

REPORT P26

PLANNING COMMITTEE

12.09.2006

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: 06/00313/FUL
Applicant: C J Marketing Ltd
Location: C J Marketing Hawley Road Hinckley Leicestershire LE10 0PR
Proposal: DEMOLITION OF 8 HAWLEY ROAD AND ERECTION OF 24 RESIDENTIAL UNITS, WITH ASSOCIATED PARKING AND ACCESS

Introduction:-

This is a full application for residential development of land on Hawley Road, Hinckley. The existing three-storey building, currently used for garment storage and design studio, would be demolished and replaced by a three-storey L-shaped apartment block to provide 24 flats, with both undercroft and surface parking areas for a total of 30 cars.

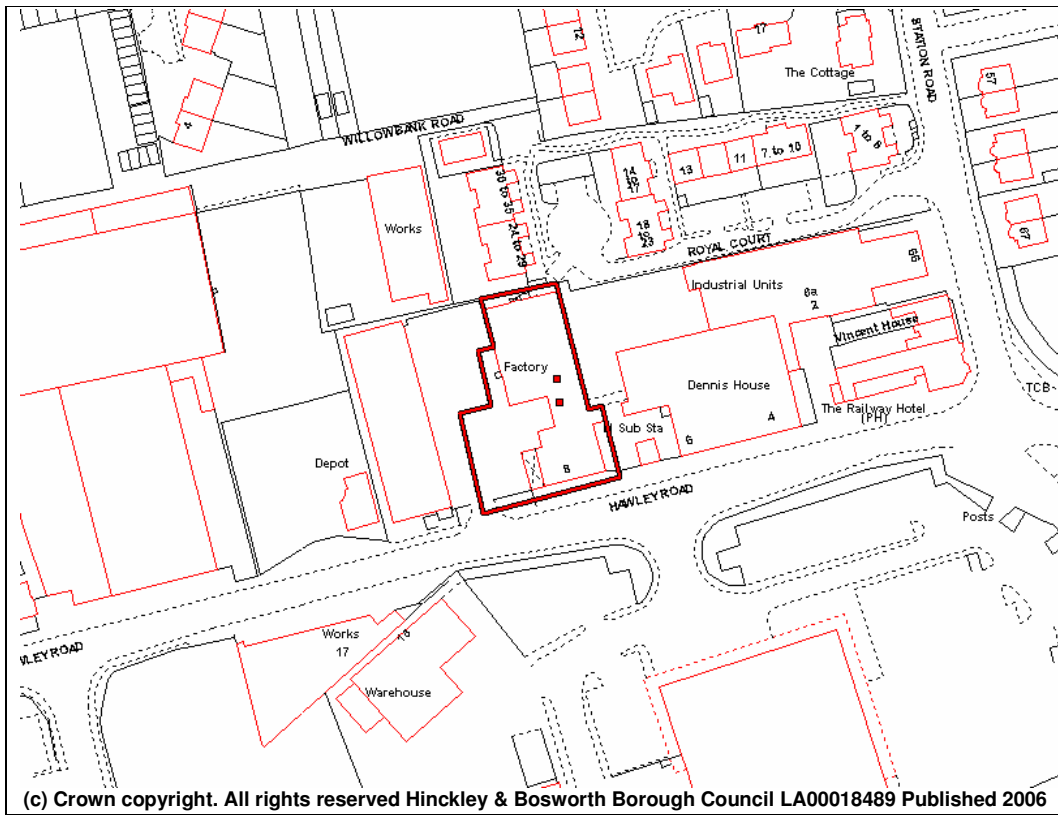
The property is surrounded by other industrial land and buildings. Adjacent to the application site is Carr House, a separate industrial building, also owned by the applicant.

Information submitted in support of the application includes a Design Statement, a Traffic Impact Assessment, a draft section 106 legal agreement and a report from a local land agent that states that the demand to use the application building would be poor due to its age and configuration, which is not considered suitable for modern industrial purposes. It adds that the adjacent Carr House, which is a relatively modern construction, provides a more appropriate building for future employment uses and therefore maintain a 50/50 employment/residential mix across the whole site. The Design Statement considers that the design reflects that of Carr House, which itself was built to emulate an old industrial building.

Vehicular access to the site would be from Hawley Road, not only from the existing car park access but also from a ramped access under the building itself. These would give access to rear parking (14 spaces) and basement parking (16 spaces) respectively.

History:-

None relevant.



Consultations:-

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

Borough Council's Land Drainage Engineer
 Head of Health and Environment Services
 Severn Trent Water Ltd.

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

Director of Education requests a contribution towards education facilities of £5,292.

Director of Commercial and Support Services identifies a contribution towards existing library facilities of £1,190.

Director of Highways, Transportation and Waste Management (Waste Management) seeks contributions towards Civic Amenity Site infrastructure of £987.

Hinckley and Bosworth Primary Care Trust requests a contribution of £5510 towards health services.

Environment Agency objects due to the absence of a desk-top study into potential impacts on the water environment.

Director of Highways, Transportation and Waste Management (Highways) considers that all parking should be accessed from the rear and requires further discussions with the applicant's agent in this respect.

Neighbours notified, and site and press notices posted. One letter has been received expressing concerns about the proximity of windows to the adjoining site, Dennis House.

Development Plan Policies:-

Central Government Guidance

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

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

The Structure Plan

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

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

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

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

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

The Local Plan

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

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

The site is identified in the Hinckley and Bosworth Local Plan (adopted February 2002) as an existing employment site. The current adopted Local Plan designates the site as part of the Hawley Road/Southfield Road Industrial Estate. This industrial estate is allocated as an

EMP1 (b) - Existing Employment Site, which means the area is generally considered to be an acceptable employment location but where proposals for alternative uses would be considered on their merits. The Local Plan was adopted in 2001 but is currently under review in order to produce the Borough's first Local Development Framework. As part of this process, a review of existing allocations is being made and any new sites for employment use designated. The Employment Development Plan Document is not due for adoption until February 2009 (as part of the Local Development Scheme).

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

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

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

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

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

The Borough Council's Supplementary Planning Guidance on New Residential Development (revised July 1997) and on Play and Open Space (adopted October 2002) provide further guidance on development proposals including the provision of open space within development proposals or of financial contributions towards off-site provision. In this case, no contribution is required since there is no open space within 400 metres of the application site.

Other Material Considerations

The Borough Council commissioned an Employment Land and Premises Study (May 2004) into the supply and demand of employment uses, and makes reference to the site. The study identifies this site, together with other nearby sites, as the Hawley Road/Southfield Road Industrial Estate, where there is potential for mixed-use development. It advises that the Flude gateway site needs high quality development - retail/leisure/residential. The recommendation of the study is that the site should remain as an EMP1(b) site with 25% - 50% of the total site being retained for employment use.

Appraisal:-

The main considerations with regard to the application are the resulting loss of employment land, the design of the new building and off-street parking and access arrangements.

Employment Land and Premises Study

The Study recommends that employment uses should be retained on the site. This designated employment site is one where proposals for alternative uses of land and buildings can be considered on their individual merits (Policy EMP1(b)) The Council's Employment Land and Premises Study further clarifies that 25-50% of the whole of the Hawley Road/Southfield Road Industrial Estate should be retained in employment use, and

specifically recommends the retention of certain buildings for employment use. The application site is not one of those buildings. However, this is a high quality industrial building and is, therefore, a valuable employment building that officers would prefer to see retained, ideally for future employment use. Even so, in considering any proposal to change its use, and in this case, also its demolition, the retention of other adjacent employment buildings (Carr House), would ensure that 50% employment use would still be achievable without the retention of the application building in such use. On balance, therefore, the proposal appears to be difficult to resist. However, officers do consider that a unilateral legal agreement should be offered that would secure the retention of Carr House for future employment purposes.

Design and Layout Considerations

The existing building is a fine former factory building on the street frontage, and is one of the best examples of its type along this road. Officers would prefer to see the building retained, possibly with an extension in a contrasting style. It occupies an important position on an important route into and out of the town. It lies close to a site identified in the Council's Masterplan, which among other things, is seeking to improve the appearance of this gateway to the town. The proposed elevations present a very bland frontage to the road and it is considered that if the existing building is to be lost, then its replacement should be of equal, or higher, quality.

According to the design statement, the density of development would be 151.5 dwellings per hectare. This is in accordance with government guidance contained in Planning Policy Guidance Note 3: Housing (PPG3), bearing in mind its location close to the town centre where higher densities are acceptable.

Access and Parking considerations

The Director of Highways, Transport and Waste Management is concerned that it has not been sufficiently demonstrated that the access arrangements are acceptable. Furthermore, the provision of 30 off-street car parking spaces for 24 dwellings falls 6 spaces short of the Council's normal standard of 150% provision.

It should also be noted that there is an unimplemented planning permission for a Tae-Kwon Do Club in part of Carr House which is subject to a unilateral legal undertaking to provide 33 additional car parking spaces within the existing parking area between Carr House and the existing application building.

Other Considerations

Developer contributions would have been required for open space, education, library facilities, waste facilities, in line with policy, specifically IMP1, should the recommendation have been favourable.

Conclusion

In view of the number of unresolved issues relating to the loss of employment, highways, design and the objection from the Environment Agency, officers have suggested to the applicant's agent that, in the circumstances, this application should be withdrawn. However, the applicant's agent has declined.

