areas, new housing and residential environments should be well designed and should make a significant contribution to promoting urban renaissance and improving the quality of life.

Planning Policy Statement 6: Town Centres (PPS6) advises of the need for town centres to continue to be the main focus for development to drive their revival. The statement emphasises the need for a plan-led approach which also ensures that developments are accessible by a range of transport modes.

Planning Policy Guidance 13 Transport (PPG13) encourages new development to be sustainable, being located so as to minimise the need to travel, particularly by private motor vehicle.

Structure Plan Policy

Policy 'Central Areas and Shopping Policy 1: Existing Centres for Shopping and other Services' of the adopted Leicestershire, Leicester and Rutland Structure Plan (1996-2016) proposes that the role of Hinckley be sustained and increased through the provision of retail, leisure, cultural tourism and other central area facilities, office development and mixed use developments.

Strategy Policies 2A and 2B advise a sequential approach towards the location of development, taking into account a number of criteria including the need to secure a balance of land uses and the contribution that development could make towards the strengthening of the local community.

Local Plan Policy

Policy RETAIL 5 of the adopted Hinckley & Bosworth Local Plan identifies the site as town centre fringe where planning permission will be granted for alternative uses, subject to a number of considerations, including that the proposed development will not be prejudicial to the comprehensive development of a larger area of which the proposed development forms a part.

Policy EMP1 identifies the site as an existing employment site under category 'b', where proposals for other employment activities or alternative uses of the site will be determined on their merits in the context of appropriate design policies.

The site lies adjacent to the Hinckley Town Centre Conservation Area where careful consideration will need to be given to the impact of the proposed development within the wider setting. Policy BE7 seeks to ensure that development in a Conservation Area preserves or enhances its special character, including views in and out of the area.

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

Policy RES3 outlines the need for the provision of affordable housing on sites not specifically allocated for residential purposes.

Policy REC3 requires new development to provide informal outdoor play for children. In assessing the need, consideration will be given to the nature and type of housing development proposed as well as its location to existing open space.

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

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

Other material considerations

Hinckley Town Centre Renaissance Masterplan identifies the site as a key regeneration site (Stockwell Head/Concordia) within the town centre.

Hinckley & Bosworth Employment Land & Premises Study (May 2004) recommends that the application site remain as a 'b' category employment site as outlined in Policy EMP 1 of the adopted Local Plan.

Appraisal:-

Policy Considerations

The site is identified as a town centre fringe location where it is considered that whilst the proposed development may satisfy many of the criteria listed under Policy Retail 5 of the adopted Local Plan, it would severely compromise criterion 'e' in that the proposed development would prejudice the comprehensive development of a larger part of which the development forms a part.

Hinckley Town Centre Renaissance Masterplan

The primary purpose of the Hinckley Town Centre Renaissance Masterplan is to provide a strategic development framework with a clear vision for taking the town centre forward over the next 5 to 15 years. In particular, the Masterplan seeks to provide a mix of development proposals designed to improve the vitality and viability of the town centre and thereby promote regeneration in line with Government Guidance which recognises Hinckley's role as a small urban area where urban renewal will be promoted.

In seeking to achieve this framework independent consultants were employed to develop and test principles for several key sites in and around the town centre. Stockwell House, the subject of this application, forms a part of one of these key regeneration sites which covers the Stockwell Head/Concordia area to the north of the town.

In order to test market viability and public reaction, a key public consultation exercise was undertaken on the draft Masterplan proposals during the summer of 2004. Following extensive public consultation a report was presented to full Council and the Masterplan adopted May 2006.

During the emergence of the Masterplan the Council has actively involved stakeholders in dialogue and has sought to provide a partnership approach towards regenerating the town centre. To achieve a comprehensive vision and redevelopment of key sites it has been made clear that a consortium approach would be essential to delivering key aspects of the masterplan including elements of the public realm, as well as ensuring a vibrant mix of uses that will contribute to regeneration. Indeed, it was understood that a consortium had been established in relation to the Stockwell Head/Concordia site. However, the complexities of land ownership and land values within this Masterplan area have apparently presented major difficulties for the consortium, hence the current application.

Notwithstanding that the final adopted Masterplan relaxes the explicit requirement for a consolidated car-park within this area, the submission of an application for a part of this key site still does not meet either with Government policy or this Council's aims in seeking to provide a clear and robust urban design framework to guide future redevelopment through the Masterplan process. The proposal would compromise the high level of commitment being made in the town centre.

Employment land and Premises Study

The Council commissioned this study (May 2004) in order to provide further guidance in respect of Policy EMP1 of the Local Plan in light of the increased pressure for residential development on brownfield land. Site proformas were undertaken for existing employment sites. In the case of Stockwell House the consultants recommended it remain as a 'b' category employment use where the Council would consider proposals for other employment activities, or alternative uses of the site on their merits in the context of appropriate design policies. However, these sites are generally considered to be acceptable employment locations.

It should be noted, however, that the findings of this study in respect of this particular site, Stockwell House, have largely been superseded by the proposals contained in the Hinckley Town Centre Renaissance Masterplan.

Design and Impact on the Conservation Area

The site occupies a prominent position in the town adjacent to the Hinckley Town Centre Conservation Area.

A design statement and indicative layout plans have been submitted in support of the application to redevelop the site. Whilst it is acknowledged that the application is in outline the proposed development is considered out of character with the surrounding area in depicting a single block elevation to New Buildings. Consideration should be given to the change in levels across the site by stepping down the roof height accordingly to reduce its impact.

The applicants agent considers that issues of design are not relevant at this stage.

Open Space Provision

The submitted plans show no provision of formal open space or usable informal open space within the site. A financial contribution based on the total number of units would be required in lieu of open space provision in accordance with the Council's policies and Supplementary Planning Guidance.

The application would, if approved, require a contribution towards play and open space provision of £1,900 for each unit of accommodation. This would equate to £68,400 (on the basis of 36 flats) in line with the objectives of both the adopted Green Space Strategy and recommendations of the Parish Public Open Space Quantity/Accessibility Audit 2005.

The applicants agent has advised that they would be willing to negotiate on such a contribution.

Highway Considerations

The Borough Council, in conjunction with the County Council is currently undertaking a Traffic Impact Assessment of the eight Masterplan sites. One of the outcomes is likely to be a town centre parking strategy.

The application indicates 40 car-parking spaces for the site (which includes a maximum of 36 residential units). Although the applicants agents consider this to be in accordance with Government guidance contained in Planning Policy Guidance Note 13 in this sustainable edge of town centre location, this nevertheless fails to meet the requirements of the Council's normal requirements of 150% as outlined in the vehicle parking standards in Supplementary Planning Guidance. However, it is understood that the applicants are willing to discuss making financial contributions towards off-site car parking. This is

considered acceptable in terms of the limited shortfall in parking provision (a total of 14 spaces at £2,000 per space equates to £28,000), but this should be considered a separate matter to the Masterplan requirement for the provision or funding of a consolidated car park.

Affordable Housing

The submitted plans show no provision for affordable housing. 20% of affordable housing units are required on the site to satisfy Policy RES3 of the Local Plan and the Council's Supplementary Planning Guidance on Affordable Housing.

The applicant is willing to discuss the provision of affordable housing, although no offer is formally made with the application itself.

Conclusion

Notwithstanding that there is now no explicit requirement for a consolidated car-park in this Masterplan area, in continuing to propose the partial redevelopment of a key town centre regeneration site this application is still considered prejudicial in relation to the Hinckley Town Centre Renaissance Masterplan Strategy. The proposal is further considered to compromise both Government and Local Policy Objectives in seeking to provide a clear and robust urban design framework to guide future development. The development also fails to provide the necessary requirements in relation to open space provision, affordable housing and parking provision.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority the proposed development would be prejudicial to the comprehensive development of a key identified regeneration site as indicated in the adopted Hinckley Town Centre Renaissance Masterplan. The proposal does not acknowledge the objectives of Government Guidance and the Council's policy and objectives in seeking to secure comprehensive regeneration of Hinckley town centre. In particular, the proposal is contrary to the requirements of Policy RETAIL5 of the adopted Hinckley and Bosworth Local Plan.
- 2 The proposed development, by virtue of its indicative design and proximity to the Hinckley Town Centre Conservation Area, would be likely to result in a bland single block elevation that would have a detrimental affect on the character and appearance of the existing street scene and therefore be contrary to the provisions of Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 3 In the opinion of the Local Planning Authority the proposal does not provide adequate off-street car parking provision. The illustrative layout would fail to meet the Council's adopted car parking standards and therefore be contrary to the provisions of Policy T5 of the adopted Hinckley and Bosworth Local Plan and the vehicle parking standards contained in the Council's Supplementary Planning Guidance (July 1997).
- 4 In the opinion of the Local Planning Authority the lack of any definitive provision towards public play and open space by the proposed development would not accord with Policy IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Council's Supplementary Planning Guidance on Play and Open Space (October 2002).
- 5 The proposed development fails to provide the requisite amount of affordable housing units in accordance with Policy RES3 and IMP1 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Guidance on Affordable Housing (September 2002).

Contact Officer:- N Wright Ext 5605

Item: 05
Reference: 06/00473/REM
Applicant: Jelson Limited
Location: Land Off Outlands Drive Hinckley Leicestershire
Proposal: ERECTION OF FIFTY THREE DWELLINGS

Introduction:-

A decision on this application was deferred by Members at their last meeting on 20th June 2006, to enable the applicant to consider the following: retention of hedgerow along Outlands Drive; retention of protected tree; reduction in size of dwelling type LM05; Highway concerns; and access throughout the site for service vehicles, e.g. refuse vehicle.

Following extensive discussions with the applicant revised plans have been submitted that propose the retention of the hedge and protected tree. Dwelling type LM05 has been replaced with a two storey pair of semi-detached dwellings (type OD/77A), as such the number of dwellings across the site has been reduced from 56 to 53. With regards to the highway concerns: the visibility splays at each corner have now been met; the highway is a minimum of 7.5m wide; the footpath link adjacent plot 21 has been removed, resulting in only one path across this open space; and the applicant has confirmed that a refuse vehicle can traverse the site.

It is considered that that the amendments received address the issues raised by Members. The Highway Authority have indicated informally that all of the concerns originally raised have been addressed, however at the time of writing the report no formal comments have been received.

The amendments to the scheme regarding the retention of the hedge and tree will provide a continuum of landscaping along the frontage of the development and the dwelling type LM05 has been reduced from a 3 storey frontage landmark building to a two storey pair of semis set back from Outlands Drive. Whilst this addresses the concerns raised by both neighbours and Members it should be noted that officers consider this has a negative effect on the development in design terms. When approaching the site from the east the rear garden of plot 52 will be visible along with the rear elevation and side gable. It is considered the loss of the landmark building has significantly weakened the emergence of a new identity for the overall site as this would have represented the gateway to the new estate from the east, and would have set the standard for development across the whole of the new estate. It is considered that to improve the appearance of this part of the development, Plot 52 should be designed as a dual frontage dwelling.

It is understood that the revisions address the concerns raised by Members, and as such the previous report stands, as updated and is repeated below for members information.

This is a reserved matters application for the first phase of the residential development approved at Planning Committee for 365 dwellings off Outlands Drive. This application seeks approval for the residential development of half of the area defined as Area B in the design statement submitted with the original outline application. The site measures approximately 1.41 ha and is located adjacent residential properties to the north and south, a school to the east and Wykin Park to the west. It comprises an overgrown and untidy site, which gently rises to the north. Hedging defines the boundary along the south and there is a 2 metre high palisade fence adjacent the school. A public footpath cuts through

the site towards Wykin Park. There is one protected Ash tree on the site, which is located on the southern boundary. A further plan has been received from the applicant that shows the layout of the proposal in context with the surrounding development.

The application was accompanied by a detailed design statement that examines the original basic design principles, it considers streetscape, character, vistas, landmarks, public spaces, movement, parking and green space.

History:-

01/00338/OUT	Residential Development	Dismissed at appeal	09.05.04
03/00346/OUT	Residential Development	Refused	25.06.03
05/00011/OUT	Erection of 375 dwellings and estate roads, footpaths and cycle routes and landscaping	Withdrawn	04.05.06
05/00335/OUT	Erection of 375 dwellings and estate roads, footpaths and cycle routes and landscaping	Permitted	29.03.06
05/00336/FUL	Erection of fifty six dwellings	Withdrawn	25.04.06

Consultations:-

No objection has been received from the Environment Agency.

No objections subject to conditions have been received from:-

The Director of Community Services (Archaeology)
Severn Trent Water.

The Land Drainage Engineer is concerned that SUDS are not proposed and would recommend soakaways; attenuation basins and permeable paving etc are incorporated into the scheme subject to the satisfactory ground characteristics.

The Director of Highways, Transportation and Waste Management originally raised objections to the proposal, as the internal layout of the site did not meet adoptable highway standards. However, minor alterations have been submitted by the applicants that appear to address these objections, however formal comments from the Highway Authority are still awaited at the time of writing the report.

Leicestershire Constabulary Crime Reduction Officer raises no objection to the principle of development but made recommendations in line with Secure By Design. The main recommendations comprise providing secure perimeter fencing and increasing natural surveillance.

The Borough Council's Arboricultural Consultant considers the Ash tree is not a very well developed specimen having branched at a very low level; this makes the crown very invasive when it comes to site development. He further comments that the tree is of no real merit and perhaps the developer could plant some, better or more appropriate specimens.

Hinckley and Bosworth Primary Care Trust have requested a financial contribution of £12,857 towards improving existing health care facilities.

Neighbours notified, 15 letters of objection received and one petition containing 345 signatures, raising the following:-

- a) impact on residential amenity by virtue of car head lights shining in windows opposite access to site
- b) type of accommodation provided, i.e. 3 storey flats not in keeping with surrounding area
- c) loss of mature hedgerow and tree
- d) flats overlook Battling Brook school
- e) traffic calming is required
- f) loss of privacy
- g) overbearing development
- h) impact on wildlife
- i) impact on road network and school
- j) no access from Outlands Drive to Wykin Park is proposed
- k) dwellings should be sold to private buyers
- l) lack of parking across the site.

One further letter of objection received raising further comments regarding the proposal and the main committee report these include:

- i). The outline consent conditioned an overall density of 30 dph and the Design Statement submitted with the outline application suggested a figure of 35 dph. The current application proposes approx. 40 dph, which is not in line with either the outline consent or the Design Statement.
- ii). Development should complement or enhance the character of the surrounding area to be considered acceptable according to Policy BE1, the inclusion of uncharacteristic three storey flats and dwellings clearly does not complement or enhance the character of the area. The Local Plan also suggests that new development should provide a strong common link between the proposed buildings and the character of the local area. The inclusion of three storey properties does not provide a link between proposed and existing buildings.
- iii). The outline consent conditioned a maximum of 1.5 parking spaces per dwelling however, the Local Plan requires a minimum of 2 spaces per dwelling. Current problems relating to congestion and traffic hazards will be intensified, this is considered dangerous bearing in mind the proximity of the site to a school. Furthermore, the lack of parking provision will result in an overspill of parking onto Outlands Drive, causing further hazards and congestion.
- iv). The outline consent conditioned retention of the hedgerow to the south of the site, however this application proposes the removal of the parts of the hedgerow. Furthermore the outline consent conditioned the retention of the protected trees, this application seeks removal of the protected Ash tree.
- v). The committee report states it would be unreasonable to require the developer to set the development along Outlands Drive back from the frontage. However the developer knew of the conditions on the outline consent requiring the retention of the hedgerow and trees therefore they must have expected to have to set the development back from the frontage.
- vi). The committee report states there are no protected species present on the site, however a Song Thrush has been seen on the site and as such affords protection.
- vii). The opinion that the 3 storey dwellings will not be overbearing is the opinion of one person, however at least 345 people disagree with this view.
- viii). The affordable housing siting should be made available to the public when it is received.
- ix). The planting scheme required by Condition 3 require maintenance for only 5 years but the outline consent conditioned maintenance for 10 years.

Development Plan Policies:-

Structure Plan

The adopted Leicestershire, Leicester and Rutland Structure Plan Strategy Policy 1 ensures the provision of appropriate housing to meet the needs of the plan area and ensures that development is of a high quality design and where appropriate, contributes towards encouraging a sense of community.

Local Plan

The site is allocated in the adopted Hinckley and Bosworth Local Plan for residential purposes. Policy IMP1 of the Hinckley & Bosworth Local Plan ensures that appropriate contributions towards the provision of infrastructure and facilities are made which are commensurate with the scale and nature of the development proposed. Policy RES1 states that planning permission will be granted for this site for residential development. Policy RES1 (l) and (m) give specific criteria to be met which requires a comprehensive layout for the whole of the site a range of house types and densities, provision for pedestrian and cycle links and respecting existing natural features particularly safeguarding protected trees.

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

Policy T5 requires development to meet the highway standards set out in the current edition of Leicestershire County Council's 'Highway Requirements for Development'.

Appraisal:-

The principle of residential development on this site has been accepted by the grant of outline planning permission, which was subject to conditions and a Section 106 agreement. At outline stage the impact on infrastructure was considered and contributions towards play and open space; education; community facilities, health facilities, public realm; civic amenity and highway improvements were secured.

Density, Layout and Design

The key urban design precedents were laid down at the outline stage and these have been followed through to the detailed design stage. This first phase seeks to provide 53 dwellings on a site area of 1.41 ha resulting in a density of approximately 38 dph. This is considered an acceptable density in this location and is in conformity with the principles laid down at outline stage, although the figure referred to in the Design Statement was a only a target figure. The whole site only has consent for the total of 375 dwellings; the development will require a minimum density of 30 dph and as such the proposal before you meets with this condition.

The scheme submitted proposes a development that has carefully considered the quality of the environment and the public realm. Views and vistas have been considered along with a permeable and legible layout. Where possible existing landscaping has been retained and additional landscaping incorporated to articulate the streetscape. A green square has been created along the frontage with an access created through the hedgerow, additional landscaping is proposed in this area. Towards the rear of the site there are two formal squares linked by a sinuous lane. Both squares provide an area with seating and are tree lined to create a sense of place and add character to the development. These squares form nodes within the development with dwellings fronting them to provide natural

surveillance. The layout also incorporates a hierarchy of routes, created by variations in highway width and surfacing. Some areas incorporate shared surfaces and are separated by a channel that will assist with subconsciously controlling vehicle speeds. Parking has been provided across the site by either private parking adjacent dwellings or shared parking courts, the parking provision is just over 1.5 per dwelling, which is required across the whole development as part of the outline approval.

The proposal provides a mix of dwelling styles and designs; these include flats in 2 and 3 storey buildings, 2 and 3 storey dwellings, detached, semi-detached and terrace providing a choice of accommodation to meet current government guidance. Architecturally, the designs are not necessarily characteristic of surrounding development. However, it is considered that the design of the dwellings does not harm the character of the surrounding development and will act as the standard of development expected across the other phases of development. Furthermore, a mix of 2 and 3 storey dwellings were suggested in the design statement submitted with the outline application. It is considered that the proposed development will enhance the surrounding area whilst meeting current policy, both national and local. The scheme has been the result of many months of discussion with officers, and redesigned accordingly, and officers consider that the integration of 3 storey properties will not be overbearing and out of keeping with the character of the area.

Highway Issues

Originally concern was expressed by the Highway Authority regarding the proposed layout and its impact on visibility splays within the site. The applicants have addressed the concerns raised by Highways who have indicated that the scheme is now acceptable, but formal comments are awaited at the time of writing the report.

A local resident has requested that traffic-calming measures are provided along Outlands Drive. As this is a reserved matters application this cannot be considered at this time. However, the Section 106 agreement did secure contributions for a package of highway improvements.

Concerns have been received regarding the lack of parking across the site. The parking provision proposed meets the requirement of the condition imposed at outline stage, i.e. a maximum of 1.5 spaces per dwelling across the whole site. Whilst there may be opportunity to park on Outlands Drive the parking provision for the proposed development does meet both the requirements of the outline consent and National Guidance.

Impact on vegetation

The scheme incorporates the retention of both the hedgerow along Outlands Drive and the protected Ash Tree following concerns of both residents and Members. Further planting is proposed to reinforce the hedgerow where necessary and additional planting is proposed in the green space adjacent Outlands Drive.

Concerns have been raised regarding the impact on wildlife. There is no evidence to suggest that protected species are present on the site, however the outline consent conditioned the submission of an ecological and protected species assessment update to supplement the previous assessment prior to any development commencing on each phase.

Impact on neighbours

Concerns have been raised by residents of neighbouring properties regarding overlooking and overbearing impact. Of particular concern is the location of the 3 storey flats in the south-east corner of the site, the applicants have at the request of Members replaced the three storey property on the eastern corner with a pair of two storey semi-detached

dwellings. There is no instance that the new development breaches any of the standards in the adopted supplementary planning guidance and the number of dwellings is in line with that approved in the design statement at outline stage. Distances between dwellings to the rear of the site alongside the Wykin estate are less, but again meet the Council's standards of distances between dwellings and blank gables. It is considered appropriate to ensure overlooking is not a problem in the future by removing the right to insert windows in the gable ends of plots 37 and 38.

Further concerns relate to car headlights shining into windows of existing properties. The outline application approved the Design Statement and Masterplan, which indicated the position of vehicular routes. As such the location of the main access road was agreed in principle at outline stage and it would be difficult to justify altering this now.

Other Issues

Access to Wykin Park has not been restricted by the development. It can be seen from the original design concept that access to the park will in the long term be considerably improved. In the short term however, the development proposed does not impede access.

The overlooking of Battling Brook School has been raised as an issue. The Council has no policy guidance that restricts residential development overlooking a school or any other non-residential use.

Both Severn Trent Water and the Director of Community Services raised no objections subject to conditions, which were imposed on the outline approval. The Land Drainage Engineer has also requested that Sustainable Urban Drainage systems are incorporated into the scheme, drainage details are again subject to a condition on the outline permission. However it is considered that a note to applicant would inform the applicant of the comments received.

The sealed Section 106 agreement requires contributions to be made towards improvements to infrastructure, this agreement has trigger points for when contributions are to be made i.e., prior to commencement, prior to occupation or when a percentage of the site has been developed.

Finally, affordable housing is to be provided on the site. However it appears from the details submitted that the incorrect information has been provided. Confirmation has been received from the Agent stating the location of the affordable housing units will be confirmed as part of the affordable housing scheme that is required to be submitted pursuant to the section 106 agreement, however, it should be noted that guidance requires that affordable housing is pepper potted around the site and not grouped together.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, NE12, RES1, IMP1, and T5 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no windows shall be inserted on the northern elevation of the dwellings on Plots 37 and 38 without the prior permission of the Local Planning Authority having been granted on a specific application.

- 2 No development shall take place until a planting scheme showing replacement planting for the loss of the protected tree and hedgerow has been submitted and approved in writing by the Local Planning Authority. The scheme shall include species, diameter, height, location and the implementation programme of the replacement planting.
- 3 The approved planting scheme shall be carried out in accordance with the approved details, it shall be maintained for a period of ten years from the date of planting. During this period any trees or shrubs which dies 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.
- 4 This permission relates to the application as revised by amended plan 2203 P11 received by the Local Planning Authority on 3rd July 2006
- 5 Notwithstanding the details submitted, further details of Plot 52 should be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The details should incorporate design features or windows to provide interest to the gable end of the property.

Reasons :-

- 1 To prevent overlooking in the interests of the amenities of the occupiers of adjoining property to accord with BE1 of the adopted Hinckley and Bosworth Local Plan.
- 2 The development results in the loss of an established hedgerow and a protected Ash tree which in the interests of visual amenity should be replaced to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 3 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.
- 4 To define the permission.
- 5 In the interest of good design to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 The applicant should note that the method of disposal of surface water should incorporate Sustainable Urban Drainage System principles. This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharges, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage System approach.

Contact Officer:- T Miller Ext 5809

Item: 06
Reference: 06/00524/DEEM4
Applicant: Chris Pocock
Location: Trinity Vicarage Park Trinity Vicarage Road Hinckley Leicestershire
Proposal: ERECTION OF FENCING AND REINSTATE SURFACE OF ACCESS ROAD

Introduction:-

This is a deemed application made under the Town and Country Planning General Regulations (1992) by the Borough Council to erect 2.4 metre high fencing (including a gate) approximately 85 metres in length along a service road that runs behind numbers 28 to 50 Trinity Vicarage Road Hinckley. The surface of the service road will be reinstated and will improve access and security arrangements for residents with rear gardens and garages which can be currently accessed directly from Trinity Vicarage Park immediately to the north of the properties.

History:-

01/00134/DEEM4	Construction of cycleway	Approved	25.04.01
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Consultations:-

No response has been received from Neighbours.

Development Plan Policies:-

The site lies within the settlement boundary of Hinckley as designated in the Hinckley and Bosworth Local Plan. There are no specific policies that relate to this type of proposal, other than BE1 of the adopted Hinckley and Bosworth Local Plan which states development should complement the surrounding area and have regard to the safety and security of both individuals and property.

Appraisal:-

There is evidence that some of the properties have suffered vandalism in the form of graffiti and the erection of the fencing would provide improved security. The design of the fencing, which includes spiked rails, may not be the most appropriate considering the proximity to a recreational area. The addition of the fencing would not significantly detract from the visual amenity of Trinity Vicarage Park or the surrounding area but an alternative design could be achieved that is more sympathetic to the location. Representations from neighbours indicate that the scheme is welcomed. Further options relating to the specification of the fencing have been requested and an amended design will be reported as a late item.

Recommendation:-Subject to no significant representation being received within the consultation period, the Head of Culture and Development be granted powers to issue planning permission subject to the following condition:-

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The security fencing hereby approved shall be painted dark green unless otherwise approved in writing by the Local Planning Authority and be retained as such at all times thereafter.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To enhance the appearance of the development 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:- S Cheshire Ext 5762

Item: 07

Reference: 06/00539/OUT

Applicant: Paul James Knitwear

Location: 13 Hill Street Barwell Leicester LE9 8BJ

Proposal: DEMOLITION OF FACTORY AND ERECTION OF RESIDENTIAL UNITS

Introduction:-

This is an Outline Application for the erection of a mixture of houses, flats and associated car parking. The application seeks approval for access and siting only at this stage with all other matters reserved.