The outcome of discussions on the unresolved matters will be reported to Members at its meeting. In the meantime, these remain valid material planning reasons for refusal.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the absence of any evidence or justification to the contrary, it is considered that it has not been sufficiently demonstrated that the proposal would not result in the loss of an existing employment site to the detriment of achieving the Borough Council's Strategic Objective in providing opportunities for investment in the Borough and promoting economic growth through sustainable development. Specifically, it would conflict with Strategy Objective 1a) of the adopted Hinckley and Bosworth Local Plan, and Employment Policy 5 of the adopted Leicestershire, Leicester and Rutland Structure Plan which seek to provide an adequate supply of land that is suitable for a range of employment purposes and capable of being developed during the Plan period and also ensuring the reuse of employment buildings for mixed development.
- 2 In the opinion of the Local Planning Authority, the lack of any definitive financial contribution to address the increase in pressure placed on library facilities, waste facilities and education by the proposed development would not accord with Circular 5/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016 and policy IMP1 of the adopted Hinckley and Bosworth Local Plan.
- 3 In the opinion of the local planning authority, it has not been sufficiently demonstrated that the proposed development would not result in significant ground and water contamination of the site, to the detriment of the future occupiers of the new dwellings or existing residents and the natural watercourse system, contrary to Policy NE13 of the adopted Hinckley and Bosworth Local Plan.
- 4 In the opinion of the local planning authority, the proposed development, by reason of its design and appearance, would result in a bland and unimaginative frontage elevation along an important gateway into the town, to the detriment of the appearance of the street scene and general visual amenity, contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 In the opinion of the Local Planning Authority, it has not sufficiently demonstrated that the proposed development would not result in an unacceptable increase in the turning and manoeuvring of vehicles within the highway to the detriment of road safety, contrary to Policy T5 of the adopted Hinckley and Bosworth Local Plan. In addition, the proposed development fails to provide adequate off-street parking provision in accordance with the Borough Council's parking standard, contrary to Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- N Wright Ext 5605

Item: 02

Reference: 06/00397/COU

Applicant: Mr And Mrs N Pickup

Location: Linton Farm Merrylees Road Thornton Coalville Leicestershire

Proposal: **ERECTION OF AGRICULTURAL WORKERS CARAVAN, ENGINEERING WORKS TO CREATE EXTERNAL STORAGE AREAS AND EXERCISE AREAS FOR ANIMALS, AND CHANGE OF USE OF LAND AND BUILDINGS TO A MIXED USE OF AGRICULTURE AND EQUESTRIAN**

Introduction:-

This is an application for the erection of an agricultural workers caravan, engineering works to provide external storage and exercise areas for animals and change of use of the land and buildings to a mixed use of agriculture and equestrian. Linton Farm covers an area of almost 47 hectares and is located in open countryside to the south and southwest of Thornton on the west side of Merrylees Road. There are isolated farmhouses to the east, further residential properties to the southernmost point, Merrylees Industrial Estate to the southwest and Hanson brickworks to the west. The existing complex of farm buildings is located immediately to the west of Merrylees Road almost central to the site and is reached from an existing vehicular access to Merrylees Road.

The land and buildings previously formed part of a much larger holding comprising of Lindridge, Linton and Church Farms, which have recently been sold as a number of smaller lots. The farm complex at Linton Farm comprises of agricultural buildings only, the residential property formerly associated with this land was sold off separately. Planning permission for a permanent agricultural workers dwelling has previously been granted on this site but was never implemented, planning permission has also been granted previously for a temporary mobile home. The applicant has stressed the need for a residence on site due to the calf rearing activities being carried out.

History:-

80/0277/4	Siting of Temporary Mobile Home	Approved	21.04.80
80/0278/4	Erection of Agricultural Dairy Unit	Approved	21.04.80
82/0123/4	Retention of Permission for a Temporary Dwelling	Withdrawn	12.05.82
83/0163/4	Extension of Agricultural Dairy Unit comprising Cubicle and Feeding Accommodation and Slurry Storage	Approved	12.05.83
94/00789/OUT	Erection of Agricultural Workers Dwelling	Approved	14.12.94
97/00881/OUT	Erection of Agricultural Dwelling	Approved	07.01.98
00/00413/REM	Erection of Agricultural Dwelling	Approved	12.10.00
02/00269/FUL	Erection of Steel Portal Framed Agricultural Building	Approved	28.03.02

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Consultations:-

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

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

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

Director of Property (Agricultural Appraisal)
Neighbours
Site Notice
Parish Council.

Development Plan Policies:-

Government Guidance

Planning Policy Statement 7 (Sustainable Development in Rural Areas), Annex A, states that isolated new dwellings in the countryside require special justification for planning permission to be granted, for example, when accommodation is required to enable agricultural workers to live at or in the immediate vicinity of their place of work. It further states that if a new dwelling is essential to support a new farming activity, whether on a newly created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan or other temporary accommodation and satisfy a number of criteria including an intention and ability to develop the enterprise concerned, have a functional need and have been planned on a sound financial basis.

Structure Plan Policy

Strategy Policy 8 of the adopted Leicestershire, Leicester and Rutland Structure Plan states that the countryside will be protected for its own sake and development in such areas will only be acceptable if the general appearance and character of the landscape is safeguarded or enhanced. Built development should be well integrated in relation to existing development. Development will be limited to: small scale development for employment or leisure; dwellings essential for agricultural needs; land-extensive outdoor recreation uses that do not include substantial built development; and agricultural buildings.

Local Plan Policy

Policy BE1 seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development complements or enhances the character of the surrounding area, has regard to the safety and security of individuals and property, ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities, does not adversely affect the occupiers of neighbouring properties and incorporates landscaping to a high standard.

Policy BE22 states that planning permission will be granted for riding stables and associated structures unless they intrude into the landscape, adversely affect nearby residential areas or generate traffic on a scale likely to affect the rural character of the area or amenities of nearby residents.

Policy RES11 states that proposals for the development of a residential mobile home will be considered according to the same criteria applied to new dwellings. In exceptional circumstances planning permission may be granted for a mobile home for a limited period in connection with the development of an agricultural holding.

Policy RES12 states that in assessing planning applications for dwellings required to accommodate a person employed in agriculture, consideration will be given to: the nature of the holding and the necessity for the person to live on site, having regard to the security and efficient operation of the holding; the viability of the holding to sustain the worker in full time employment; the availability of suitable alternative accommodation in the local housing market.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is either: important to the local economy; is for the change of use, re-use or extension of existing buildings; or for sport or recreation purposes; and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy NE10 states that development within Local Landscape Improvement Areas should include comprehensive landscaping proposals including a proportion of native tree species either within or at the boundary of the development site. Policy NE22 provides further criteria for the consideration of development proposals within the National Forest.

Appraisal:-

Linton Farm is located in open countryside to the south of the village of Thornton on the west side of Merrylees Road and comprises of a complex of agricultural buildings and approximately 47 hectares of agricultural land. The farm complex at Linton Farm is located immediately to the west of Merrylees Road and comprised of agricultural buildings only, the

residential property formerly associated with this land was sold off separately. The access to the site is an existing farm access off Merrylees Road.

The principle activity being carried out on the farm is the rearing of cattle and sheep. As animals have already been moved onto the holding the applicant has stressed the need for residential accommodation on site to provide essential cover due to the nature of these activities and for security purposes. A mobile home has been sited between the existing farm buildings and Merrylees Road close to the existing vehicular access to the farm. The applicant states that this siting has had regard to reducing its impact on the appearance of the landscape by locating it close to the existing buildings and the need to show a presence on site and to secure the access to it. At the time of writing this report the consultation response from Leicestershire County Council's Land Agent including the agricultural appraisal has not yet been received and will be reported as a late item.

Engineering operations have been carried out to the immediate north of the farm complex involving the levelling of the land and provision of a crushed hardcore base to provide external bale storage for silage and hay and to improve circulation around the farm complex itself. The provision of such a storage area is acceptable in principle given the existing use of the buildings and land and its location at the foot of sloping ground and adjacent to the existing farm complex minimises its impact on the appearance of the landscape. It is the intention of the applicant to screen this area further by the introduction of additional planting along the boundary to Merrylees Road. Any approval of the proposals should be subject to an appropriate landscaping condition.

The formation of an exercising ménage close to the southwest (rear) of the complex is again well related to existing buildings to minimise its impact on the landscape and will be further screened by additional landscaping. The location of the ménage is such that it is a considerable distance from residential properties to the north and south and should not therefore give rise to adverse affects on residential amenities. It is intended to provide livery on site with 11 internal bays of which it is anticipated that 5 will be given over initially for family and friends. This will inevitably lead to an increase in the use of the existing farm access and additional traffic movements to and from the site. At the time of writing this report the consultation response from the Director of Highways Transportation and Waste Management has not yet been received and will be reported as a late item.

Conclusion

The proposals seek to re-establish agricultural activity on the farm and to provide additional recreational activity as a supplementary use. In general terms the proposals appear to satisfy the criteria of the relevant Development Plan Policies and therefore are recommended for approval subject to a satisfactory agricultural appraisal being received from Leicestershire County Council's Land Agent and no other significant planning objections being received.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, BE22, RES11, RES12, NE5 and NE10 ; of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 This permission is limited to the period expiring on 25th September 2009. Immediately on expiry of that period the mobile home hereby permitted shall be removed unless in the meantime a further planning permission has been granted.
- 2 The occupation of the mobile home shall be limited to the person(s) wholly or mainly employed, or last employed locally in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in accordance with the approved details.

- 3 Notwithstanding the submitted details, the vehicular access shall be formed with a minimum of 10m control radii and with a width of a minimum 6 metres for at least the first 10 metres behind the highway boundary.
- 4 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 15 metres behind the highway boundary and shall be so maintained at all times.
- 5 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 15 metres behind the carriageway edge and shall be hung so as to open inwards only.
- 6 No horse manure or other waste materials shall be burnt on the site at any time.

Reasons :-

- 1 The site lies within an area where the Local Planning Authority would normally not grant permission for residential development and the materials used in the construction of the building make it unsuitable for a permanent permission in accordance with policies RES11 and RES12 of the adopted Hinckley and Bosworth Local Plan.
- 2 The site lies within an area where the Local Planning Authority would not normally grant permission for residential development. But for the special circumstances of the applicant the Local Planning Authority would not have been prepared to grant permission to accord with policies RES11 and RES12 of the adopted Hinckley and Bosworth Local Plan.
- 3 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 and to enable vehicles to enter and leave the highway in a slow and controlled manner protecting the free and safe passage of traffic in the public highway.
- 4 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc).
- 5 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.
- 6 To safeguard amenities of neighbouring properties to accord with policy BE22 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 The septic tank proposal will require the consent of the Environment Agency and must comply with that Authority's conditions.
- 3 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (01530 262380).

- 4 The applicant should be aware that if the holding is not financially viable and able to sustain the cost of a permanent dwelling by 25th September 2009, the mobile home must be removed from the site.

Contact Officer:- R Wright Ext 5894

Item: 03

Reference: 06/00447/FUL

Applicant: Mr And Mrs Cook

Location: Winnowing Barn Main Street Orton On The Hill Leicestershire

Proposal: ERECTION OF 4 NO. STABLES AND HAY STORE

Introduction:-

This is a full application for the erection of a stable block on land at Winnowing Barn, Main Street, Orton-on-the-Hill. The stables would be located on land approximately 90 metres to the rear of Winnowing Barn itself, and be accessed using the drive of the main property off Main Street. This side of Main Street is generally characterised by a wide variety of individual dwellings and former farm buildings fronting the street with open countryside immediately to the rear. The open land slopes gently away from the rear of the properties on Main Street, but for some distance, which results in them being in a relatively elevated position from the south-east.

Winnowing Barn was granted planning permission for residential conversion in 2000 following the cessation of agricultural activities at Home Farm. The adjacent original farmhouse is independently occupied, and a former granary building belonging to the farm, The Dovecote has also been converted to a separate dwelling.

The stables would be U-shaped, having a rear section measuring 19.2 metres long with a wing at each end of 7.2 metres. The building would be 4.1 metres in height and constructed of timber walls with a mineralised felt roof. It would comprise of four loose boxes, a tackroom and a feed room. The application states that the stables would be for private use only.