The total site area measures 0.265 hectares and lies within the settlement boundary of Barwell. The site is a former Victorian hosiery factory which is located at the intersection of Hill Street and Dawsons Lane, an unadopted highway. It is surrounded by residential properties on three sides but with modern factory warehouses to the south on the opposite side of Dawsons Lane. The existing factory has its main frontage along Hill Street which falls steeply from north to south creating a series of stepped linked buildings. These incorporate a particularly fine entrance building dating from the early part of the last century. Other buildings on the site include north light single storey units and former plant rooms. The vehicular entrance to the factory is sited in the north west corner of the site adjacent to the residential property at 11 Hill Street.

A conceptual site layout and Design Statement has been submitted which sets out the criteria adopted for the design of the scheme. It recognises the importance of the factory entrance building in the street scene and incorporates it as a feature in the proposed residential scheme. A contaminated land and archaeological desk based assessment has also been submitted in support of the application.

History:-

04/00816/OUT	Demolition of factory and erection of 33 flats	Withdrawn 24.08.04
05/00927/OUT	Residential development	Withdrawn

Consultations:-

Head of Health and Environmental requires further work to be carried out on the contaminated land report.

The Director of Highways, Transportation and Waste Management has added two further conditions to the standard highway conditions:-

- a) 6 metre kerb radius improvement is required to the Hill Street and Dawsons Lane junction
- b) Details of the retaining structure along Dawsons Lane are required for approval.

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

The Land Drainage Engineer
Leicestershire Constabulary Crime Reduction Officer.

Leicestershire County Council's Library Service, Civic Amenity, require developer contributions should planning permission be approved. Education contributions are not required as all sectors have spare capacity.

No response has been received at the time of writing this report from Press and Site Notices.

Neighbours notified, and five letters received raising the following issues:-

- a) Loss of local employment opportunities on the site
- b) The proposed development will add to parking congestion in Hill Street and be detrimental to highway safety in the area
- c) Parking should be provided within the site at a standard of one space per bedroom
- d) A developer contribution from the site should be used to improve access into Dawsons Lane.

Development Plan Policies:-

Government Advice

Planning Policy Guidance Note 3 Housing encourages the use of previously developed land within urban areas in preference to the development of greenfield sites for housing. It promotes more sustainable patterns of development and makes better use of previously-developed land. The focus for additional housing should be existing towns and cities. New housing and residential environments should be well designed and should make a significant contribution to promoting urban renaissance and improving the quality of life.

Local Plan Policies

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

Policy EMP1(c) of the adopted Hinckley and Bosworth Local Plan encourages alternative uses on employment sites where environmental problems have been experienced.

Policy RES5 of the adopted Hinckley and Bosworth Local Plan makes for provision for the development of sites within settlement boundaries so long as they accord with the policies in the plan which relates to siting, design and layout of new development.

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

Policy REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan requires the provision of an appropriate level of formal open space within the site or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

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

Appraisal:-

The Principle

Following further detailed discussions a review of the Planning Inspectors Appeal decisions and an inspection of the site, the Council's Strategy and Regeneration department's policy team have recommended it should be retained as an EMP1(c) site.

The existing factory buildings on this site are very small units with stepped floor levels of poor build quality. There is limited vehicular and manoeuvring space and almost no parking. It has residential properties on three sides. Environmental problems have been reported to the Council when the factory was in full production.

This small site is divided from the main employment site to the south of Dawsons Lane by an unadopted highway. This site is relatively flat, of much greater area and has modern industrial buildings, good parking and service arrangements.

The application site has been marketed for employment use by agents acting for the owners since October 2003 without significant interest.

Highway Safety

Following pre-application advice and discussions with the Highway Authority, the existing factory vehicular access, which is sub-standard, will be closed. A new access will be formed off Hill Street at almost the mid point of that frontage. Neighbour objections have been received about the impact of the proposed vehicular access on the existing congested parking in Hill Street, and highway safety generally. The Highway Authority, however, consider the new access to be acceptable because it will incorporate appropriate kerb radii

and visibility spays along Hill Street in both directions and be constructed to County Council standards. In the interests of highway and pedestrian safety, the Highway Authority has also required that the eastern junction radius and alignment between Hill Street and Dawsons Lane should be improved to provide a 6 metre radius.

Siting and Amenity

The intersection of Hill Street and Dawsons Lane is a focal point in the immediate area and this has been recognised by the applicant who has proposed a three storey building with dual aspect on the corner. The factory office entrance, an important heritage building, has also been successfully incorporated into the design.

Concern has been raised by residents of neighbouring residential properties regarding overlooking and the overbearing impact of the proposed three storey corner block and the impact of the development on the drainage system in the area. This proposed building does not face directly towards another property on the west side of Hill street, however because no information has been provided on levels within the site which will be critical to achieving an acceptable detail scheme, the heights of the proposed new buildings, boundary treatment and drainage will all be conditioned.

Developer Contributions

The Local Planning Authority's Supplementary Planning Guidance on Play and Open Space would seek a financial contribution for the provision and maintenance of play and open space, in line with the objectives of both the Green Space Strategy and recommendations of the Parish Public Open Space Quality/Accessibility Audit 2005. equating to £1,900 per each residential unit, if such facilities cannot be provided within the site. A Draft Section 106 agreement has been submitted by the applicant. The final contributions are dependant on the density of the development which will be the subject of a reserved matter. The Leicestershire County Council have also requested contribution for the libraries and civic amenity.

Conclusion

The site has been formally allocated as an EMP1(c) employment site in the adopted Local Plan where alternative uses will be encouraged. Evidence provided by the applicant has convinced officers that residential development on this site will not cause a shortage of employment land in the area.

The proposed access to the site meets the requirements of Policy T5 of the adopted Local Plan and the proposals are accepted by the Highway Authority. Neighbours objections refer mainly to the loss of local employment opportunities, the provision of adequate parking facilities and highway safety. The proposed development will be conditioned to ensure it is designed to comply with the County Council's current parking and highway standards. The loss of employment opportunities has been addressed above.

RECOMMENDATION:- That following the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide financial contribution towards play and open space, libraries, civic amenity or possible affordable housing, the Head of Culture and Development be granted powers to issue Planning Permission subject to the conditions below. Failure to complete the agreement by 11 August 2006 may result in the application being refused.-

SUMMARY OF DECISION:- The proposal is in conformity with Policies EMP1(c), RES5, BE1, REC2, T5, and of the Hinckley and Bosworth Local Plan.

- 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 03/114/05A received by the Local Planning Authority on 23 June 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:
 - The siting, design and external appearance of the proposed buildings
 - The external building materials
 - The provision to be made for vehicle parking on the site
 - The provision to be made for vehicle turning within the site
 - The provision to be made for loading and unloading within the site
 - The method of disposal of surface and foul water drainage which shall be on separate systems
 - The provision to be made for landscaping of the site
 - The provision to be made for screening by boundary walls and fences
 - The provision of open spaces within the site
 - The phasing of the development
 - The floor levels of the proposed floor, ridge and eaves levels in relation to the existing ground level and the finished levels of the site.

The development shall be implemented in accordance with the approved details.
- 4 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.
- 5 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 6 Notification of the commencement of development should be given in writing not less than 14 days before development commences.
- 7 Notwithstanding the plans submitted the proposed buildings shall not exceed two storeys in height and there shall be no rooms in the roof unless otherwise agreed in writing by the Local Planning Authority.
- 8 None of the proposed dwellings shall be occupied until works for the disposal of surface water and foul water have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 9 For the period of the construction of the development, vehicle parking facilities shall be provided within the site for all vehicles associated with the development shall be parked within the site.

- 10 Before first occupation of any dwelling hereby approved, car parking provision shall be made within the curtilage of the dwelling on the basis of 1.5 spaces per flat, 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.
- 11 Before first occupation turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.
- 12 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.
- 13 No part of the development hereby approved shall be occupied until visibility splays of 2.4 metres by insert metres shall be provided at the junction of the access with Hill Street. These shall be in accordance with the standards contained in Places, Streets and Movement and the current Local Highway Authority design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays
- 14 Any shared private drive off the shared surface road serving more than 5 but no more than 25 dwellings 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 drive once provided shall be so maintained at all times.
- 15 Prior to first occupation of any dwelling the eastern junction radius and alignment between Hill Street and Dawsons Lane shall be improved to provide a 6 metre radii as generally shown in the submitted drawing 05A.
- 16 Prior to the development commencing details of the proposed boundary treatment/retaining structure along Dawsons Lane frontage shall be submitted to the Local Planning Authority for approval.
- 17 Before development commences, a scheme of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority and shall indicate the treatment proposed for all ground surfaces.
- 18 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.
- 19 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- 20 Before development commences and any works begin on site, a working practice schedule associated with the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. This schedule should include full details of wheel cleansing facilities with locations, details of timescales, hours of operation, noise and dust levels with associated mitigation measures, lorry movements, and supervision procedures.

These facilities and associated measures shall then be implemented in accordance with approved details and shall be provided and fully operational at the site at all times during the construction works.

- 21 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the Highway boundary and shall be hung so as to open inwards only.
- 22 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.
- 23 All existing vehicular accesses shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossings reinstated to the satisfaction of the Local Planning Authority within the Highway Authority.
- 24 Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 7 metres behind the highway boundary and shall be so maintained at all times.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal to accord 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.
- 5&6 To safeguard the amenity of neighbours to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 7 To safeguard the residential character of the area.
- 8 To ensure satisfactory provisions are made for the drainage of the site.
- 9 To ensure that adequate off street parking provision is made to reduce the possibilities of development on the site leading to on-street parking problems in the area during construction to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 11 To ensure that vehicles may enter and leave the site in a forward direction in the interests of road safety to accord with policy T5 of the Hinckley and Bosworth Local Plan.
- 12 In the interests of road safety to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 13&14 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.

- 15 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 16 In order for the Highway Authority to assess the suitability of any retaining structure adjacent to Dawsons Lane.
- 17 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 18 To ensure a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 19 To prevent pollution of the water environment to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 20 To enable the Local Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 21 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 22 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users to accord with Policy T5 and BE1 of the adopted Hinckley and Bosworth Local Plan.
- 23 In the interests of road safety to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 24 In the interests of road safety to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission is subject to a Section 106 legal agreement relating to the provision of financial contributions to be made in respect of Open-Space Contributions, libraries and civic amenities.
- 2 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.
- 3 In relation to condition 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.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (telephone 01530 262380).
- 5 The applicant is advised that they will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site Highway works before development commences.
- 6 Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the highway authority.

- 7 If the applicants wish to seek adoption of the road in the future, they should ensure that the roads are designed to an appropriate standard from the outset so that adoption would not be compromised. This includes standards of geometry, alignment, construction, visibility splays, drainage, gradients, surfacing materials, off-street parking levels, delivery/servicing areas, appropriate turning areas, access widths etc. Any shortfall in standards could result in non-acceptance of the roads for adoption in the future.

Contact Officer:- B Whirrity Ext 5619

Item: 08

Reference: 06/00564/FUL

Applicant: Altitude Properties/Mr D Harris

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

Proposal: RESIDENTIAL DEVELOPMENT OF SIXTEEN FLATS AND THREE TOWNHOUSES AND CONVERSION OF EXISTING PROPERTY TO FIVE APARTMENTS

Introduction:-

This is a full application for the demolition of vacant factory premises at Factory Road/Garden Road and redevelopment for sixteen one- and two-bedroom flats and three three-bedroom townhouses. The application also includes a proposal to convert No.51 Factory Road, an adjacent, recently vacated, factory building into five apartments.

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

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

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

A total of 38 off-street car-parking spaces are shown within the curtilage of the site, 27 of which would be accessed off Factory Road, and 11 of which would be accessed directly off Garden Road. This equates to 150% provision for all flats and 200% provision for the townhouses.

A Design Statement, Transport Assessment and draft section 106 legal agreement have been submitted with the application. The Design Statement points out that the factory has been vacant since 2002 and that the owner has been unable to let or sell the property since that time. The statement considers that the size and scale of the development is in-keeping with the area and will improve its overall appearance.

History:-

05/01182/FUL	Demolition of existing factory and erection of eighteen new dwellings	Withdrawn	17.01.06
04/00872/OUT	Residential development of fourteen units	Withdrawn	03.09.04
04/00201/OUT	Demolition of existing factory and erection of eighteen new dwellings	Withdrawn	13.05.04

Consultations:-

No objection has been received from:-

Neighbours
Site Notice
Press Notice.

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

Head of Health and Environment Services
Director of Highways, Transportation and Waste Management (Highways)
Severn Trent Water
Environment Agency.

The Borough Council's Land Drainage Consultant has no objections, but notes the difficulties of draining the site given the land levels across the site and the lack of surface water sewers in Factory Road and Garden Road.

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

Director of Community Services requires a contribution of £8,763 towards education provision.

Director of Commercial and Support Services identifies a contribution towards existing library facilities of £1,200.

Director of Highways, Transportation and Waste Management (Waste Management) seeks contributions towards Civic Amenity Site infrastructure works at Barwell on the basis of £41.13 per new dwelling.

Hinckley and Bosworth NHS Primary Care Trust seeks a contribution towards health care facilities of £4,362.

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

Development Plan Policies:-

Central Government Guidance

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

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

The Structure Plan

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

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

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

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

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

The Local Plan

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

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

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

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

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

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

The Borough Council's Supplementary Planning Guidance on New Residential Development (revised July 1997) and on Play and Open Space (adopted October 2002) provide further guidance on development proposals including the provision of open space within development proposals or of financial contributions towards off-site provision. In this case, the contribution would equate to £51,300 (£1,900 x 27) in line with the objectives of both the adopted Green Space Strategy and recommendations of the Parish Public Open Space Quantity/Accessibility Audit 2005.

Other Material Considerations

Although the site lies just outside the Druid Quarter Masterplan and Regeneration Strategy study area, which is Interim Planning Guidance (June 2002), the Masterplan does include a Building Profile (No.1) that assesses the existing factory, No.45, considering it to be one of the better examples in Hinckley of promotional architecture used in hosiery factory development from the inter-war period.

Appraisal:-

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

Although the current application is a comprehensive scheme, and the retention of the existing factory, No.51, is to be welcomed, the scheme nevertheless proposes the demolition of the distinctive 1930s frontage factory building No 45. In addition, there is no employment use proposed for the site.

Whilst the loss of the 1930s building is regrettable, it is noted that its original character has been significantly eroded by replacement plastic windows. However, the scheme does propose the retention of No.51, which is arguably a more important building. Despite the recommendation in the Employment Land and Premises Study that this site be moved to a category EMP1(b) designation, officers are of the view that this is inappropriate in this case in that it would not serve the proper planning of the site to insist on a token element of employment use, particularly bearing in mind the surrounding residential development. In addition, the applicants have submitted supporting documentation from a local estate agent that a commercial use in this location is unlikely to be viable.

In terms of the siting of development, the proposal fails to comply strictly with the Council's separation distance standards, particularly to the rear of the site where the kitchen and ensuite windows of units facing existing houses opposite Garden Road would only be 9.5 to 10 metres away. The Council's guidance suggests a distance in such cases of 14 metres (although this does refer to blank walls) unless material considerations indicate otherwise. This would not be an unusual relationship in the locality in terms of the existing pattern and dense urban grain of the surrounding traditional terrace housing.

Whilst officers have previously expressed reservations about the design and height of some elements of the proposal, the applicants have attempted to break up the blocks through the use of reveals and set-backs, and, on balance, the scheme is considered acceptable in this regard.

Although no private gardens are shown, the layout does show a limited area of communal amenity space in the form of benches etc. The internal parking courtyard needs careful treatment using differing surface materials to avoid the potential for the appearance as a bland 'sea of tarmac'.

The application site measures 0.25 hectares, which with 24 residential dwellings gives a density of 96 dwellings per hectare. This is well above the Planning Policy Guidance Note 3 advice that requires 30-50 dwellings per hectare. However Planning Policy Guidance Note 3 does seek higher densities than 30-50 on brownfield sites within urban locations which are close to good public transport and transport corridors, and this is not unusually high for apartment development.

The parking provision for the site as a whole is 150% for flats and 200% for the townhouses. This complies with the Local Plan requirements.

Notwithstanding the above, officers remain of the view that, on balance, this represents an appropriate development of the site, which will improve the appearance of the area, and the immediate environment for the neighbouring residents. It is also considered that some standards can be relaxed where a high quality scheme is being proposed. The loss of the 1930s building is regrettable but acceptable as this is compensated for by way of high-quality replacement buildings and the retention of the important adjacent factory, No.51.

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 education facilities, play and open space, health facilities, library facilities and waste management provision, the Head of Culture and Development be granted powers to issue planning permission subject to the conditions below. Failure to complete the Agreement by 18 August 2006 may result in the application being refused.

RECOMMENDATION :- Permit subject to the following conditions :-

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed development 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 or contours
 - (ii) means of enclosure
 - (iii) car parking layouts
 - (iv) other vehicle and pedestrian access and circulation areas.
 - (v) hard surfacing materials
 - (vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
 - (vii) proposed and existing functional services above and below ground (e.g. drainage pipelines, manholes, supports, etc.)
 - (viii) retained historic landscape features and proposals for restoration, where relevant.
 - (ix) planting plans
 - (x) written specifications
 - (xi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - (xii) implementation programme.
- 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 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.
- 6 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 which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 7 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.
- 8 Notification of the commencement of development should be given in writing not less than 14 days before development commences.
- 9 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 any gates shall be hung so as to open inwards only.
- 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 All existing vehicular access shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossings reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.
- 12 The car parking and any turning facilities shown on the approved layout plan shall be provided before any dwelling is first occupied and shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.
- 13 Before first occupation of any dwelling hereby permitted, the access drive car park and any turning areas shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 7 metres behind the highway boundary and shall be so maintained at all times.
- 14 Before first occupation of the any 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.
- 15 No part of the development hereby approved shall be occupied until visibility splays of 2.4 metres by 70 metres are provided at the junction of the access with Factory Road as generally shown in the submitted approved drawing. These shall be in accordance with the standards contained in Places, Streets and Movement and the current Local Highway Authority design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.
- 16 The shared surface road, serving more than 5 but no more than 25 dwellings, 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 drive once provided shall be so maintained at all times.
- 17 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 18 Before development commences, and notwithstanding the details submitted, full details of the new window style, material, reveal, sections and colour as they relate to the converted factory at No 51 Factory Road shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
- 19 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

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 policy BE1 of the adopted Hinckley & Bosworth Local Plan.

- 4 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.
- 5-8 In the interests of residential amenity to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 9 To enable a vehicle to stand clear of the highway to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10&11 In the interests of road safety, to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 12 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 13 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 14&15 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.
- 16&17 In the interests of road safety, to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 18 In the interests of visual amenity to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 19 In the interests of residential amenity, to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 It will be necessary to apply to the Divisional Surveyor, Kilwardby Street, Ashby de la Zouch for permission to construct a vehicular crossing (Tel No 01530 262380).
- 3 If you do not wish to seek adoption of the roads, the Highway Authority will serve APC's in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences.
- 4 Your attention is drawn to the comments of the Environment Agency and the Leicestershire Constabulary Crime Reduction Officer in the attached letters.

Contact Officer:- N Wright Ext 5605

Item: 09
Reference: 06/00584/OUT
Applicant: M Jolley
Location: 135 Coventry Road Burbage Hinckley Leicestershire LE10 2HW
Proposal: ERECTION OF ONE DWELLING

Introduction:-

This is an outline application for the erection of a single dwelling on land to the rear of 135 Coventry Road, Burbage, currently used as garden land. It is surrounded on all sides by residential developments. Siting and means of access are to be considered with all other matters reserved.

The proposal seeks access from what the applicant terms, the Third Heathway Close, an access track currently serving garages and parking for 129, 131, 133 and 135 Coventry Road.

To the rear of the garage for no. 135 is a shed with a greenhouse positioned centrally in the plot.

The proposed dwelling is described within the design statement as a single storey detached dwelling formed around an internal court on to which the living spaces would have an aspect to ensure privacy.

Properties on Coventry Road are a mixture of detached houses and bungalows with long rear gardens. 135 Coventry Road and the adjacent property on either side are all bungalows. To the rear of the site is Alesworth Drive, part of a modern estate accessed from Robinson Way.

History:-

06/00185/OUT	Erection of One Dwelling	Invalid	24.05.06
97/00439/FUL	Alterations and Extension to bungalow	Approved	27.06.97

Consultations:-

At the time of writing this report no comments have been received from Head of Health and Environment.

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

The Borough Council's Land Drainage Engineer
The Environment Agency.

The Director of Highways, Transportation and Waste Management has recommended refusal as the proposal could result in an unacceptable increase of traffic using an access which lacks appropriate visibility, pedestrian visibility and adequate width to enable vehicles to pass.

Burbage Parish Council objects on the following grounds:-

- a) access is inadequate and hazardous with poor visibility on exit
- b) backland development is out of keeping with the surrounding area
- c) detrimental impact on the amenity and privacy of adjoining properties
- d) A TPO should be placed on the large tree in the garden.

Neighbours notified, 11 letters of objection have been received raising the following concerns:-

- a) poor visibility from access.
- b) access is narrow and gated, and surfaced only for the first half
- c) emergency services would not be able to access property
- d) difficulty in getting services to the property
- e) loss of trees and bushes
- f) impact on privacy of dwellings on Coventry Road
- g) proposal is out of character
- h) existing garage is not used as cars are parked to front of the property
- i) disturbance to large willow tree may encourage growth towards properties
- j) permission would lead to further tandem development
- k) front doors of two properties open onto the access road
- l) building will form boundary replacing existing hedge
- m) maintenance of dwelling will need to be done from adjacent properties
- n) access drive is often congested
- o) impact of construction traffic on access.

Development Plan Policies:-

National Planning Guidance

Planning Policy Statement 1 - Delivering Sustainable Development sets out broad national planning policy. Under 'Delivering Sustainable Development' the importance of the design of new development is stressed. This states that good design should be integrated into the existing urban form and the natural and built environments.

Planning Policy Guidance Note 3 - Housing encourages the use of previously developed land within urban areas in preference to the development of Greenfield sites for housing. Annex C defines the curtilage of existing dwellings as brownfield land. A draft version of the replacement for this guidance, Planning Policy Statement 3, was issued for consultation in December 2005. This reiterates the preference for development of brownfield land but states that although residential gardens are defined as brownfield land, this does not necessarily mean that they are suitable for development.

Structure Plan

Strategy Policy 10 of the Leicestershire, Leicester and Rutland Structure Plan 1996- 2016 encourages good design that enhances the form and local character and distinctiveness of the built and natural environment.

Housing Policy 5 requires densities of 40 dwellings per hectare on sites in local centres and states developments should respect the local context in terms of design.

Local Plan

The site lies within the settlement boundary for Burbage 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. With regards to Backland development this states that proposals should have sufficient road frontage to allow for safe and convenient access.

The Play and Open Space Supplementary Planning Guidance seeks a financial contribution for the provision and maintenance of play and open space equating to £1,900 per residential unit where facilities cannot be provided within the site.

Appraisal:-

Principle

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

Density

The application site measures approximately 296 square metres giving a density of 33 dwellings per hectare. This is acceptable given the density stated in the local plan of 27 dwellings per hectare and the 30-50 dwellings per hectare suggested in Planning Policy Guidance Note 3.

Siting and design

The proposed dwelling has been designed specifically for this plot. The proposed bungalow is in keeping with the bungalows at 133, 135 and 137 Coventry Road. However, there are no other residential properties at depth to the south of Coventry Road between Valliant Close and Robinson Way. Further to this, the proposed access serves only garages and parking spaces rather than residential properties. Therefore although the proposed dwelling type relates well to surrounding properties the position of the dwelling does not.

In order to protect the privacy and amenity of neighbouring properties the proposal has been designed around a south-westerly facing court yard therefore reducing the number of windows which look towards neighbouring properties and gardens.

The proposal is within 25m of principal windows of both 14 Alesworth Drive and 135 Coventry Road. However suitable screening exists therefore this requirement can be relaxed in line with supplementary planning guidance on new residential development.

This guidance also requires proposals to have road frontage. The proposed access to this property leads from The Third Heathway Close to the rear of the garden of 133 Coventry Road and therefore road frontage is not possible in this position.

The proposed private garden space and car parking is acceptable for a two-bedroomed property.

Access

The proposed access leads from the proposed dwelling to the rear of no. 133 Coventry Road, then turns along the Third Heathway Close which joins the Coventry Road between no's. 129 and 131 Coventry Road. The access is currently used for a garage which serves the application property. It is considered that the proposal will lead to an increase in the use of the Close as the existing property is served by parking to the front of the property as well as the garage to the rear. Further to this, access for visitors or deliveries are currently via the front of the property, whereas the proposal would necessitate use of the Close to access the proposed dwelling.

The proposed access does not meet the Highway Authority's requirements in terms of visibility for both pedestrians and traffic.

The proposed access at its widest point measures 4 metres and is gated around 9 metres back from the edge of the pavement. The Highways Authority would require the access to be 4.25 metres wide for the first 5 metres to allow vehicles to pass.

The applicant has submitted a letter to the Highways Authority which states that the proposal includes a turning area which the current garage does not benefit from. The correspondence further states that 13 vehicles currently use the access without any apparent conflict and that the number of vehicles using the access will not increase.

Developer Contributions

The Play and Open Space contribution applicable to this proposal would be £1,900. As the proposal is recommended for refusal no request has been made for this contribution.

Other considerations

The loss of the hedge between the application site and 133 Coventry Road could be removed without any further planning permission. The Willow Tree to the south of the site is not visible from any publicly accessible areas, and is not a rare species to justify a Tree Preservation Order.

Conclusion

While the proposal will have limited impact in terms of overlooking existing properties the siting does not relate to the existing development nor to the access road as required by supplementary planning guidance. The proposal would create an incursion into a currently undeveloped rear garden area and would lead to the intensification of use of the access road which is inadequate in terms of visibility and width, which would be to the detriment of highway safety.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, the siting of the proposed dwelling is out of keeping with the surrounding properties and would lead to an incursion into a currently undeveloped garden area, being out of character with the area, contrary to Strategy Policy 10 of the Leicestershire, Leicester and Rutland Structure Plan and Policy RES5 and BE1 of the adopted Hinckley and Bosworth Local Plan and Supplementary Planning Guidance on New Residential Development.