A previous application for a similar scheme was withdrawn following Officers' concerns about its size and location and the likely detrimental impacts on visual and residential amenities. Discussions were held with the applicant and a reduced scheme was subsequently submitted. Although this was later further reduced in size, the building was still considered excessively large and was refused by Planning Committee in January 2005. A subsequent appeal was dismissed.

History:-

04/01104/FUL	Private stables and hay store	Refused Appeal dismissed	06.01.05 19.06.05
04/00225/FUL	Stable block and tack room	Withdrawn	14.05.04



Consultations:-

No objections have been received from Director of Environment and Heritage Services (Archaeology).

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

Director of Planning, Transportation and Waste Management
Head of Health and Environmental Services
Borough Council's Land Drainage Engineer.

Neighbours consulted. Two letters received expressing the following concerns and objections:-

- a) it is still a substantially large building in a Conservation Area
- b) the views of local people and the Parish Council are being ignored
- c) disposal of waste water could exacerbate existing drainage problems in the area
- d) how will foul sewage be dealt with?

No response has been received from the Parish Council.

Development Plan Policies:-

The site lies within the open countryside and within an Area of Particularly Attractive Countryside as designated in the Hinckley & Bosworth Local Plan.

Policy BE1 of the Local Plan states that planning permission for development proposals will be granted where they complement or enhance the existing environment and do not adversely affect the occupiers of neighbouring properties.

Policy NE5 of the Local Plan seeks to protect areas of open countryside for their own sake. Development will be permitted in the open countryside provided it is important to the local economy and cannot be provided within or adjacent to an existing settlement or is for sport or recreation purposes, but only provided it does not adversely affect the appearance or character of the landscape, it is effectively screened and will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy NE9 of the Local Plan states that proposals within Areas of Particularly Attractive Countryside will be considered in the light of the need to protect the landscape.

The location of the stables falls just outside the Orton-on-the-Hill Conservation Area. Policy BE7 seeks to ensure that views in and out of the Conservation Area are very important.

Appraisal:-

The erection of stables in the open countryside is generally acceptable provided they are not excessively large, are of traditional design, constructed of appropriate materials and provided they are discreetly located. Such stables tend to be for private use only and are usually restricted to such purposes by a Condition of approval. This is to ensure that they remain low key and compatible with their surroundings and also to ensure that traffic movements remain at an acceptable level.

The previously refused application, dismissed on appeal, proposed a stable block with maximum overall dimensions of 23.1 metres by 13.8 metres (and a footprint of approximately 198 sq.m.). The current scheme shows maximum overall dimensions of 19.2 metres by 7.2 metres (and a footprint of approximately 116 sq.m.). This is considered to be a significant reduction in overall size and not now dissimilar to those granted planning permission by the Council elsewhere.

The height and location of the stables remains the same as previous schemes, which officers consider acceptable and unlikely to harm the character of the adjacent Conservation Area. The appeal inspector, whilst expressing some concerns about the combination of the location and sheer size of the previous proposal, did, nevertheless, accept that stables in such a location would not unduly harm the amenities of neighbours in terms of noise and disturbance.

No details have been provided of the hardstanding areas and drive that would be necessary to appropriately manage and access the stables. If Members are minded to permit the application, therefore, a number of conditions are recommended to ensure such details are agreed before development commences, in order to help minimise its potential impact on the visual amenities of the area, and the views in and out of the Conservation Area.

Officers continue to have reservations about the frequency of comings and goings to this site and the need for associated equipment to be located close to the building (e.g horse boxes, trailers etc) and their relative impacts on the surrounding landscape. However, this is no different to other proposals for stables in the open countryside already permitted across the Borough. Accordingly, it is felt that the proposal is now difficult to resist on its own planning merits.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, BE22, NE5 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 finished colours or stain, of the materials to be used on the external elevations of the proposed stables shall be deposited with and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with those approved materials and the external finishing shall be carried out within 3 months of the erection of the building.
- 3 The proposed stables shall be used only in conjunction with the applicant's own livestock and no livery/riding school or commercial use shall be carried out therefrom.
- 4 No horse manure or other waste materials shall be burnt on the site at any time.
- 5 There shall be no drainage of leachate from stockpiled manure, or contaminated surface water from the building or associated impervious areas, into any ditch or watercourse.
- 6 The existing temporary stables and associated structures within the application site shall be removed within two months of the date of this permission.
- 7 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 any vehicle and pedestrian access and circulation areas, including trailer parking and the extent of any maintenance apron around the building
 - iii hard surfacing materials
 - iv minor artefacts and temporary structures (eg jump equipment, refuse areas, lighting, etc)
 - v planting plans
 - vi written specifications
 - vii schedules of plants, noting species, plant sizes and proposed number/densities where appropriate
 - viii implementation programme.
- 8 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.
- 9 The proposed development shall remain ancillary to, and not be sold, leased nor otherwise disposed of separately from, the main dwelling.

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, BE22 and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 3&4 To ensure the proposed use does not become a source of annoyance to nearby residents, to accord with Policy BE22 of the adopted Hinckley and Bosworth Local Plan.
- 5 To prevent pollution of the water environment, to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 6 The appearance and materials used in the construction of the building make it unsuitable for a permanent permission, contrary to Policies BE22 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To enhance the appearance of the development to accord with policy BE1, BE22 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1, BE22 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 9 In the interests of highway safety, to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.
- 2 There is known pollution of ditches at Orton on the Hill from domestic sewerage as a result of dysfunctional private treatment plants. There should be no exacerbation of the environmental pollution from animal effluent. If manure is to be stored on an impermeable surface, a tank will need to be provided for the collection of contaminated run off. Such a tank must comply with the standards laid down in the 'Control of Pollution (silage, slurry and agricultural fuel oil) Regulations 1991. The disposal of manure should be carried out in accordance with the MAFF 'Code of Good Agricultural Practice for the Protection of Water 1998'. Further advice should be obtained from the Environment Agency.
- 3 With regard to Condition 6, you are reminded that failure to comply will result in immediate enforcement proceedings being taken up by the Borough Council.
- 4 If any formal vehicular access to the stables is required this should be in the form of parallel 'field tracks', filled with crushed mill waste or similar aggregate if necessary, in order to minimise the impact on the appearance of the open countryside. Extensive hard surfacing to provide a driveway to the building may require separate further planning permission and is unlikely to be acceptable to the local planning authority.
- 5 Any equipment or structures associated with the use of the stables, eg jumps, training cones or other markers, should be removed when not in use, in the interests of the visual amenities of the open countryside.

- 6 With regard to Condition 7 of this permission, leylandii hedging is considered inappropriate in the open countryside, and may not, therefore, be acceptable.

Contact Officer:- N Wright Ext 5605

Item: 04

Reference: 06/00497/REM

Applicant: Orbit Housing Association (Coventry)

Location: 41 - 47 High Street Earl Shilton Leicester

Proposal: DEMOLITION OF CAR WASH AND ERECTION OF 23 RESIDENTIAL UNITS WITH ASSOCIATED PARKING AND ACCESS

Introduction:-

This application seeks reserved matters for erection of 23 residential units comprising ten 2 storey houses and thirteen flats in a combination of 2 storey and 2 storey with rooms in the roof. The scheme is linked to a recently approved development on the corner of Almey's Lane and High Street for 9 flats. The application proposes to remove two Holly trees that are subject to a Tree Preservation Order.

The site is located to the north-east of Earl Shilton centre to the east of High Street and north of Almeys Lane. The site previously comprised a run down school building that was last used commercially, this was demolished shortly after receiving outline planning permission. Part of the site is occupied by a car wash, this is proposed to be demolished. The northern part of the site accommodates several trees that are the subject of a Tree Preservation Order. There are currently three accesses into the site; two from High Street and one from Almeys Lane.

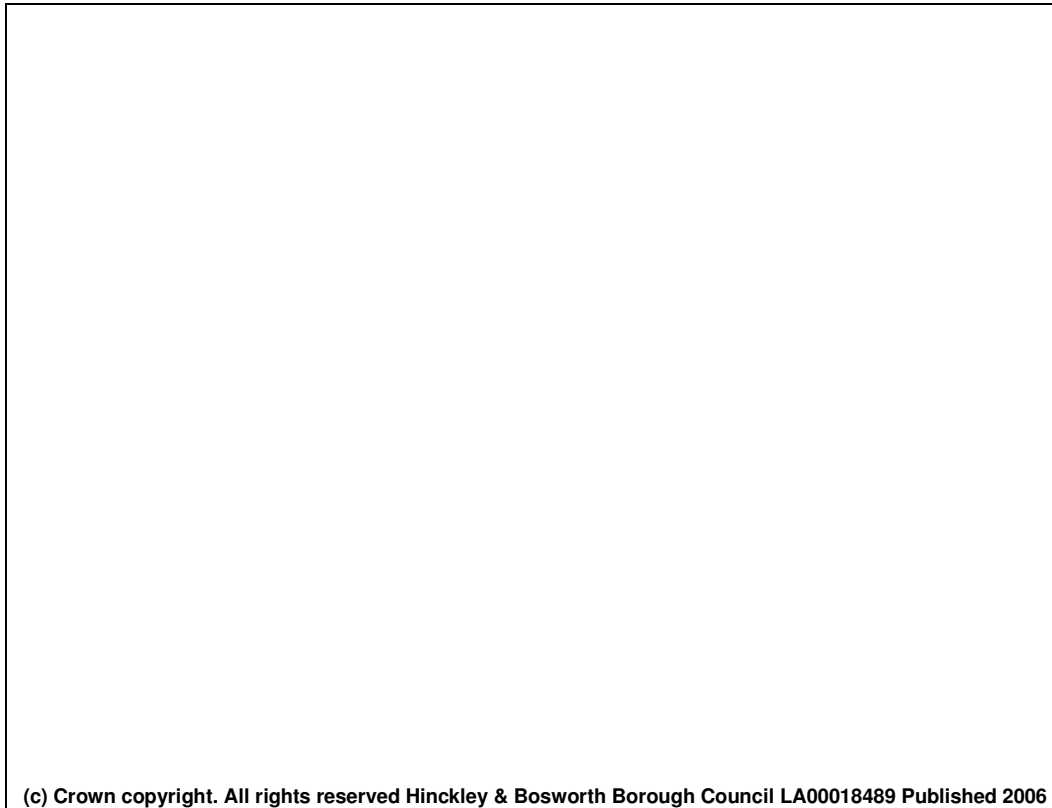
Development surrounding the site varies considerably with 2 storey Victorian terraced and semi-detached properties to the south along Almeys Lane; 2 storey maisonettes to the north east; and 2 storey Victorian terraces and modern 3 storey apartments to the north-west. The site adjoins a retail premises to the west. There is a poorly maintained jitty to the north, which separates the site from the Parish Hall. There is a listed building to the south on the opposite corner of Almeys Lane and High Street. This northern corner of Almeys Lane and High Street visually detracts from the character and appearance of the area.