- 2 The proposal, if permitted could result in an unacceptable increase in traffic using an access which lacks appropriate vehicular and pedestrian visibility for the speed of traffic on the main road which could lead to increased dangers for road users contrary to Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 3 The proposal, if permitted could result in an unacceptable increase in traffic using an access which lacks adequate width to enable two vehicles to pass within its constraints. That could in turn lead to vehicles reversing onto or off the Highway to the detriment of road safety contrary to Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 4 In the opinion of the Local Planning Authority, lack of financial contribution to address the increase in pressure placed on Public Open Space facilities of the local area by the proposed development would not accord with Circular 05/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996-2016, Policies REC3 and IMP1 of the adopted Hinckley & Bosworth Local Plan, and the Borough Council's Supplementary Planning Guidance on Play and Open Space (October 2002).

Contact Officer:- P. Metcalfe Ext 5740

Item: 10

Reference: 06/00611/COU

Applicant: E & F Smith

Location: Caravan Site Basin Bridge Lane Higham On The Hill Nuneaton, Warwickshire CV13 6JJ

Proposal: CHANGE OF USE TO THE KEEPING OF TWO CARAVANS AND TWO HARDSTANDINGS

Introduction:-

The application relates to the permanent retention of two caravans and hard standings for two vehicles. The site is located to the north east of Basin Bridge Lane, and is accessed via a field track. The site is well-screened with established mature trees and hedgerows. There are no adjoining dwellings to the site and it is surrounded by agricultural land that appears to be farmed. The site is currently occupied by two static mobile homes.

Planning permission was renewed on 20th June 2002 (reference 02/00278/TEMP) subject to expiry on 24th June 2005. Temporary planning permission was originally granted for the caravans and standings in 1981 (reference 81/0552/4), and have been consistently renewed in 1984, 1989, 1995 and 2002. All of these temporary permissions were personalised to the benefit of the occupants (current applicants).

The applicant has submitted a supporting letter which states that they came onto the site with the 'prime intention of safeguarding a tree planting area from being vandalised and helping the site owner with his farm work' The farm work is seasonal and mainly carried out on a casual basis for the land-owner and for other nearby farmers. The applicant states that they conduct various agricultural duties such as 'worming' cattle; site maintenance; livestock monitoring and feeding as well as some corn harvesting. However, the applicant's has also stated that they carry out metal scrap collection and delivery. The applicant states

that 'our main living is now made from collecting unwanted metal from factories within twenty five radius of this site'.

The applicant also states that they are Romany Gypsies and have attempted to obtain alternative sites within close proximity of the site in order for them to be closer to their primary workplace. The applicant confirms in his letter of application that sites have 'either been found to be full or have no planning permission'.

History:-

1981, siting of two residential caravans and vehicle standing (temporary permission approved 81/0552)

1984, siting of two residential caravans and vehicle standing (temporary permission approved 84/0743)

1989, siting of two residential caravans and vehicle standing (temporary permission approved 89/1532)

1995, siting of two residential caravans and vehicle standing (temporary permission approved 95/00161/TEMP)

2002, siting of two residential caravans and vehicle standing (temporary permission approved 02/00278/TEMP)

Consultations:-

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

Director of Property Services (Leicestershire County Council Gypsy Liaison Officer)
Health and Safety Executive
Site notice posted.

No objections received from: -

Parish Council
Borough Council's Land Drainage Engineer
Central Networks.

Development Plan Policies:-

National Government Planning Guidance

The principal guidance on planning control and gypsy caravan sites is contained in Circular 01/2006 entitled 'Planning for Gypsy and Traveller Caravan Sites' ("Circular"). The Circular requires that a 'Gypsy and Traveller Accommodation Assessments' must be conducted. The data collected through the assessments will 'inform the preparation of Development Plan Documents'. The Circular states that 'transitional arrangements' will need to be made '...in advance of the consideration of new Gypsy and Traveller Accommodation Assessments'. However, it states that Regional Planning Bodies will need to '...consider whether there is sufficiently robust information on which to establish district level pitch numbers'. This approach will need to be a co-ordinated one between Local Authorities and regional agencies.

In Planning Policy Statement 1 (PPS1) 'Delivering Sustainable Communities' the government's approach to planning is stated to be the objective of achieving sustainable development.

In Planning Policy Guidance 3 (PPG3), 'Housing' as part of a plan, monitor and managed approach to meeting housing requirements, local authorities are advised to make assessments of housing needs and to encourage the provision of housing to meet the

needs of specific groups including travellers and occupiers of mobile homes. A draft consultation document to replace PPG3 with Planning Policy Statement 3 'Housing' was issued by the Office for the Deputy Prime Minister in December 2005. The consultation period was between December 2005 and February 2006.

Planning Policy Statement 7 (PPS7), 'Sustainable Development in Rural Areas' states in paragraph 15 that 'planning policies should provide a positive framework for facilitating sustainable development.

Development Plan Policies

The site lies within open countryside.

The Development Plan is the East Midlands Regional Spatial Strategy (RSS8 adopted March 2005 replacing the previous Regional Planning Guidance 8); the Leicestershire, Leicester and Rutland Structure Plan (adopted 7th March 2005) and the Hinckley and Bosworth Local Plan adopted February 2001.

In the Structure Plan Policy 8 (SP8) is relevant. The ethos of the policy is to restrict development in the open countryside. It states that the 'countryside will be protected for its own sake.' It also states that 'development in the countryside will only be acceptable if the general appearance and character of the landscape and the countryside is safeguarded or enhanced'. Structure Plan Housing Policy 6 is also relevant because it relates to provision of gypsy caravan sites.

All development proposals are subject to Policy BE1 of the Local Plan. Policy BE1 of the adopted Local Plan seeks to ensure a high standard of design in order to secure attractive development; to safeguard and to enhance the existing environment and to ensure that there is adequate highway visibility. The policy provides a set of design and amenity criteria with which to assess all new development.

The site lies within the open countryside where Policy NE5 of the Local Plan seeks to protect the countryside for its own sake and any development having a significant adverse effect on the appearance or character of the landscape will not normally be appropriate.

Policy NE14 of the Local Plan relates to drainage requirements for development.

Policy T5 of the Local Plan relates to highway design and vehicle parking standards. This policy states that development and changes of use that involve new accesses, new highways or other works, the highway design standards will apply.

Policy RES13 of the Local Plan states that as an exception to the countryside restraint policies gypsy caravan sites may be acceptable forms of development provided all the criteria is satisfied.

Appraisal:-

The original permission was granted due to the very special circumstances demonstrated by the then applicant. The accommodation was required on the basis of the occupants long-established agricultural work at several farms in the locality, that they offered some security to an amenity tree planting scheme on adjoining land, and that this site was required for the workers to be closer to their work of place. Since 1981 the use of the land for two caravans and hard standings has continued uninterrupted, apart from the occasional travelling to and fro by the applicants. It can be clearly demonstrated that the site has been used as a base for the Smith's family. However, the then applicant did not claim gypsy status for the occupiers of the caravans.

In 2002 the then applicant (current land-owner) was advised that unless there is a special justification made for the siting of the caravans in the future, it is unlikely that any further grant of temporary permission will be forthcoming. Although advice to the applicant in the form of a note to applicant is not legally binding upon the determination of this application, very little weight, if any, should be given to this advice, because of the change in central government policies in relation to provision of gypsy and traveller sites.

It is considered that the site has been continuously used for the stationing of two caravans and hard standings, and in fact has had lawful planning permissions since 1981. The Borough Council consistently renewed the temporary permissions hence this occupation has existed for approaching 25 years or so.

However, it appears that the applicant's themselves are now not wholly employed to conduct work on the agricultural holding due to farm diversification. It is considered that this application is materially different from the previous applications in that it seeks to retain the two caravans and hard standing for one gypsy family of Romany background, who are not wholly or entirely occupied with agricultural work on the site. Therefore, the advice contained within the 2002 grant of permission needs to be given less weight, because the nature of the application has now changed from one seeking residential accommodation for a family occupied with agricultural work on the site, to one that seeks permission for a gypsy family who carries out a mixture of livelihood activities whilst residing on the land.

In the light of paragraph 15 of the new Circular it is considered that the family are considered to have gypsy and traveller status despite them having a settled base. The Leicestershire County Councils Gypsy and Traveller Liaison Officer ("GLO") will report on her assessment as a late item.

The applicant has stated that both he and the landowner have attempted to find alternative sites but have been unsuccessful. The Borough Council is also part of a countywide gypsy and traveller accommodation needs assessment that is expected to be reporting its findings around March 2007. Therefore, the applicant is correct to state that no alternative authorised site is available within close proximity of this site, but there are privately run sites in other parts of the district where there may well be available pitches, but perhaps on a short-term basis due to other people travelling away from these sites during the summer months. An added complexity to this issue is the fact that to a certain extent there is still a need for this family to assist in agriculture work and on the site albeit that this is diminishing.

The development is within the countryside and is isolated. But it is important to take into consideration the new Circular, and recent Planning Inspectorate decisions in relation to gypsy site provision and the strict adherence to restrictive local plan policies. Therefore, it has been demonstrated that there are other material considerations, which are in favour of granting planning permission subject to the conditions outlined. It is considered that permission for one year will give both the applicant and the Borough Council an opportunity to conduct detailed gypsy and traveller accommodation needs within the district, and to assess the long-term suitability of this site.

Under these circumstances it is considered that a refusal of temporary permission is now disproportionate due to the actual occupation of the caravans by the applicants (a gypsy family) in caravans that have existed on the land for 25 years or so. Enforcement action is therefore not expedient in this case due to the special circumstances presented. It is also important to consider the Human Rights implications should Members be minded to refuse this application.

RECOMMENDATION :- Permit subject to the following conditions :-

- 1 This grant of planning permission shall expire on 31st August 2007.

- 2 This permission shall operate solely for the benefit of the applicant and shall not run with the land.
- 3 No more than two (2) caravans /and or mobile home shall be stationed for human habitation at any time on the land without prior written approval of the Local Planning Authority.
- 4 There shall be no other buildings or structures erected, placed or brought onto the land without the prior written approval of the Local Planning Authority.
- 5 There shall be no lighting columns or other means of lighting erected without the prior written approval of the Local Planning Authority.
- 6 There shall be no more than one vehicle (other than private motor cars) for each caravan/ and or mobile home stationed on the site at any one time
- 7 There shall be no storage of any kind of materials, plant, oil drums, tyres or waste materials of any description on the open area of the site,.
- 8 Within 1 month of this decision 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) means of enclosure
 - (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.
- 9 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained and maintained as such thereafter from the date of planting.
- 10 None of the trees or hedges shall be cut down, uprooted or destroyed, nor shall be topped or lopped without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.
- 11 Within 1 month of date of this planning permission details of existing and proposed drainage facilities shall be supplied and, and approved in writing by, the Local Planning Authority. The agreed details shall be implemented within three months of the agreement date unless otherwise agreed in writing by the Local Planning Authority, and maintained as such thereafter.

Reasons :-

- 1 This permission is temporary whilst awaiting the outcome of the Gypsy and Traveller accommodation assessment.
- 2-4 For the avoidance of doubt.
- 5 To enhance the appearance of the development to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.

6&7 For the avoidance of doubt.

8&9 To enhance the appearance of the development to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.

10&11 For the avoidance of doubt.

Notes to Applicant:-

1 This permission has been granted under special circumstances and is for temporary permission. The Borough Council will conduct a Gypsy and Traveller Accommodation Assessment and the findings of that assessment will not prejudice any future planning application or enforcement action. The applicant is advised to find an alternative site within this period and to seek planning advice from the Local Planning Authority.

Contact Officer:- A. Ghafoor Ext 5775

Item: 11

Reference: 06/00614/DEEM

Applicant: Chris Pocock

Location: Allotment Gardens Brodick Road Hinckley Leicestershire

Proposal: ERECTION OF 2.4M HIGH SECURITY FENCING

Introduction:-

This is a deemed application made under the Town and Country Planning General Regulations (1992) by the Borough Council to erect 2.4 metre high security fencing along the perimeter of the allotment gardens at Brodick Road Hinckley. The fencing will be approximately 73 metres in length to the east of the site and will be adjacent to the public footpath on Brodick Road.

History:-

None recent

Consultations:-

Neighbours notified and one letter has been received raising the following concerns, that the fencing should be 2.5m high but it should not resemble an industrial or Ministry of Defence type environment and should be sympathetic to the surrounding park and children's play areas.

Development Plan Policies:-

The site lies within the settlement boundary of Hinckley as designated in the Hinckley and Bosworth Local Plan. There are no specific policies that relate to this type of proposal other than BE1 of the adopted Hinckley and Bosworth Local Plan which states development

should complement the surrounding area and have regard to the safety and security of both individuals and property.

Appraisal:-

The allotment gardens have suffered from a history of antisocial behaviour and instances of vandalism and the fencing will provide enhanced security for the site. The fencing, which features spiked rails, will be highly visible from Brodick Road and the need for enhanced security has to be balanced against the impact on the visual amenity of the site and the surrounding area. In principle the need for the fencing is acknowledged but the exact specification of the fencing is to be explored further and reported as a late item to address the residents concerns.

Recommendation - Subject to no significant representation being received within the consultation period, the Head of Culture and Development be granted powers to issue planning permission subject to the following condition:-

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The security fencing hereby approved shall be painted dark green unless otherwise approved in writing by the Local Planning Authority and be retained as such at all times thereafter.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To enhance the appearance of the development to accord with policy REC1 of the adopted Hinckley & Bosworth Local Plan.

Contact Officer:- S Cheshire Ext 5762

Item: 12

Reference: 06/00624/FUL

Applicant: Charter Manor Designs Ltd

Location: Watling Street Farm Watling Street Smockington Hinckley
Leicestershire

Proposal: REBUILDING OF ELEMENTS OF WALLS TO UNIT 3, PREVIOUSLY
APPROVED UNDER PLANNING PERMISSION 89/1369/4

Introduction:-

The application relates to the retention of Unit 3, Watling Street Farm, Watling Street Smockington. The application is retrospective.

The site is situated to the south of Watling Street (A5 Trunk Road) and is surrounded by agricultural land to the east, west and south. Part of the site is within the administrative boundary of Rugby Borough Council but this proposal is unrelated to that part of the site. The site comprises of a farmhouse situated to its east, with two storey barns in a 'L' shape arrangement, a barn that is adjacent to the A5, and a smaller barn to the western edge of the site. To the site's eastern boundary there are two residential dwellings. The site is arranged in a courtyard setting. The site is isolated. The proposal has no impact upon already approved accesses.

On 20th February 1990 planning permission was granted for the conversion of disused barns to 4 dwellings and double garages. No structural engineer's survey was required nor submitted by the then applicant - however, it was considered by the Officer that the barn could be converted without significant alterations or demolition.

An Enforcement Notice alleging a breach of planning control in relation to Unit 3 was issued and subsequently withdrawn by the Local Planning Authority on 10th March 2006. The applicant has submitted this application together with a supporting statement explaining the reasons as to why operational development was carried out to the building without planning permission.

The applicant states that 'the current applicant was not involved at the time when the original planning application was submitted and approved and subsequently bought the site "as seen" without having any opportunity for the carrying out of any invasive survey and with the knowledge and comfort of the planning permission'.

The Borough Council amended the original planning permission in 2004 (as minor amendments to the previously approved scheme) and the applicant states that '...substantial changes have been authorised to the barns including completely refurbished roofs (save for the re-use of some original trusses, which has occurred) and significant elements of rebuild'. The applicant states that '...during the course of carrying out the works unexpected difficulties were encountered which has resulted in the need to carry out some operational development which is not within the scope of the consent'.

The applicant states that the following works are considered to be classed as operational development not within the scope of the original planning permission: -

Five brick piers to garages - South West (front) elevation

The applicant states that the size of the existing brick piers was required to be increased to meet the current requirements of the Building Regulations. The building control officer required more substantial piers to comply with Approved Document Part A 2004 Edition. This was identified by the Council's Building Control section on submission of the full plans Building Regulations application. The piers were rebuilt to a size, which complied with the new requirements.

The south east (end) gable wall

The applicant states that the gable wall had been weakened by poor workmanship when the garage conversion was originally commenced by the previous owner in approximately 1995. The wall had been built in thin wall hollow blocks without a damp proof course and did not comply with current building regulations. There were cracks through the brick gable wall caused by the conifer trees which had been planted too close to the building and had been allowed to grow so high by the previous owner that they were affecting the overhead electricity cable. The leaning electricity pole also compounded the movement of the wall by putting pressure on the base of the wall. The gable had to be rebuilt off a new foundation and properly tied into the front pier and the rear wall. The applicant states that this was required by the Building Control officer. The gable wall has been rebuilt predominantly in

brickwork and is to be rendered in accordance with the existing planning permission and therefore the outcome will be indistinguishable from what was originally permitted.

The central gable of south west (front) elevation

The applicant states that when the render was removed from the gable to this area of the barn it was apparent that the whole gable was moving outwards and required rebuilding. The Building Control officer visited the site to inspect this section of the wall and observed that the ground floor storey height was in excess of 75mm out of plumb and he required that the gable be rebuilt. The rebuilding that has taken place has used the original bricks and has been tied into the adjacent section of wall. The gable wall is to be rendered in accordance with the existing planning permission and therefore the outcome will be indistinguishable from what was originally permitted.

Two brick piers on the south west (front) elevation opposite unit 2

The reasons as to why these needed to be rebuilt according to the applicant are identical to those for the brick piers as set out above. In addition, one of the piers was found to be built over a brick culvert when excavations were carried out for the new foundations for the new infilling wall.

North west (end) gable

The applicant states that the upper part of the north west gable (generally above eaves level) has had to be rebuilt because it was fractured due to movement of inbuilt timbers. This part has been rebuilt in reclaimed bricks. The gable wall is to be rendered in accordance with the existing planning permission and therefore the outcome will be indistinguishable from what was originally permitted.

North east (rear) elevation

The applicant also states that the approved plans approved substantial new build along the north east elevation amounting to just over 1/3 of that elevation. The remainder of the elevation was to be retained. Unfortunately it became apparent during the removal of the cement render that the wall was previously a garden wall which had been built up to carry the roof of the barn and trial investigations revealed that there were no foundations. Further inspection by the structural engineer, Building Inspector and the NHBC confirmed that the wall was unstable and the Building Inspector required the wall to be rebuilt off new foundations. The gable wall is to be rendered in accordance with the existing planning permission and therefore the outcome will be indistinguishable from what was originally permitted.

The applicant further states that the works required to be carried out to Unit 3 in order to satisfy Building Regulations. He also states that "as will be apparent from the above none of the works carried out have been to the advantage of the applicant' and that 'they have all involved the applicant in considerable expense and have all been necessary in order to ensure that either Building Regulations were satisfied or to ensure that purchasers were in due course able to buy houses of appropriate stability and quality'.

Consultations:-

At the time of writing this report no observations were received from:-

Burbage Parish Council
Adjoining neighbours
Head of Environmental Services
Highways Agency.

A site notice was posted adjacent to the site.

Development Plan Policies:-

National government guidance is contained within Planning Policy Statement 7 (PPS7).

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

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

Policy BE20 focuses on the re-use and adaptation of rural buildings, including those for residential purposes. It states that such proposals will be granted provided there is no adverse effect on the landscape, highway safety, protected wildlife habitats, or to the design, character and appearance and setting of the building; the building should be capable of conversion without significant alterations, extensions or rebuilding; and the amenities of nearby residents not adversely affected. Buildings should be located where a working farm or other rural activity does not adversely affect the amenities of future occupiers. It is considered that the carrying out of operational development on this Unit is not contrary to this policy.

Policy BE1 reiterates much of the above criteria, whilst policy T5 seeks to apply the County Council highway standards and parking targets when considering new development. It is considered that the carrying out of operational development on this Unit is not contrary to this policy.

Further advice is given in the adopted Local Planning Authority's Supplementary Planning Guidance on Conversion of Rural Buildings (June 2004).

Appraisal:-

The issue to consider is whether or not the operational development implemented amounts to significant rebuilding thus not being within the scope of the original planning permission; the impact of the development upon the character and setting of the open countryside and whether sufficient material considerations have been forwarded in order to override the adopted Development Plan policies.

Significant rebuilding

The applicant accepts that those areas identified by the Planning section as being rebuilt, have been rebuilt. The works that amount to rebuilding are outlined in the introduction to this report, but also involve the replacement of the roof to this barn. The building that existed has been demolished. The wall adjacent to the A5 has been completely rebuilt involving some 87square metres of area 30 metre wall has been removed and rebuilt; a

wall 9 metres in length and a gable wall of 4.6 metres in overall height has been reconstructed whilst other works have resulted in the existing barn being substantially replaced. Applying current policies and the Borough Council's Supplementary Planning Guidance such works are considered to be significant and substantial.

There was no structural engineers report submitted with the original planning application, which would have illustrated those parts of the barn to be rebuilt. The applicant has subsequently obtained a structural engineer's report that states the reasons as to why these works were required in order to produce a building that meets up-to-date building regulations, health and safety and structural stability. Most of the roof has been replaced save some old trusses.

Character and setting of the Open Countryside

The existing barn comprised of a single storey building that has an approximate overall floor area of around 150square metres, whilst to its south east there is a smaller portion offering some 113square metres of floor area. The majority of the barn was to be converted to residential unit, whilst on the smaller portion to the south east garages are proposed, and the resultant building is also similar to what existed previously.

Whilst it is recognised that the material impact of this resultant building upon the character and setting of the open countryside will be no different from what existed previously, that does not alter the fact that what has been built is in direct conflict with the policy of permitting conversion and preventing rebuild.

Other material considerations

The applicant has indicated in his statement that the works to Unit 3 have been carried out with the full knowledge of the Borough Council's Building Control section. That cannot bear on planning issues. Since application for all other permissions relating to development are separate matters and the responsibility of an applicant. However, in balancing the issues before us it is clear from the applicant's submissions that the demolition and rebuilding of parts of Unit 3 were unintentional, and the applicant now realises that he should have sought advice from the Borough Council's planning section before rebuilding commenced. Evaluating the overall amount of rebuilding it is clear that most of the works are to the upper floors indicating that during construction these areas became structurally unstable and unsuitable to repair.

In balancing the issues before us it is clear from the applicant's submissions that the demolition and rebuilding of significant parts of Unit 3 were unintentional. Although the applicant now realises that he should have sought the Borough Council's planning section's permission before rebuilding commenced. Evaluating the overall amount of rebuilding it is clear. Although clearly advised in writing to cease the works undertaken by the Borough Council's Planning section the applicant decided to continue development in breach of planning controls. But it must also be acknowledged that at this late stage the applicant has submitted the application upon being advised to do so.

It is considered that the rebuilding works implemented by the applicant on Unit 3 are both significant and substantial; the replacement of the barn in the open countryside in principle is unacceptable and contrary to adopted Development Plan policies. It is also considered that these rebuilding works are contrary to the Borough Councils adopted Supplementary Planning Guidance on barn conversions, although adopted on June 2004 it is relevant to this case. Therefore, Members may be minded to refuse permission on grounds of principle which tantamounts to a new residential building within the open countryside where there are restrictive policies on such development. There is no special justification for this development.

In evaluating these circumstances it is considered that the amount of demolition and rebuilding in this case is significant and substantial. The applicant has submitted a separate planning application for operational development that has been carried out in relation to Unit 4 (application reference 06/00624/FUL). The main difference between the two applications is the scale and volume of rebuilding works that have been carried out amounting to operational development.

For the reasons already stated it is considered that on these grounds alone this application should not be permitted. In this case it is considered that further enforcement action is expedient. However, the issue relates to the use of the building and whilst it is considered that the use as a dwelling is not acceptable, because the erection of a new dwelling without policy justification is unacceptable, the total removal of this building would remove the courtyard appearance of the site, thus making it more visually intrusive in the countryside than it is at present. Therefore, although this application is refused, this does not prejudice the outcome of any future application for alternative uses of the building that may be more acceptable than a residential dwelling.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, the development amounts to the erection of a new dwelling in the open countryside, which would have an adverse effect on the rural character of the area. No evidence has been submitted to demonstrate that the dwelling is required in connection with agriculture, or that there is any other need which justifies setting aside these policies. The carrying out of operational development conflicts with Policies BE1, BE20, RES5 and NE5 of the adopted Hinckley and Bosworth Local Plan and to the Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings (adopted June 2004).
- 2 In the opinion of the Local Planning Authority the carrying out of significant and substantial rebuilding of the agricultural barn, if approved, would create a precedent that would make it difficult for similar applications to be resisted, and is therefore contrary to Policies BE20 and NE5 of the adopted Hinckley and Bosworth Local Plan and to the Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings (adopted June 2004).

Contact Officer:- A Ghafoor Ext 5775

Item: 13

Reference: 06/00625/FUL

Applicant: Charter Manor Designs Ltd

Location: Watling Street Farm Watling Street Smockington Hinckley
Leicestershire

Proposal: REBUILDING OF ELEMENTS OF WALLS TO UNIT 4 PREVIOUSLY
APPROVED UNDER PLANNING PERMISSION 89/1369/4

Introduction:-

The application relates to the retention of Unit 4, Watling Street Farm, Watling Street Smockington. The application is retrospective.

The site is situated to the south of Watling Street (A5 Trunk Road) and is surrounded by agricultural land to the east, west and south. Part of the site is within the administrative boundary of Rugby Borough Council but this proposal is unrelated to this part of the site. The site comprises of a farmhouse situated to its east, with two storey barns in a 'L' shape arrangement, a barn that is adjacent to the A5, and a smaller barn to the western edge of the site. To the site's eastern boundary there are two residential dwellings. The site is arranged in a courtyard setting. The site is isolated. The proposal has no impact upon already approved accesses.

On 20th February 1990 planning permission was granted for the conversion of disused barns to 4 dwellings and double garages. No structural engineer's survey was not required nor submitted by the then applicant; however, it was considered by the Officer that the barn could be converted without significant alterations or demolition.