The application is supported by several reports including a Tree Report; Archaeological Assessment; Site Investigation Report and a Design Statement. The design statement states that the proposed development is the highest quality affordable housing, the scheme is a sustainable and suitable proposal for the site and the wider area and that it will have a positive impact upon the current and future regeneration of Earl Shilton.

History:-

95/00532/COU	Change of use from Class B1 to B2 (General Industrial)	Approved	31.08.95
02/01039/FUL	Replacement of existing window with double doors	Approved	21.11.02

05/00534/OUT	Erection of 25 residential units	Approved	23.08.05
05/01292/TPO	Works to Trees	Approved	29.12.05



Consultations:-

No objection has been received from Earl Shilton Town Council.

No objection subject to conditions have been received from:-

The Environment Agency
 Severn Trent Water
 Director of Community Services, Leicestershire County Council (Archaeology)
 Land Drainage Engineer
 Head of Health and Environment Services.

The Architectural Liaison Officer comments that surveillance of the inner parking area is poor measures should therefore be taken to reduce the possibility of vehicle crime such as controlled access gates at the vehicular/pedestrian access and the undercroft parking should be provided with lockable bollards to reduce the risk to car theft.

The Council's Arboriculturalist is concerned that the scheme proposes the loss of 2 protected hollies, further reducing the number of trees included in the original Order.

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

One letter of objection has been received raising the following concerns:-

- a) The proposal bears no resemblance to the school that used to occupy the site;
- b) The proposal is not characteristic of the area
- c) Lack of parking provision.

Development Plan Policies:-

The site falls within the settlement boundary of Earl Shilton as defined in the adopted Hinckley and Bosworth Local Plan. Policy RES5 allows for new residential in such areas subject to siting, design and layout of proposals not conflicting with other relevant policies. The site is shown as an Employment Site on the Proposals Map of the Local Plan, however Policy EMP1 does not incorporate the site into the text. It is therefore considered that the site does not have an Employment Site designation. Furthermore, the site was not reviewed as part of the Employment Land and Premises Study.

Policy BE1 requires a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment by complementing the surroundings as well as protecting highway safety and neighbours amenities. Additional advice on new residential development is contained in adopted Supplementary Planning Guidance.

Policy BE16 requires archaeological investigation and recording when an archaeological field evaluation indicates the presence of important archaeological remains.

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 IMP1 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 together with the Borough Council's Section 106 Strategy.

Appraisal:-

Principle

The principle of residential development on this site has been accepted with the grant of outline planning permission for 25 residential units.

Siting and Design

The site sits within an area that is predominantly two storey, although there are three storey modern apartments on the opposite side of High Street which replaced buildings of a similar height. The outline permission for 25 units was subject to a condition that the development on this site could not be more than 2 storey or 2 storey with rooms in the roof space. The detailed design of this scheme has been subject to considerable negotiation due to the presence of protected trees on the site. The siting of 25 units has proved difficult whilst retaining all protected trees and achieving a layout that meets appropriate standards to protect amenity and provide car parking. This is due to a requirement for larger internal space standards. As such the scheme only proposes 23 units, 10 of these comprise two storey terraced dwellings facing Almey's Lane these have angled door ways to reflect the angle of the properties opposite and still enable effective use of the site. The design of these units is uniform in appearance with a small round window above the front door and a bay window at first floor level providing interest to the frontage. Whilst materials have not

been agreed at this stage it is proposed to use a mix of modern and traditional building materials. It is considered that the proposed properties along Almeys Lane are based on the traditional terrace, which is found in Almeys Lane with some modern detailing providing what is considered a high quality design. The development facing High Street comprises 13 flats, all of which are two storey in height, or with rooms in the roof. These create a strong streetscene, which is punctuated with glazed stair cores providing a transparent view into the site and an opportunity for natural surveillance of the street. The flats proposed along the High Street frontage have again used a traditional build form with some modern detailing, again the use of first floor bays and small round windows add interest to the streetscene. Whilst the scheme is not pastiche from the existing developments it is considered it relates well to the surrounding character and is a high quality design that reflects the best principles of architecture.

The layout of the site takes the form of frontage development with all parking and bin storage areas to the rear out of public view. The dwellings proposed along Almeys Lane each have a private rear garden whilst the flats along the High Street frontage have some small pockets of amenity space. The area to the north that accommodates the protected trees has been left as a landscaped area, again this provides additional amenity space for the residents of the flats.

The density of the scheme accords with national guidance that indicates higher densities should be sought in town centre locations. The scheme provides an overall density of 65 dwellings per hectare.

Highways

Access to the site is proposed from Almey's Lane, this access will also serve the 9 flats approved on the former petrol filling station site on the corner of Almey's Lane and High Street. The provision of the access point onto Almey's Lane is in line with the requirements of the Highway Authority as it removes the access from the High Street, which is considered inappropriate.

Planning Policy Guidance Note 3: Housing suggests that in locations such as town centres, where services are readily accessible by walking, cycling or public transport Local Authorities should allow for significantly lower levels of off-street parking provision. It goes on to suggest that developments with more than 1.5 off street parking spaces per dwelling are unlikely to reflect Government's emphasis on securing sustainable residential environments. The application proposes 150% parking for the dwellings and 138% parking for the flats. The site is considered to be a town centre location, with good access to public transport and as such it would be difficult to resist the reduced parking standards proposed in light of national policy.

Improvements to infrastructure

The outline application was subject to a Section 106 agreement that secured financial contributions towards Libraries; Civic Amenity; and Play and Open Space. The agreement also required any scheme of 25 dwellings or more to provide affordable housing. Whilst this is no longer applicable it should be noted that this scheme provides 23 affordable units along with 9 affordable units on an adjacent site being developed by a Housing Association. Due to the site being below the threshold it is not reasonable to impose the restriction long term to retain the site for affordable housing.

Regeneration of the Area

This area of Earl Shilton has been run down for several years, with both the former school and petrol filling station being targeted by vandals. This has led to several complaints by local residents who are concerned about the attractiveness of the area. It is considered

that this development along with the approved development on the petrol filling station site will contribute extensively towards the regeneration of the area.

Concerns have been raised that the application seeks to remove a further two protected trees, and this has also been of considerable concern to officers however extensive negotiation with the applicants has demonstrated that the site cannot accommodate the number of units necessary to make the scheme viable whilst still retaining all of the trees. Furthermore, to retain the two holly trees may not only sterilise a large area of the site but would also considerably weaken the High Street frontage. It is therefore considered on balance that to retain the trees would result in a poor development that would not positively contribute to the regeneration of what is currently a run down and neglected area of the Town. The applicant has agreed to plant replacement trees of an appropriate size and species, this can be required by the imposition of a condition.

RECOMMENDATION :- Permit subject to the following conditions :-

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

- 1 This permission relates to the application as revised by amended plan 6431/028 Rev B received by the Local Planning Authority on 28 July 2006 and 6431/015 Rev B received by the Local Planning Authority on 24 August 2006.
- 2 No development shall commence until a scheme to provide replacement trees for the two protected holly trees that are to be removed, is submitted to and approved in writing by the Local Planning Authority. The scheme should include the species, size and position of each replacement tree. The approved replacement scheme shall be carried out in accordance with the approved details in the first planting season following first occupation of the development and shall be maintained for a period of five years from the date of planting. During this period any trees that die or are damaged, removed, or seriously diseased shall be replaced by trees of a similar size and species to those originally planted unless agreed otherwise in writing by the Local Planning Authority.

Reasons :-

- 1 To define the permission.
- 2 In the interests of visual amenity to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 The conditions imposed on outline planning permission ref 05/00534/OUT shall also be complied with.

Contact Officer:- T Miller Ext 5809

Item: 05
Reference: 06/00557/COU
Applicant: John M Knapp Builders
Location: Land South of 26-28 Britannia Road Burbage Hinckley Leicestershire
Proposal: CHANGE OF USE OF LAND FROM THE KEEPING OF HORSES TO LEISURE USE

Introduction:-

This application seeks to establish the principle of using 1.37 hectares of grazing land, located south of Britannia Road in Burbage, for recreation purposes. No details of what types of recreation are envisaged have been submitted. The site lies to the south of no.'s 26 - 28 Britannia Road and is bounded to the north by a definitive public footpath, a paddock and residential development, to the east and south by open countryside and to the west by Britannia Fields recreation ground. The site is broadly rectangular in shape with an access to the north east corner running along the boundary of no. 28 Britannia Road. The site is relatively flat with a very gradual slope to the south.

Information submitted in support of the application states that the land is in the process of being purchased by David Wilson Homes in relation to a development they are proposing elsewhere in Burbage for which they need to replace land currently in similar use. It states the land will ultimately be donated to the Parish Council Charity, to become an extension to Britannia Fields Recreation Ground, which already benefits from parking provision. It states the land will be left as mown grass.

Further details have been received which clarify the access arrangements and proposed use of to the site. The details state that the main point of access to the site will be through Britannia Fields Recreation Ground utilising a metalled road which leads down to the site and terminates in a turning area adjacent to the western-most corner of the site. The details go on to state that the field will be used in association with Britannia Fields Recreation Ground but will be left as informal open space, rather than being laid out as specific sports facilities. The access through 26 and 28 Britannia Road is described as being of secondary nature, potentially only used by mowers or for foot traffic with parking facilities being restricted to the Britannia Fields Recreation Ground.

History:-

No relevant history.

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Consultations:-

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

Head of Health and Environment
Ramblers Association
Severn Trent Water
The Director of Community Services (Archaeology) .

Burbage Parish Council comments that the Parish Council is in favour of increasing the provision of leisure land surrounding the village settlement boundary. However, it appears from the plan that access to the proposed leisure land is intended to be along a newly created road running from the drive of number 28 Britannia Road. The Parish Council considers this completely inadequate, on a busy bend in the road and with no car parking provided. Should the application be approved please consider applying a condition that all trees removed to develop the road access are replaced. The Parish Council is also concerned that the site has been identified as being of possible archaeological interest and the undertaking of an archaeological survey prior to any change of use is also requested.

An initial response has been received from the Director of Highways, Transportation and Waste Management (Highways) stating that there is insufficient information submitted with this application to enable a full, reasoned Highway Authority response to be given. Further details are needed regarding the likely intended use of the land such that the possible impact of the development on the highway network, highway safety and capacity and the sustainability of the development can be assessed.

The Director of Community Services (Rights of Way) notes that public footpath U65 abuts the north western boundary of the site and appears to be crossed by the proposed access. In the event of planning permission being granted the applicants attention should be drawn to the existence of footpath U65. The applicant will be responsible for ensuring that free

access by pedestrians along the footpath is maintained at all times and that the full width currently contained between the boundary features is retained. The applicant should also be advised that no additional structures may be erected across the line of footpath U65 without the consent of the Highway Authority. This requirement could be applicable where the footpath is crossed by the proposed access drive.