A Enforcement Notice alleging a breach of planning control in relation to Unit 3 was issued and subsequently withdrawn by the Local Planning Authority on 10th March 2006. The applicant has submitted this application together with a supporting statement explaining the reasons as to why operational development was carried out to the building without planning permission.

The applicant states that 'the current applicant was not involved at the time when the original planning application was submitted and approved and subsequently bought the site "as seen" without having any opportunity for the carrying out of any invasive survey and with the knowledge and comfort of the planning permission'.

The Borough Council amended the original planning permission in 2004 (as minor amendments to the previously approved scheme) and the applicant states that '...substantial changes have been authorised to the barns including completely refurbished roofs (save for the re-use of some original trusses, which has occurred) and significant elements of rebuild'. The applicant states that '...during the course of carrying out the works unexpected difficulties were encountered which has resulted in the need to carry out some operational development which is not within the scope of the consent'.

The applicant states that the following works are considered to be classed as operational development not within the scope of the original planning permission:-

The rebuilding of both gables of the central two storey portion

The rebuilding which has occurred in the gables referred to has only occurred at first floor level and above. This was required because both gables were fractured due to movement of inbuilt timbers. One gable is internal. The other gable wall is to be rendered in accordance with the existing planning permission and therefore the outcome will be indistinguishable from what was originally permitted.

North east (end) gable of single storey element of the building

Here again the upper part of the gable end was rebuilt as it was fractured due to movement of inbuilt timbers.. The gable wall is to be rendered in accordance with the existing planning permission and therefore the outcome will be indistinguishable from what was originally permitted.

North West (rear) wall of single storey element, closest to A5

Some of the brickwork on the single storey element of the north west elevation was rebuilt. When the render to the building was removed it was apparent that the upper part of the wall had loose bricks and perished lime mortar which had been affected by the lack of rainwater goods, causing the top of the wall to become saturated and affecting lowers parts. The

affected brickwork therefore needed to be rebuilt. Again the wall is to be rendered in accordance with the existing planning permission and therefore the outcome will be indistinguishable from what was originally permitted.

The applicant further states that the works were required to be carried out to Unit 4 in order to satisfy Building Regulations. He also states that "...as will be apparent from the above none of the works carried out have been to the advantage of the applicant..." and that "...they have all involved the applicant in considerable expense and have all been necessary in order to ensure that either Building Regulations were satisfied or to ensure that purchasers were in due course able to buy houses of appropriate stability and quality'.

Consultations:-

At the time of writing this report no observations were received from:-

Burbage Parish Council
Adjoining neighbours.

A site notice was posted adjacent to the site.

Development Plan Policies:-

National government guidance is contained within Planning Policy Statement 7 (PPS7).

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

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

Policy BE20 focuses on the re-use and adaptation of rural buildings, including those for residential purposes. It states that such proposals will be granted provided there is no adverse effect on the landscape, highway safety, protected wildlife habitats, or to the design, character and appearance and setting of the building; the building should be capable of conversion without significant alterations, extensions or rebuilding; and the amenities of nearby residents not adversely affected. Buildings should be located where a working farm or other rural activity does not adversely affect the amenities of future occupiers. It is considered that the carrying out of operational development on this Unit is not contrary to this policy.

Policy BE1 reiterates much of the above criteria, whilst policy T5 seeks to apply the County Council highway standards and parking targets when considering new development. It is considered that the carrying out of operational development on this Unit is not contrary to this policy.

Further advice is given in the adopted Local Planning Authority's Supplementary Planning Guidance on Conversion of Rural Buildings (June 2004).

Appraisal:-

The issue to consider is whether or not the operational development implemented amounts to significant rebuilding thus not being within the scope of the original planning permission; the impact of the development upon the character and setting of the open countryside and whether sufficient material considerations have been forwarded in order to override the adopted Development Plan policies.

The applicant accepts that those areas identified by Officer's as being rebuilt are indeed as such. However, in this circumstance the originally approved scheme involved a reasonable amount of rebuilding works. These works are to the lounge area to the north west elevation involving some 20square metres of new build; construction of a 6metre long new wall to the north facing and a 9 metre wall to the east facing elevation of the single-storey element. Applying current policies and the Borough Council's Supplementary Planning Guidance which is relevant, such works may be considered significant. However, they have already been approved.

Due to the age of the existing buildings it is unlikely that they satisfied current Building Regulations. The walls that were permitted to be constructed as new are 215mm thick which matched the existing wall thickness. Various internal works would have been required in order to bring the external walls up to a certain standard in order to meet Building Regulations. It is apparent that during construction phases the areas outlined by the applicant as being rebuilt or partially rebuilt were necessary in order to keep the buildings from complete collapse.

There was no structural engineers report submitted with the original planning application which would have illustrated those parts of the barn to be rebuilt. The applicant has subsequently obtained a structural engineer's report that states the reasons as to why these works were required in order to produce a building that met up-to-date building regulations, satisfying health and safety and structural stability. Most of the roof has been replaced save some old trusses.

Character and setting of the Open Countryside

The existing barn comprised of a two-storey element that has a floor area of around 84 square metres, whilst the single-storey element had a floor area of approximately 36 square metres. The overall height of the two-storey element is around 6 metres whilst the single-storey wing of the barn is approximately 4.2 metres in overall height. The resultant building is similar in terms of its location, scale, size and volume. This building has no material impact upon the character and setting of the open countryside then what existed previously.

Other material considerations

The applicant has indicated in his statement that the works to Unit 4 have been carried out with the full knowledge of the Borough Council's Building Control section. The need to meet Building Regulations is a different matter to planning controls. However, in balancing the issues before us it is clear from the applicant's submissions that the demolition and rebuilding of parts of Unit 4 were unintentional, and the applicant now realises that he should have sought advice from the Borough Council's planning section before rebuilding commenced. Evaluating the overall amount of rebuilding it is clear that most of the works are to the upper floors indicating that during construction these areas became structurally unstable and unsuitable to repair, and that a recognisable building still remained.

The replacement of an outbuilding for residential use in the open countryside in principle is unacceptable and contrary to adopted Development Plan policies and the Borough Councils adopted Supplementary Planning Guidance on barn conversions as it would tantamount to a new residential building within the open countryside where there are restrictive policies on such development. There is no special justification for this development site.

The Borough Council's Building Inspector has checked the walls and concurs to the extent of the rebuilding shown. All the facts and submissions by the applicant have been taken into account, including the Borough Council's District Surveyors having visited the site and discussed works required.

In evaluating these circumstances of this site and considering it in light of unit 3 reported earlier on the agenda, the amount of unauthorised work is less, and a recognisable building remained. Effectively, it is felt that the permission previously granted has been implemented in terms of it being a conversion and not a new build.

RECOMMENDATION :- Permit subject to the following conditions :-

- 1 All of the conditions attached to planning permission reference 89/1369/4 shall apply to this grant of planning permission..

Reasons :-

- 1 For the avoidance of doubt.

Contact Officer:- A. Ghafoor Ext 5775

Item: 14

Reference: 06/00631/OUT

Applicant: Mr And Mrs Taylor

Location: 23 Bradgate Road Hinckley Leicestershire LE10 1LA

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

Introduction:-

This is an outline application for the erection of two dwellings following the demolition of the existing dwelling; all matters except siting and access are reserved. The site is located to the east of Bradgate Road adjacent the recently approved Bovis Homes development that is accessed between Nos 23 and 25 Bradgate Road. The character of Bradgate Road is varied with a good mix of property styles and sizes. No 21 Bradgate Road consists of a bungalow set relatively close to the back edge of the highway; whilst No 25 is a large two storey property set some 15 metres from the highway boundary. There is no definitive building line along this side of Bradgate Road. No 23 Bradgate Road currently consists of a two storey detached property, again set approximately 15 metres from the highway boundary, it has a detached garage and outbuilding to the front of the dwelling along the boundary with No 21.

The proposal seeks consent for two detached dwellings both with double detached garages. The plots are arranged one behind the other with the front dwelling being sited 7 metres from the back edge of the highway. The garages for both dwellings are located alongside the northern boundary alongside No 21. Access to the front plot is directly off Bradgate Road, whilst the rear plot is accessed via the access to the Bovis development. Whilst the application does not propose full elevational details, indicative elevations have been submitted that indicates that Plot 2 will have a dual aspect. It is considered that as the dwelling on Plot 1 sits forward of the adjacent property, No 25, this should also have a dual aspect so as to not provide a prominent blank elevation within the streetscene.

The design statement lays down the design principles and solutions; it states that the development aims to create a small and private residential development, which relates well to the surrounding area. The proposed dwellings are similar in both size and scale to surrounding properties; their design will be varied to reflect the variety that exists along Bradgate Road currently.

History:-

95/00500/FUL	Extension to dwelling	Refused	17.08.95
95/00772/FUL	Extension to dwelling	Permitted	17.11.95
02/01394/FUL	Extensions and alterations to dwelling and detached garage	Permitted	27.01.03
05/00083/OUT	Residential development of three new dwellings and demolition of existing	Refused	23.03.05
05/01340/OUT	Residential development of three new dwellings and demolition of existing (revised scheme)	Refused	01.03.06

Consultations:-

No objection has been received from Severn Trent Water.

The Land Drainage Engineer comments that soakaways and permeable paving should be considered as the preferred method of surface water disposal subject to satisfactory ground strata.

At the time of writing the report no comments had been received from Director of Highways, Transportation and Waste Management

Neighbours notified and site notice displayed; 3 letters of response have been received raising the following concerns: -

- a) access via Bovis development inappropriate
- b) access via Bovis development will set a precedent for similar development
- c) unsuitable development out of character of the area
- d) increase in traffic on what is already a rat run, passed a large school and cycle route
- e) access width inadequate
- f) impact in streetscene
- g) demolition of existing attractive house
- h) creates an unbalanced entrance to Bradgate Gardens (Bovis Development)
- i) loss of privacy
- j) overbearing nature of development due to bringing a two storey property closer to the adj bungalow
- k) loss of light and
- l) loss of security during demolition and construction due to loss of boundary buildings.

Development Plan Policies:-

The application site lies within the settlement boundary of Hinckley as identified in the adopted Hinckley and Bosworth Local Plan. Policy RES5 relates to residential proposals

on unallocated sites. It is stated that on those sites, which are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if: the site lies within the settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

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

Policy IMP1 requires developers to make a contribution towards the provision of the necessary on-site and off-site infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policies REC2 and REC3 require the appropriate level of open space to be provided within the 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 T5 refers to Highway standards and parking requirements.

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

Appraisal:-

The principle of residential development is considered acceptable in this location. Notwithstanding this, it is necessary to assess the proposal against the relevant plan policies, particularly in respect of siting, access, impact on character of surrounding area and impact on neighbours.

Density and Layout

The site measures approximately 1054 sq metres. The proposal provides a density of 20 dwellings per hectare which whilst low is considered acceptable in this location. It is considered any more than 2 dwellings on the site, as previously submitted, cannot be sited satisfactorily to ensure there is no adverse impact on either the surrounding area or neighbouring properties. The application proposes two dwellings set within the plot one behind the other. Residential development standards laid down within the supplementary planning guidance can be achieved; there is a distance of 14 metres between the rear elevation of proposed Plot 2 and the side elevation of Plot 2 on Bradgate Gardens, a distance of 25 metres between the front elevation of Plot 2 and the rear elevation of No. 21 Bradgate Road, and a distance of 23 metres between the front elevation of Plot 2 and the rear elevation of Plot 1. Adequate amenity space is provided for each dwelling to meet guidance in adopted Supplementary Planning Guidance.

The revised plans submitted propose to set the front dwelling back so as not to appear dominant within the street scene. The front dwelling is now set 7 metres from the highway boundary; whilst this is considerably closer than that of No. 25 it is a comparable distance

to both Nos 21 and 27, which are located 7m and 6m respectively from the highway boundary. It is considered that the layout proposed conforms to adopted standards and is therefore acceptable in terms of both density and layout.

Access and Parking

Access to the existing property is provided via Bradgate Road and it is proposed to utilise this existing access to serve Plot 1. It is proposed to access Plot 2 from the new access serving Bradgate Gardens; this will result in a total of 17 dwellings using the new access, which is located between the application site and No 25 Bradgate Road. Whilst no comments have to date been received from Highways it is considered that the addition of one dwelling using this access will not result in an intensification of use detrimental to highway safety. The access is an acceptable width to enable two cars to pass safely without detriment to highway safety.

Any further applications seeking access off the Bradgate Gardens access would need to be considered on their own merits and therefore the approval of this application would not, it is considered, set a precedent for the use of this application.

The application proposes a double garage for each dwelling and provision for parking on the drive. Whilst the size of properties is unknown at this time it is considered that adequate parking can be achieved to meet maximum standards of 3 spaces per dwelling.

Impact on Character of Surrounding Area

Bradgate Road is varied in character. Whilst there is a mix of dwelling types and styles the area consists predominantly of two storey detached dwellings. It is considered that the proposal for two detached dwellings is characteristic of the area. Although design is not included in this application, it is considered that as with any proposal the design of the proposed development should be informed by surrounding property styles and in this instance by the character of the existing property.