Borough Council's Land Drainage Engineer has no objection, subject to a condition requiring the submission of full details of any lake to be provided on the site.

Leicestershire Constabulary Crime Reduction Officer does not object to the application but commented on the very general nature of the application. Questions were raised regarding whether the site could lead to anti-social behaviour and/or be used as a BMX track, motor-cross track or a football pitch and what impact this may have on the local community and the service provided by the Police Service.

Neighbours notified, two letters received raising the following concerns:

- a) insufficient detail
- b) application is only a means to allow the present owner to sell the land at a higher value
- c) the application should be rejected as an abuse of the planning process and failure to do so brings into question the Borough Council's motives
- d) no intent from the applicant to develop or improve the land
- e) proximity to residential dwelling
- f) security
- g) anti-social behaviour
- h) noise nuisance
- i) light nuisance
- j) increased public access to adjoining property via the existing footpath
- k) increased traffic/parking hazards on Britannia Road
- l) access cross public footpath
- m) no need for additional access
- n) loss of trees
- o) potential ulterior motives and future applications
- p) alternative fields to the north better suited to the proposed use
- q) environmental impact.

Development Plan Policies:-

The site lies outside the settlement boundary for Burbage, the entire site is in an area designated as countryside and the lower fifth of the site is in an area designated as Local Landscape Improvement Area, as identified in the adopted Hinckley and Bosworth Local Plan.

Central Government Guidance

Planning Policy Guidance Note 17: Planning for Open Space; Sport and Recreation gives general principles in respect of recreational facilities. It also states that sports and recreation facilities should be either easily accessible by walking and cycling or that they are in locations well served by public transport. In particular it suggests that facilities are provided in or on the edge of towns or villages.

Local Plan Policy

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.

REC4 of the Local Plan states that planning permission for new recreational facilities will only be granted provided that there is no detrimental effect upon adjacent land uses or upon the amenities of adjacent residents; the form, scale and design of the development is in keeping with the area and does not detract from the character of the landscape; adequate parking and access arrangements are provided and there is capacity in the local road network to accommodate the development; landscaping is provided as an integral part of the proposal; there is no detriment to the rights of way network; and the proposal does not adversely affect sites of ecological, geological or archaeological significance.

Policy NE5 of the Local Plan seeks to protect the countryside for its own sake and states that planning permission will be granted for sport and recreation purposes, if it meets either of the criteria: it must then not have an adverse effect on the appearance or character of the landscape; be in keeping with the scale and character of existing buildings and the general surroundings; where necessary be effectively screened by landscaping or other methods; and not generate traffic likely to exceed the capacity of the highway road network or impair road safety.

Policy NE10 provides that development proposal within the Local Landscape Improvement Areas should include comprehensive landscaping proposals.

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

Appraisal:-

Principle

Recreation uses are generally acceptable within the open countryside providing the use will not adversely affect the appearance or character of the landscape and are adjacent or close to existing settlements. The application seeks to establish the principle of using an area of agricultural grazing land for recreational purposes and in policy terms this type of use is an acceptable form of development in open countryside locations subject to safeguards to protect the appearance of the landscape, amenities of local residents and highway safety.

Design and Layout

The site is adjacent to Britannia fields recreation ground and adjoins an much larger area where Members may recall granting consent for a change of use to recreation land made by Burbage Parish Council application no. 04/01455/COU. The application does not include details of the design or layout of the site. However, given the sites location it is clear that it could easily become part of Britannia Fields Recreation Ground. It is considered that a condition requiring the submission of these details for consideration and approval is acceptable.

Highways

The Highway Authority have stated that there is insufficient information to enable them to provide a reasoned response. The applicant has provided further details as set out in the introduction. However, concerns remain regarding the adequacy and need for the access adjacent to no. 28 Britannia Road. In addition whilst the applicant states that the main access point and parking will be provided via the existing Britannia Fields Recreation Ground this area is not included within either the red or blue edge and as such cannot be the subject of planning conditions. As a result amended plans have been requested,

removing the access adjacent to no. 28 Britannia Road from the proposal and adding the access and parking area at Britannia Fields Recreation Ground. The applicant has been advised that they will need to serve an Article 6 Notice on Burbage Parish Council. The removal of the access adjacent to no. 28 Britannia Road, will mean that the trees will not be lost, it will also reduce the possibility of noise and disturbance issues, increased onstreet parking and the potential for disruption to the public footpath U65 detailed in the response from the Director of Community Services (Rights of Way). The amended plans and any related conditions will be reported as a late item.

Impact on Neighbours Amenity

To the northeast of the site no. 40 Britannia Road is only 6 metres from the boundary with, and has primary windows overlooking, the site. Concerns have been raised regarding security, anti-social behaviour, noise nuisance, light nuisance and increased public access to the adjoining property via the existing public footpath. However, it is not considered that the proposed use of the site as recreation land would unduly impact upon the amenities of the adjacent dwelling. It is considered that by the imposition of conditions relating to layout any areas where a higher level of activity may occur on the site could be located sufficiently far away from the adjacent dwelling. Any proposals for more formal recreation facilities, which would be more likely to give rise to noise and disturbance, would require a further planning application. A condition requiring the submission of details of boundary treatment should assist in allaying concerns regarding security.

Other Considerations

Residents were concerned regarding the applicant's motives, to carry out the development and potential financial gains. However, each application must be considered on its own merits and the Local Planning Authority should not prejudice the decision made on any future applications. In addition, concerns were raised over the impact on the environment. Conditions requiring the submission of details for approval will ensure that the development does not have such an adverse effect.

The application states that the land will be used to replace land currently in a similar use. However, the land to be replaced does not form part of this proposal. As such the application has been considered on its merits, as a potential extension to the existing Britannia Fields Recreation Grounds.

Conclusion

The principle of recreational uses in the open countryside adjacent to existing settlements is considered acceptable in both local and national policy guidance. Whilst it would be preferable to see the full details of a scheme at the earliest stage, it is acceptable to agree the principle of the proposed development and impose conditions that require the submission of further details for consideration and approval at a later date.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, NE5, NE10, REC4 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 No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details:-
 - i) the layout of the site
 - ii) means of vehicular and pedestrian access to the site
 - iii) retention of trees and hedges on the site
 - iv) a landscaping scheme
 - v) boundary treatment to the site.
- 3 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.
- 4 Notwithstanding the submitted details, this permission in no way implies consent for any formal recreational use on any part of the proposal site.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The application is for the principle of development only and the Local Planning Authority requires the submission of these details to ensure policies BE1, NE5, NE10 and REC4 of the adopted Hinckley and Bosworth Local Plan are complied with.
- 3 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE24 of the adopted Hinckley & Bosworth Local Plan.
- 4 For the avoidance of doubt.

Notes to Applicant:-

- 1 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 2 The applicant is informed that this permission does not give consent for the construction of a lake on the site, as included within pre-validation plans. For the avoidance of doubt the construction of a lake would require further planning application.
- 3 The applicant's attention is drawn to the public footpath U65 which abuts the north western boundary of the site, as shown on the attached plan. The applicant is responsible for ensuring that free access by pedestrians along the footpath is maintained at all times and that the full width currently contained between the boundary features is retained. The applicant is also advised that no additional structures may be erected across the line of footpath U65 without the consent of the Highway Authority. This requirement could be applicable where the footpath is crossed by the proposed access drive.

- 4 In relation to condition 4, for the avoidance of doubt, the provision of formal recreation uses on the site, such as the setting out of football pitches etc., would require a further planning application.

Contact Officer:- D Warden Ext 5691

Item: 06

Reference: 06/00722/REM

Applicant: Caroline House Ltd

Location: Rear of 21 Stoke Road Hinckley Leicestershire LE10 0EA

Proposal: ERECTION OF 10 FLATS

Introduction:-

The application is for approval of reserved matters relating to the outline planning permission for residential development of land to the rear of 21 Stoke Road, Hinckley. The scheme is for 10 flats and seeks approval of all matters except the siting of the building, which was approved at outline stage. The site measures less than 0.1 hectares.

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

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

The plans show the layout of the site, the approved location of the building and its relationship with neighbouring properties, its height and appearance and the proposed access and parking arrangements.

History:-

05/01167/OUT	Erection of 10 Flats	Approved	25.01.06
05/00501/OUT	Erection of 12 Flats	Withdrawn	

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Consultations:-

No objections have been received from Director of Community Services (Archaeology).

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

Severn Trent Water Ltd
Environment Agency
Leicestershire Constabulary Crime Reduction Officer.

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

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

Site and Press Notices were displayed and neighbours notified. One letter has been received raising the following concerns:-

- a) when existing boundaries are removed what form of boundary will be replacing them?
- b) height of the proposed vehicle shed will block light
- c) landscaping to parking areas would prevent maintenance of neighbouring boundary fence.

Development Plan Policies:-

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

Policy RES5 assesses residential proposals for development on unallocated sites.

Policy BE1 seeks to ensure high quality of new development, that proposals complement and not adversely affect the surrounding area or adjacent properties, and ensure adequate privacy and amenity.

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

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

The Local Planning Authority's Supplementary Planning Guidance on Play and Open Space seeks a financial contribution for the provision and maintenance of play and open space, equating to £1,900 (£1,850 at the time of the outline permission) per each residential unit, where facilities cannot be provided within the site. This is required by a Condition of the outline approval.

Appraisal:-

The principle of the development of this site has already been established with the grant of outline planning permission. However, the only matter included for approval at that stage was 'siting'. The current submission seeks approval of all other reserved matters and these are, therefore, considered below.

Design and External Appearance

The siting of the proposed building has already been considered and approved at outline stage. A density of 100 dwellings per hectare is above the minimum density level of the local plan of 27 dwellings per hectare, and above the Planning Policy Guidance Note 3 guidance that requires 30-50 dwellings per hectare. Planning Policy Guidance Note 3 does seek higher densities than 30-50 on brownfield sites within urban locations which are close to good public transport and transport corridors. This is not unusually high for apartment development and is considered acceptable.

The layout plan and elevations show two and two-and-a-half storey elements to provide the accommodation for the number of flats proposed. The residential character of the area is of a mix of one and two storey dwellings and therefore the proposed design generally respects this scale.

With regards to privacy and outlook, the Council's adopted Supplementary Planning Guidance requires a distance of 25 metres between facing windows and 14 metres between facing windows and blank gable walls. The layout does achieve the required distances between the proposed building and properties in Stoke Road, although there are kitchen windows facing properties on Cadeby Close, 14 metres away.

In built up locations there is some flexibility with minimum distances, but it is considered that the overlookings from the kitchen windows will result in a serious loss of amenity to the neighbouring property. The applicant's agent will need to amend the scheme further to minimise the impact and safeguard the amenities of existing residents and future occupiers in this respect. Members should note that the applicant's agent has addressed officers concerns with the indicative outline scheme by reducing the ridge height and removing a third storey gable-end window. Any further amendments will be reported as a late item.

Means of Access

The Highway Authority have commented that the existing driveway is substandard in terms of available width at the point where it meets the Highway boundary and there is some

concern with regards to potential vehicle conflict at this point. However, when considering the existing use of the site, and the traffic survey, submitted at outline stage, the Highway Authority considered that it was not in a position to demonstrate that this proposal, if permitted, would result in a material increase in vehicular traffic visiting the site. Hence there are no grounds for refusal of the proposal, nor is there considered sufficient justification to condition improvements to the access.

Adequate off street parking provision is provided for the development on the basis of three spaces per two dwellings (15 spaces for 10 dwellings). The layout includes 3 covered spaces that are located in particularly close proximity to residential properties in Cadeby Close. This, along with a narrow boundary landscaping buffer, should help to reduce the potential impact on the amenity enjoyed by the current occupiers of those residential properties.

Landscaping

The proposed site layout shows landscaping within the scheme, but further clarification is being sought on plant species and boundary treatments, particularly with regard to replacement, where necessary, of common boundary fences and walls, which is a concern of neighbours. In addition, the location of bin stores also needs to be clarified.

The Supplementary Planning Guidance requires that 10 square metres of amenity space should be provided per dwelling. An area of approximately 100 sq.m. is identified as an amenity area, which is acceptable for 10 dwellings, although there are also additional smaller areas around the proposed building.

Conclusion

The scheme is considered to be in-keeping with the scale and character of the area and, in respect of its density, height, layout and car parking arrangements, unlikely to unduly harm neighbouring amenity. In addition, the proposed vehicle shed is considered unlikely to cause any significant loss of light to neighbouring dwellings. Access for maintenance to a fence is considered to be a private matter.

Developer contributions will be required for play and open space (£18,500 at outline stage), library facilities (£1,320 at outline stage), education (£2,330 at outline stage) and waste management facilities (£408 at outline stage) in line with policy. A condition attached to the outline planning permission requires such contributions to be secured before development is commenced.

RECOMMENDATION:- Permit Unconditionally

Notes to Applicant:-

- 1 You are reminded of the need to comply, as necessary and appropriate, with the conditions relating to the outline planning permission for the development of this site (ref.no. 05/01167/OUT). Similarly, your attention is also drawn to the 'advisory notes to applicant' attached to that permission.

Contact Officer:- N Wright Ext 5605

Item: 07
Reference: 06/00731/COU
Applicant: Richard Timson
Location: 49 Park Road Hinckley Leicestershire LE10 1HT
Proposal: CONVERSION OF DWELLING INTO FIVE BEDSITS WITH ASSOCIATED PARKING (RETROSPECTIVE)

Introduction:-

This retrospective planning application is for the change of use of a single dwelling house to five bedsits. The property has been divided into five units with a shared kitchen and bathroom facilities. Other than the alterations made to the rear garden to provide on-site parking there are no external alterations to provide the additional accommodation.

Three car parking spaces are proposed to the front of the property, to complement the three spaces already provided to the rear. The property is a semi-detached dwelling, surrounded by similar properties on Park Road, Hinckley.

The applicant has submitted a supporting statement with the application stating that the application has been made to meet a need for high quality single room accommodation in and around Hinckley as the town continues to thrive. As such, the applicant proposes to alter 49 Park Road into five high quality bedsits with shared cooking and washing facilities to be rented out to professional, employed, over 25 year olds only.

History:-

There is no relevant planning history for the property.

Consultations:-

At the time of writing the report no response had been received from Network Rail.

No objection received from Borough Council's Land Drainage Engineer .

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

Director of Highways, Transportation and Waste Management. However, it is advised that a preferred option would be for the provision of all parking to the rear of the property as opposed to providing some parking to the front.

Neighbours notified, 10 letters of objection have been received raising the following concerns:-

- a) the property is not large enough for this type of use
- b) over intensification of use
- c) the tenants have no regard for the neighbouring properties
- d) increase in parked vehicles and traffic movements
- e) there are no other multi occupancy properties in close proximity
- f) out of character with the area
- g) disturbance caused to neighbouring properties at unsociable hours
- h) increase in noise and highway concern arising from the use of Parsons Lane
- i) reduced privacy and security
- j) experiences of unsociable behaviour
- k) this is a family orientated area
- l) the use of Parsons Lane is prohibited as this is Railtrack property so the rear parking is inaccessible.

Development Plan Policies:-

Policy RES8 of the adopted Hinckley and Bosworth Plan relates to the subdivision of dwellings and states that planning permission will normally be granted for the subdivision of buildings with an existing residential use within settlements, to flats or bedsits, provided that the proposal is satisfactory in terms of; the provision of adequate on-site parking in accordance with Policy T5, the effect on the amenities of neighbours and the effect on the general character of the surrounding area.

Appraisal:-

The subdivision of the dwelling needs to be assessed against the effects on the amenities of neighbouring properties, the general character of the area and the provision of adequate on site parking.

Park Road and the surrounding area is characterised by semi-detached dwellings similar to the application site. The surrounding properties are single dwelling units and there are no other multi occupancy properties in close proximity to the site. Accordingly, having taken into account the size and location of the property, it is considered that the subdivision of one of these dwellings to form five separate units creates an intensification of use, which is out of keeping with the surrounding properties and general character of the area. In addition, it is considered that the subdivision of this type of property in this location is to the detriment of residential amenity for the existing neighbouring properties due to the increase in activities arising from the intensification of use, over and above that reasonably expected in an area of primarily single households.

Whilst three parking spaces have already been provided to the rear of the property, an additional three car parking spaces are also proposed to the front. The front garden area has been measured to identify a potential driveway depth of approximately 4.8 metres. This confirms that the minimum driveway depth is achievable for the proposed parking.

There is some concern in regards to the access identified for the parking spaces at the rear of the property. It is apparent that this is an unadopted highway, yet the details submitted do not identify that access from Parsons Lane falls within the application site, or provide details to suggest, the applicant has served the required notice to the owners of the land in order to achieve the required access. The applicant has been advised that clarification is sought in respect of this issue.

Whilst the applicant has stated the need for this type of accommodation for over 25 year olds, it is considered that this does not outweigh the serious impact of the development on adjacent residents.

If Members are minded to refuse the application enforcement action will then be considered.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, the subdivision of the existing dwelling to form five units would be detrimental to the general character of the surrounding area and residential amenity of neighbouring properties due to the increase in activities arising from the intensification of use, contrary to the intentions of policy RES8 of the adopted Hinckley & Bosworth Local Plan.

Contact Officer:- E MacDonald Ext 5682

Item: 08

Reference: 06/00788/FUL

Applicant: Rosemond Developments Ltd

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

Proposal: THIRTY SIX ADDITIONAL CAR PARKING SPACES

Introduction:-

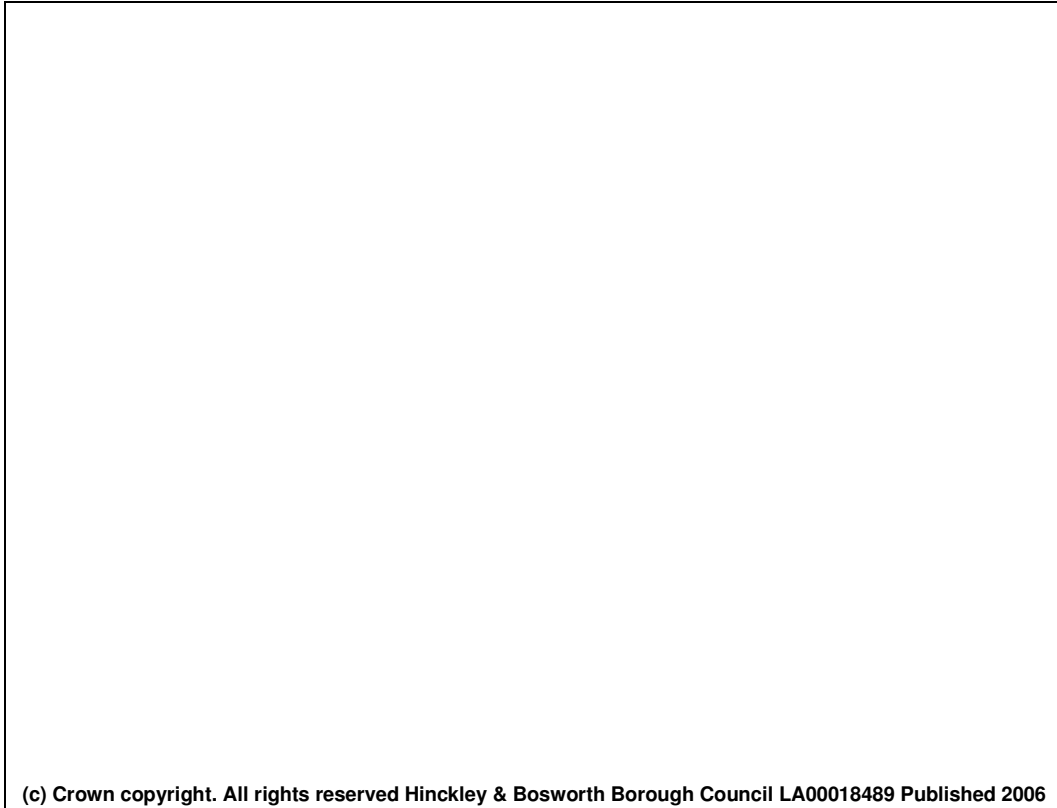
This is a full application that proposes to provide a further 36 parking spaces for the recently approved distribution centre and ancillary offices. Planning permission was originally granted for the distribution centre under reference 05/01183/FUL, this proposed a total of 128 parking spaces which was in line with the parking standards at that time. Subsequent to this application the applicant secured an end user who required some changes to the approved scheme, these changes included creating additional office space and proposed a total of 153 parking spaces. This application was again approved but subject to a condition requiring a reduction in parking to 102 spaces. This requirement for the reduction in parking was a result of the then recently approved Highways Transportation and Development Document (HTD), the standards to which the Director of Highways Transportation and Waste Management works.

This current application seeks an increase in parking to meet the needs of the end user. The applicant has calculated that based on the site being an out of town site the adopted HTD allows 136 spaces for the uses on the site. Information has been submitted with the application that indicates the end user employs a total of 315 members of staff and there can be a total of 285 staff on site at one time.