The access to Bradgate Gardens is currently bounded by Nos 23 and 25 which are on the same building line, however the dwellings are significantly different in size, mass and appearance and do not create an appearance of symmetry and balance to the access that would be lost through the approval of this proposal.

It was considered that the original proposal sited the dwelling on Plot 1 too close to the highway boundary resulting in a development that would appear dominant within the streetscene. This has been addressed by the revised plans that have moved the dwelling back within the plot to reflect Nos. 21 and 27 Bradgate Road.

Impact on Neighbours

The proposed development is considered to have little impact on residents of neighbouring properties. The scheme does propose built form alongside the boundary with No. 21, however there is an existing garage and out buildings that form the boundary between Nos 21 and 23. The proposed garage for Plot 1 is sited in a similar position to these existing buildings and therefore it is considered that the siting of the new garage will not have an adverse impact on the neighbour. However, as the existing buildings form the boundary itself, it will be necessary for boundary treatment to be proposed along the northern boundary, this can be covered by the imposition of a condition on any approval of planning permission. Again the garage for Plot 2 is located alongside the northern boundary; this is set some 12 metres from the rear of No. 21 and is sited to the rear of where the existing dwelling is situated, which currently sits only 1.4 metres from the boundary. It is considered that this will also not have an adverse impact on the neighbour through loss of privacy, nor is the development considered to be overbearing.

The neighbour raises concerns regarding loss of light, however as the boundary currently has built form along it in close proximity to the bungalow (1.5 metres) it is considered that the siting of the frontage dwelling some 8.5 metres from the bungalow will create a relief in built form that allows more light to penetrate than existing.

No. 25 Bradgate Road is currently being use as a site office and showroom for the new Bovis Homes development, however following completion of their new development it is intended that No. 25 will be refurbished and again used for residential. Plot 2 on the proposed development is set at an angle from No. 25 and is located approximately 16 metres from the rear elevation. Whilst this distance is below standards the position of the new dwelling in relation to the existing, in terms of its angle and location across the new access, is unlikely to have an adverse impact on the amenity of the future residents of No. 25.

Developer Contributions

Developer contributions will be required for play and open space and in this instance the sum required will be £1900 for the additional dwelling towards the improvement and provision of open space within the vicinity of the site in line with the objectives of both the adopted Green Space Strategy and recommendations of the Quantity/Accessibility Audit 2005.

Conclusion

For the reasons set out in the evaluation above it is considered that the construction of two dwellings on this site will not have a detrimental effect on the character of the area or on the amenity of neighbouring residents. The density, layout and parking provision is considered to comply with adopted standards. The design is considered an important issue and should be informed by the surrounding built form and the existing dwelling.

RECOMMENDATION :- Permit subject to the following conditions :-

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

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 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:

The design and external appearance of the proposed building

The external building materials

The method of disposal of surface and foul water drainage, which shall be on separate systems

The provision to be made for landscaping of the site

The existing trees and hedges on the site, which are to be retained

The provision to be made for screening by walls and fences

The floor levels of the proposed dwellings: in relation to the existing ground level and the finished levels of the site.

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

- 3 This permission relates to the application as revised by amended plan 5679K-05A received by the Local Planning Authority on 3rd July 2006.
- 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 to E 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 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 approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 To define the permission.
- 4 To safeguard amenities of neighbouring properties to accord with policy BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure the provision of Play and Open Space to accord with policies of REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan.
- 6 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 work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

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

- 2 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 3 Condition 5 refers to play and open space contribution. In this instance a contribution of £1900 is required towards the provision and maintenance of off-site Public Open Space.
- 4 The applicant be advised that the design of the dwellings should reflect the character of development in the surrounding area and the existing dwelling on the site.

Contact Officer:- T. Miller Ext 5809

Item: 15

Reference: 06/00648/OUT

Applicant: MJ McMahon

Location: 55 Cowper Road Burbage Hinckley Leicestershire LE10 2LW

Proposal: RESIDENTIAL DEVELOPMENT WITH NEW ACCESS

Introduction:-

This is an outline application for residential development at 55 Cowper Road, Burbage. The site lies within the settlement boundary of Burbage and is surrounded on all sides by residential developments. The means of access is the only matter to be considered, all other matters are reserved at this stage.

55 Cowper Road currently comprises a domestic dwelling and a dental surgery. The property has a large gravel car park to the front and an extensive garden to the rear.

The site is rectangular with an average width of 26m and length 115m, this gives a developable area not including the access of 0.3 hectares.

The site is bounded by back gardens of properties along Brookside to the north and Cowper Road to the south and west. To the east is a jitty with the Castle Court flats beyond. There are considerable level differences between Brookside and Cowper Road resulting in the first floor windows of Castle Court being at ground level when viewed from the application site.

The site to the rear of the existing buildings is bound by a strong hedge line to the properties on Cowper Road and a hedge and fence to properties on Brookside. The last third of the garden is overgrown, in this area the hedge line is incomplete with a mixture of fences separating the application site from the surrounding residential gardens. Surrounding properties are a mixture of linked semi-detached and terrace properties.

The garden is mainly lawned and includes a number of ornamental trees.

The access is currently used for the house and surgery. This is around 4 metres wide and 35 metres long and runs between 53 and 57 Cowper Road adjacent to the jitty. It is bound on both side by walls.

The access is set back from the kerb by around 5 metres the pavement is deepened at this point which provides visibility for the access and jitty.

A design statement has been submitted which states that the site should be developed at densities outlined in Planning Policy Guidance Note 3 and that the screen along the boundary with properties on Cowper Road will be retained and enhanced.

History:-

90/1135/4	Residential Development	Refused	15.09.93
91/0306/4	Residential Development (Outline)	Approved	10.06.91
91/1029/4	Alteration and extension to provide surgery and living accommodation and erection of double detached garage	Approved	17.12.91
93/0692/4	Extension to dwelling	Approved	15.09.93

Consultations:-

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

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

No objections subject to standard conditions have been received from:

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

Neighbours notified, 11 letters of objection and one petition containing 25 signatures have been received raising the following concerns:-

- a) increased use of jitty increasing problems caused to local residents
- b) noise and disturbance of building works on elderly residents of Castle Court
- c) overlooking of Castle Court flats
- d) impact on parking within the area
- e) reduction in environmental qualities of the area
- f) de-valuation of property prices
- g) access is not wide enough to allow vehicles to pass
- h) congestion of Cowper Road
- i) impact on outdated sewage system
- j) reduction in water pressure
- k) overlooking of existing properties
- l) precedent will allow further development
- m) design and massing out of context
- n) noise from increased traffic along access
- o) loss of eco-system.

Development Plan Policies:-

National Planning Guidance

Planning Policy Guidance Note 3 - Housing encourages the use of previously developed land within urban areas in preference to the development of Greenfield sites for housing. Annex C defines the curtilage of existing dwellings as brownfield land.

Structure Plan

Strategy Policy 10 of the Leicestershire, Leicester and Rutland Structure Plan 1996- 2016 encourages good design that enhances the form and local character and distinctiveness of the built and natural environment.

Housing Policy 5 requires densities of 40 dwellings per hectare on sites in local centres and states developments should respect the local context in terms of design.

Local Plan

The site lies within the settlement boundary for Burbage 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 £1,900 per residential unit where facilities cannot be provided within the site. This is in line with the objectives of both the adopted Green Space Strategy and recommendations of the Parish Open Space Quantity/Accessibility Audit 2005.

Appraisal:-

The proposed development is sited within the settlement boundary of Burbage therefore there is a presumption in favour of residential development subject to acceptable siting, design and layout. The 1990 refused application proposed access through the Castle Court car park and was refused as the proposed dwellings did not relate to a road frontage. A subsequent application in 1991 was approved in outline showing access gained through the current surgery access. A reserved matters application was never submitted and therefore this outline approval has now expired.

Whilst comments are awaited from the Highway Authority it is considered that the proposed development would not lead to an intensification of use given the existing surgery use and current traffic movements.

Although siting is not to be considered at this stage, the site could be developed without detrimental impact on surrounding properties in terms of overlooking and privacy. The site meets separation distances set out in the adopted Supplementary Planning Guidance from the rear of properties along Brookside. Properties along Cowper Road have 20 metre long

rear gardens therefore development 5 metres away from this boundary would meet guidance. The east of the site is particularly overlooked by Castle Court. The design of development in this part of the site would need to reflect this issue, however it is considered that a layout could be produced which would maintain the necessary separation distances. As there are considerable differences in level between Castle Court and this part of the application site a condition will be imposed to request details of the relationship between the existing and proposed properties.

Whilst the noise and disturbance caused is temporary in nature, it is considered that given the proximity and nature of the occupants of Castle Court that restrictions on the hours of construction are imposed by condition.

Concerns raised with regards to the design of the proposals, impact on car parking, traffic congestion and overlooking will be considered when the reserved matters application is determined.

A public sewer runs across the site Severn Trent have no objection subject to the imposition of a condition.

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 BE1, RES5, REC2, REC3 and T5 of the Hinckley and Bosworth Local Plan. Planning 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:

- The siting, design and external appearance of the proposed building
- The external building materials
- The provision to be made for vehicle parking on the site
- The provision to be made for vehicle turning within the site
- The method of disposal of surface and foul water drainage which shall be on separate systems
- The provision to be made for landscaping of the site
- The existing trees and hedges on the site which are to be retained
- The provision to be made for screening by walls and fences
- The provision of open spaces within the site
- The floor levels of the proposed dwellings in relation to the existing ground level and the finished levels of the site, particularly in relation to Castle Court.

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

3 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.

- 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 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - (i) proposed finished levels or contours
 - (ii) means of enclosure
 - (iii) car parking layouts
 - (iv) other vehicle and pedestrian access and circulation areas.
 - (v) hard surfacing materials
 - (vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
 - (vii) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
 - (viii) retained historic landscape features and proposals for restoration, where relevant.
 - (ix) planting plans
 - (x) written specifications
 - (xi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - (xii) implementation programme.
- 6 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 7 Deliveries and construction work should not occur outside of the hours of 08:00 to 17:00 nor at any time on Sundays, Bank or Statutory Public Holidays.
- 8 Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological context of the development, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed.
- 9 A public sewer crosses the site and shall not be built over or nearer to than 5 metres, unless otherwise agreed with 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 the provision of Play and Open Space to accord with policies of REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan.

- 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 enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.
- 7 To protect to amenity of residents in accordance with policy BE1 of the Hinckley and Bosworth Local Plan.
- 8 To ensure satisfactory provisions are made for the drainage of the site.
- 9 To safeguard the stability of the sewer.

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 3 refers to play and open space contribution. In this instance a contribution of £1900 per dwelling is required towards the provision and maintenance of off-site Public Open Space.
- 4 Attention is drawn to the comments of the Environment Agency, in their letter dated 1st February 2006, a copy of which is enclosed.

Contact Officer:- T. Miller Ext 5809

Item: 16

Reference: 06/00694/DEEM4

Applicant: Hinckley And Bosworth Borough Council

Location: 11 East Walk Ratby Leicester LE6 0LG

Proposal: CONSTRUCTION OF OFF ROAD CAR PARK AREA

Introduction:-

This is a deemed application made under the Town and Country Planning General Regulations 1992. The application has been submitted by Housing Operations for the construction of an access and six car parking spaces at 11 East Walk, Ratty.

The application site is currently the side garden of 11 East Walk, a council owned bungalow adjacent to Bradgate Drive. The surrounding area is residential with properties along East Walk and The Close having no road frontage or off road car parking.

The site is bounded by a low conifer hedge and fencing the majority of which is to be retained. A dropped kerb is proposed to Bradgate Drive with an access created. The proposed parking spaces will have individual lockable, removable bollards to allow the spaces to be rented to surrounding residents.

Five spaces are proposed adjacent to the front garden and the side of the 11 East Walk property. One further space is proposed adjacent to Bradgate Drive. A planted area separates the proposed parking from the rear garden of no. 11 with a new 1.8 high close boarded fence separating the whole of the development from no. 11.

History:-

None

Consultations:-

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

Head of Health and Environment
Director of Highways, Transportation and Waste Management
Parish Council
Neighbours
National Forest Company.

Development Plan Policies:-

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

Policy BE1 of the Hinckley and Bosworth Local Plan seeks to ensure that adequate parking facilities are provided for residents and visitors. Policy T5 applies County Council highway standards to new developments.

Appraisal:-

The proposal looks to make better use of land within an urban area. The side garden is currently overgrown and unused. The proposed development retains the existing conifer hedge to the East Walk footpath maintaining this as a pedestrian area.

The existing properties along East Walk and The Close have no street frontage or off road parking resulting in vehicles being parked on Bradgate Drive. The proposal will mitigate this problem through providing six additional parking spaces. The bollards will allow the spaces to be allocated to those in need and will add a sense of ownership to the area.

The proposal meets the requirements of Policies BE1 and T5 and is therefore acceptable subject to no concerns being raised by the Director of Highways, Transportation and Waste Management.

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 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 Before first use of the development hereby permitted, the car park area should be surfaced with tarmacadam and marked out as per the approved plans and shall be so maintained at all times.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), in accordance with policy T5 of the adopted Hinckley & Bosworth Local Plan.

Contact Officer:- P. Metcalfe Ext 5740