History:-

97/01066/OUT	Outline for general industry (Class B2 and warehousing (Class B8) Including a new traffic island to the A5 and link road to Sketchley Lane Industrial Estate	Approved on appeal	23.03.99
00/01167/REM	Siting, design and external appearance of six industrial units, layout of the estate and structural landscaping	Approved	19.07.01
03/00331/FUL	Primary infrastructure for whole estate comprising roads, footpaths, cycleways, drainage and structural landscaping	Withdrawn	10.10.03
03/01217/FUL	Resubmission of primary infrastructure incorporating a Design and Development Framework Document.	Approved	13.01.04
04/01150/FUL	Erection of building for use within Classes B2 and B8, offices, parking and landscaping	Approved	17.12.04
05/01015/FUL	Distribution Centre and Ancillary Offices	Approved	30.11.05

05/01183/FUL	Distribution Centre and Ancillary Offices Approved	25.01.06
06/00362/FUL	Distribution Centre and Ancillary Offices Approved	24.05.06



Consultations:-

No objections from:-

Health and Safety Executive
 Director of Highways Transportation and Waste Management (Rights of Way).

The Director of Highways Transportation and Waste Management (Highways) has commented that the site is considered to be Rest of Town for the purposes of applying the (Highway Technical Document) and therefore a total of 94 spaces is considered appropriate. The proposal to provide more than this is therefore unacceptable to the Highway Authority.

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

Burbage Parish Council
 Highway Agency
 Neighbours notified
 Site Notice.

Development Plan Policies:-

The application site forms part of a larger area identified in the adopted Hinckley and Bosworth Local Plan as being the Borough Council's principal employment allocation. Policy EMP3(c) states that planning permission will be granted for industry or for storage

and distribution purposes provided various criteria are complied with, including improvements to the A5, a comprehensive landscaping scheme and the safeguarding of future access to land to the north.

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

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

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

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

Policy T5 of the adopted Local Plan seeks to ensure sufficient off-street parking provision in accordance with the current design standards.

Appraisal:-

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

This application proposes to increase parking provision by 36 spaces to meet the needs of the future occupier. The number of parking spaces was limited to 102 by condition on the latest approved application for the site, the applicant has stated that 102 spaces will not be sufficient for the number of employees on the site at one time (285).

Logix Park is located on the A5 alongside the Ashby De La Zouch Canal. As the crow flies the site is located some 1.8 km, and some 2.4 km, along the new footpath/cycle way that runs along the Sketchley Brook to Brookfield Road, from the town centre.

The Director of Highways Transportation and Waste Management considers the site to be located in the Rest of Town category within the HTD and therefore considers the increase in parking provision to above the relevant standards and therefore unacceptable. However, officers consider that a distance of 2.4 km from the town centre would classify the site as an Out of Town site, therefore the increase of parking provision proposed would be in line with the HTD. There is no definition or clarification of the terms Rest of Town or Out of Town within the HTD however PPS6 which relates to retail development states that a location that is well connected to and within easy walking distance of the primary shopping area would be up to 300 metres. Whilst this relates to retail use only, it is considered that a distance that is 8 times further than that would be considered acceptable for retail cannot be considered acceptable for employees of distribution centres.

Furthermore, even if it was considered that the site was categorised as Rest of Town, it is considered that provision of parking for less than half the employed staff of the future end user contributes significantly to sustainability. There is a bus service being provided that will transport employees from Hinckley Town Centre to Logix Park and the new

footpath/cycle link enables easier access to the site. It is thus considered that the future end user is promoting the use of alternative methods of transport in the interests of sustainability. It is also considered that without additional parking the employees will park on street, which will affect highway safety and will detract from the visual amenity of the area. Whilst the concerns of the Highway Authority are noted it is considered in this instance that the applicant has demonstrated a need for the additional parking and in light of the ratio of parking spaces to staff it is considered unreasonable to refuse this application.

RECOMMENDATION :- Permit subject to the following conditions :-

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 This permission relates to the application as revised by amended plan 4118-5B and 4118-19G received by the Local Planning Authority on 31st July 2006
- 3 Before the development hereby approved is first brought into use details of a Green Travel Plan for the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented as part of the permitted development.
- 4 Before the development hereby approved is first brought into use the car parking areas shall be surfaced and marked out in accordance with the approved plans and retained for those purposes at all times thereafter.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 In the interests of sustainability of the site to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that adequate car parking facilities will be available to serve the premises when they are brought into use to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 The applicant is reminded of the requirements of the original outline planning permission for the Logix Park site (Ref 97/01066/OUT) as well as the accompanying legal undertaking and the need to comply with the requirements of the Infrastructure Permission (Ref 03/01217/FUL) particularly in relation to the Design and Development Framework Document.
- 2 The applicant is advised that the approved number of parking spaces is in line with the standards in the Highways Transportation Document and a further increase above 138 will be contrary to the standards and would therefore be unlikely to be approved without significant justification.

Contact Officer:- T Miller Ext 5809

Item: 09

Reference: 06/00794/FUL

Applicant: Crest Nicholson (Midlands) Ltd

Location: Bund To The South of Waterside Park Off Coventry Road Hinckley
Leicestershire LE10 0NH

Proposal: REMOVAL OF FOOTPATH

Introduction:-

This is a full application that proposes to remove the public footpath that formed part of the residential development off Coventry Road. The location of the footpath is to the rear of the site along the top of the noise bund providing a pedestrian link between the western end of the Phase 2 site by the open space and the eastern end of the development, adjacent the greyhound stadium.

The application has been submitted due to considerable pressure being put on the applicants, Crest Nicholson by purchasers of the dwellings immediately adjoining the bund due to the loss of amenity the residents consider that they suffer. The footpath is located along the top of the bund that sits between the development and the A5. At its highest point the bund is 4 metres higher than the finished floor level of the adjoining dwellings. This considerable difference in height has resulted in the residents being overlooked by users of the footpath.

The applicants consider permeability can still be achieved east to west via the estate network. They consider this an acceptable route due to reduced traffic speeds created by the incorporation of 'home zones' within the estate.

History:-

99/00047/OUT	Residential Development and associated infrastructure, public open space and landscaping	Allowed at appeal	09.05.00
03/00381/REM	Erection of 281 dwellings with associated roads, infrastructure and landscaping	Permitted	21.08.03

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Consultations:-

The Director of Highways Transportation and Waste Management has no observations to make, as the footpath was never intended as a 'public' footpath.

A site notice was erected, and neighbours notified one letter of support has been received stating the pathway has a tendency to attract layabouts.

Development Plan Policies:-

Policy BE1 of the adopted Local Plan seeks to avoid the loss of open spaces, important gaps in development, vegetation and features that contribute to the quality of the local environment and promotes a high standard of design to secure attractive development

Policies REC2 and REC3 seek adequate provision of play and open space for new residential developments. Supplementary Planning Guidance: Play and Open Space sets out criteria to be met regarding the provision and maintenance of play and open space and also provides guidance relating to the quality and accessibility of the space.

Appraisal:-

Background

The reserved matters application approved in 2003 incorporated a footpath link located along the top of the noise bund. This footpath link resulted in the noise bund becoming accessible and therefore the applicants included the area, measuring approximately 0.16 ha, within the open space provision for the overall site. The concept for the open space provision included this area and stated four key points for its inclusion within the open space contribution. These are:

- i Landscaped footpath/cycleway provided to embankment as key feature to success of development.
- ii To be widened in areas to provide seating, sculptural or nature/fitness trail elements if deemed appropriate, therefore taking an important role in the open space provision on this site for activities.
- iii Planting to embankment to be native mix planting, carefully designed along the path's length to allow views and to increase safety / surveillance. Path surface to be carefully chosen; for example Breendon Gravel would increase the aesthetic value of this linear space but take intense use.
- iv Key element to the permeability of this site; access at different points along path, either ramped or stepped, allowing flow into and out of development but also to provide a 'loop' walk i.e. for dog walkers.

Principle

The requirement for the footpath formed part of the 2003 reserved matters application, with the area forming part of the open space contribution towards the whole site. They are many requirements for public open space, one of which is accessibility. If permission was granted for the removal of the footpath the landscaped area is no longer accessible and therefore fails the requirements of the policy. In addition, removing the footpath thereby making the area inaccessible would reduce the quantity of open space across the site thus impacting on the overall provision for the whole site.

Amenity and Security

Whilst they have not been many neighbour responses resulting from consultations there have been a number of complaints received by the Enforcement Team (a petition containing 45 signatures) regarding the impact the footpath is having on the amenity of residents whose properties back onto the noise bund. The footpath is located approximately 12 metres from the rear boundaries of properties and is elevated 4 metres from ground floor level at its highest. Currently only part of the footpath has been constructed and there is severe overlooking of residents properties from the footpath and security is a concern. However, the concept for the open space and footpath was to provide landscaping along the footpath and either side of the bund, which would significantly reduce the possibility for overlooking, would remove the ability for direct overlooking that currently exists and assist in making the rear gardens more secure. Furthermore the noise bund was in place prior to the properties being constructed and the plans for the footpath to be located on the bund were also in place, it is therefore considered that this element of the scheme was well documented. A brochure produced by Crest Nicholson of the development clearly indicates the proposed public footpath along the top of the bund. Residents should therefore have been aware of the footpath prior to purchasing the properties.

Other Issues

Discussions have been held with the applicant regarding maintenance of this area if the footpath was removed and they have indicated that they would expect to transfer it to the Borough Council as part of the dedicated public open space area.

Concern is expressed over this due to it becoming an area where there maybe no public access, and result in problems for the Borough Council in the future.

Conclusion

Whilst the concerns of the residents are acknowledged it is considered that the completion of the footpath and the implementation of the landscaping will alleviate the concerns raised. Furthermore it is considered the footpath provides an important role in the overall provision of the open space for the site. The incorporation of the space into the overall provision was

seen, in 2003, to be paramount to the success of the development and a key element to the overall permeability of the site. It is considered that this has not changed and the loss of the footpath would have a detrimental effect on the provision of open space and the permeability of the site. As such it is considered the application should be refused.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority the footpath is considered to be an important and integral element of the open space provision and the permeability of the site. The proposal to remove the public footpath would render this element of the open space inaccessible thereby having a negative effect on the overall provision of open space for the estate. The proposal is therefore contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- T Miller Ext 5809

Item: 10

Reference: 06/00835/FUL

Applicant: Caterpillar (UK) Ltd

Location: Caterpillar (UK) Ltd Peckleton Lane Desford Leicester LE9 9JU

Proposal: ERECTION OF VISITORS CENTRE WITH ASSOCIATED PARKING AND ACCESS

Introduction:-

This is a full planning application for the construction of a 1093 square metre visitors centre with associated parking and access within the Caterpillar complex at Desford. The proposed development is sited adjacent to the main Caterpillar (UK) Ltd buildings and is linked to the building near to the main reception area. The building is a purpose made structure finished in a mixture of glazing, steel cladding and aluminium cladding. It has a barrel roof which will be 8.2 metres in height at its highest point and 4.6 metres in height at its lowest. The overall size of the building is 44 metres by 24.7 metres. Access will be via the existing internal road system with improvements to the parking and manoeuvring areas for the centre and a pedestrian link between the proposed and existing buildings.

The proposed visitors centre will replace an existing portable building and will be used to display Caterpillar Construction equipment and machines. The area surrounding the existing building currently consists of approximately 2 metre high mounded earth used for demonstrations, connecting paved, gravelled and landscaped areas and a bund planted with semi-mature trees. The building will include a customer reception, display areas, viewing gallery, meeting and hospitality rooms and 239 square metres of office accommodation.

The proposal includes the extension of the existing visitors car parking area including an additional 25 car parking spaces and 1 coach parking space arranged in a loop around a planted central island.

Information submitted in support of the application states that there is a requirement for a sophisticated, iconic building which reflects the quality of the products produced. It states that the new centre will accommodate sales and marketing staff from throughout Europe

and provide a prestigious visitors centre for their European customers. The facility is described as splitting into three distinct activities; showroom and greeting area, office and viewing/hospitality areas. It states the showroom has been sized to allow up to six machines produced at the Desford works to be on display, with headroom and a loading door to suit. The current application is described as generally reflecting the original outline submission from November 1998, but the footprint of the building has been rotated through 45 degrees to afford visitors a better visibility of the display area. In relation to highways and traffic the details state that the nature and quantity of traffic visiting the site is unlikely to be affected by the new development, since it is effectively replacing a facility which already exists. A full traffic impact assessment was conducted in 1999 and took account of the long-term proposal for the site, which included the re-built visitors centre. There has also been a significant reduction in production output of the site in recent times and vehicle movements have reduced accordingly. The submitted details confirm that from previous developments there are no ecologically important species or wildlife occupying the site and that areas of the site are of archaeological interest. However, archaeologically this has not been found to be the case in this particular locality and in any event the appointed contractor will be made aware of the possibility of uncovering material during their excavation works and to take appropriate measures accordingly.

History:-

The present Caterpillar premises extends to approximately 106 hectares of land on the south side of Desford and was established on the site of the former Desford aerodrome in the mid-1970's following the granting of outline planning permission in 1974 for a new forklift truck manufacturing building and associated development. Various consents have been given since then for additional development within the complex including storage buildings, vehicle assembly offices, test areas, a paint shop, car parking and servicing areas as well as a sports and recreation building.

Outline planning permission was granted in March 1982 for the realignment of Old Desford Lane to the perimeter of the site. In March 1999 a Development Brief was approved to enable a comprehensive approach to be taken towards the provision of building, infrastructure (including highways and drainage), car parking and structural planting at the Caterpillar (UK) Ltd site at Desford. This established the overall level of development acceptable in environmental terms, the phasing and pattern of development and measures designed to integrate the developments with their surroundings and to mitigate against any adverse impacts.

Planning permission was granted in March 1999 for the phase I development involving the extension to storage buildings, creation of a new access, car parking and hard standing areas, formation of a new vehicular testing area and associated works, all in general conformity with the adopted Development Brief. In addition, a legal agreement covered various off-site highway works comprising traffic calming and junction improvements.

Planning permission was granted in February 2000 for the phase II development comprising expansion of storage facilities, realignment of highway, hardstanding areas, mounding and landscaping.

Considerable peripheral earth bunding and landscaping of the site has taken place over a period of time, particularly adjacent to the western and southern boundaries although the scale of the main buildings makes them visible over a wide area.

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Consultations:-

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

Severn Trent Water
The Environment Agency.

The Director of Highways, Transportation and Waste Management has no objection, subject to a condition requiring the existing Green Commuter Plan for the campus to be updated, submitted and agreed with the Borough Council.

Leicestershire Constabulary Crime Reduction Officer does not object to the application but makes the following observations. Crime is relatively low due to the 24 hour man guarding, CCTV and enclosed perimeter fencing around the whole of the site. The proposed changes in road layout will not interfere with site security as they are well within the perimeter of the site, which is already secure. Street lighting throughout the site should be BS5489 with S3 as a good standard to provide staff and visitors with reasonable security and personal safety. The key areas to cover in relation to personal safety are the positions from the car park to the main entrances of reception and the visitors centre. Other supporting external lighting units mounted onto the building would also increase site security and deter unauthorised access to these areas after hours of darkness. Recommendations are made regarding the type of fencing to be used in any future replacement of perimeter fencing. The landscaping within the site should not impede the opportunity for natural surveillance and must avoid the creation of hiding places. As a general recommendation all shrubs should have a mature growth height of not more than 1 metre. Trees should have no foliage below 2 metres allowing a clear 1 metre field of vision. The rectangular shape of the proposed building is and as such does not provide any recesses to allow potential intruders to hide and will increase the effectiveness of CCTV, which should be provided to the areas surrounding the proposed building and new car

parking area. Detailed recommendations are made regarding window and door security and the introduction of a digital CCTV system to replace the existing analogue system.

The Borough Council's Land Drainage Engineer does not object to the application subject to a note to applicant stating that if practicable the developer should include permeable paving as part of the SUDS system proposal.

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

Head of Health and Environment
The Borough Council's Green Spaces Manager
Neighbours Notified.

Development Plan Policies:-

The site lies outside the settlement boundary for Desford, in an area identified as an Existing Employment Site in the adopted Hinckley and Bosworth Local Plan.

Structure Plan

Employment Policy 6 seeks to identify and safeguard key existing and proposed employment sites.

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 EMP1(a) categorises the site as one where the Local Planning Authority should actively seek to retain the site for employment purposes.

Policy EMP2 of the Local Plan refers to the expansion of existing employment uses with reference to design, layout, highway considerations and the amenity of adjoining properties.

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

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

Appraisal:-

Principle

The Caterpillar (UK) Ltd complex is identified under adopted Local Plan policy EMP1(a) as an existing employment area which the Borough Council would wish to see retained. Policy EMP2 allows for the expansion of existing employment facilities subject to meeting design, layout, landscaping, access, parking and highway requirement as well as safeguarding the amenities of neighbouring properties and protecting the character, appearance and quality of the environment.

Design and Layout

The proposed visitors centre resembles a typical modern warehouse style building and incorporates a barrelled roof with eaves overhanging onto exposed steel columns, powdercoated curtain walling to the front and rear of the proposed building and green-tinted glass with the CAT logo. The exposed steel columns provide some vertical emphasis to break up the 44 metre long front and rear elevations into approximately 6 metre sections. The large glass sections proposed will provide views into the showroom from the parking and manoeuvring area. It is considered that the proposed barrelled roof softens the otherwise very linear building. Inside the building there is a full height showroom area fronting onto the car park. On the other side of the building fronting the demonstration area there are two levels providing offices downstairs and presentation and dining facilities upstairs. Overall the design is considered to be of a high quality and is considered to be acceptable.

The proposed building is sited adjacent to the existing reception and office building and is linked via double doors to the northeast corner. The building will be sited between the new car parking area and an existing demonstration area. The proposed visitors centre is a sizable building in its own right. However, when considered in the setting of the overwhelming scale of the buildings immediately adjacent and attached the proposed visitors centre the building represents a tiny increase in floor area. The building is sited well within the confines of the site and there is bunding that surrounds the perimeter of the site. As such it is not considered that proposed building will be visible from outside of the site.

Highways

The proposal will utilise the existing internal road network and access onto Peckleton Lane. As part of the proposal the existing visitors parking and turning area will be extended. The existing visitors parking area is set out in front of the main reception area and accommodates approximately 40 cars with a U-shaped vehicle turning area. The end of the U-shaped turning area will be extended to provide a central island with landscaping, 17 car parking spaces, 1 coach parking space and terminating in another U-shaped turning area. The remaining 7 car parking spaces will be provide around the outer edge of the extended U-shape. The Highway Authority has no objection to the proposal subject to a condition requiring updating of the existing Green Commuter Plan. The proposed parking and access details are considered acceptable.

Other Considerations

The proposal will result in the relocation, or if not possible loss of, a number of semi-mature trees. However, the proposal incorporates a comprehensive landscaping scheme attempts which to transplant the existing trees. A response from the Borough Council's Green Spaces Manager on the landscaping scheme will be reported as a late item.

Due to the sites remote location and the siting of the proposed development within the site it is not considered that the proposal will have any adverse impact on the amenities of neighbouring properties or the character, appearance or quality of the environment.

Conclusion

The principle of the retention and expansion of this employment site is considered to comply with adopted Local Plan policy. The proposed building is considered to be of a high quality design and given its location within the existing site complex, the scale of the surrounding buildings and lack of visibility of the proposal from outside of the site it is considered to be acceptable.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, EMP1, EMP2 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 visitors centre 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 part of the development shall be occupied until details of the existing Green Commuter Plan for the campus have been updated, submitted to and agreed in writing by the Local Planning Authority. The plan shall comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from work and during working hours. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, proposals for car parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site.
- 4 The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the Local Planning Authority in writing.
- 5 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- 6 Before the development hereby approved is first brought into use the car and coach parking areas and access roads shall be surfaced in accordance with the approved plans and retained for those purposes at all times thereafter.
- 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.
- 8 Notwithstanding the provisions of the Town and Country Planning Use Classes (Amendment) Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification, the building shall not be used for any purpose other than a visitors centre with the ancillary office accommodation shown on the approved plans.

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 Sustainability, and to continue with ameliorating the impact of generated traffic, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
- 5 To prevent pollution of the water environment.
- 6 To ensure that adequate car parking and servicing facilities will be available to serve the premises when they are brought into use, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy of the adopted Hinckley & Bosworth Local Plan.
- 8 To define the permission.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 For the avoidance of doubt, no new highway access is permitted.
- 3 The applicant's attention is drawn to the comments of the Environment Agency in their letter dated 10th August 2006, a copy of which is enclosed.
- 4 The applicant's attention is drawn to the comments of the Leicestershire Constabulary Crime Reduction Officer in their letter dated 16th August 2006, a copy of which is enclosed.
- 5 The applicant is advised that if practicable permeable paving should be included as part of the SUDS system proposal.

Contact Officer:- D Warden Ext 5691

Item: 11
Reference: 06/00853/FUL
Applicant: EDS Building Developments Ltd
Location: The Rectory 57 Main Street Newbold Verdon Leicester LE9 9NN
Proposal: DEMOLITION OF EXISTING BUILDING AND ERECTION OF 10 DWELLINGS WITH ASSOCIATED PARKING AND ACCESS

Introduction:-

This is a full application for the demolition of an existing dwelling (a former Rectory) and the erection of 10 new dwellings with associated garaging and parking and the formation of a new access. An application for Conservation Area consent to demolish the existing building on the site follows on this agenda (ref. no. 06/00864/CON).

The site is within Newbold Verdon close to the centre of the village and adjacent to a Listed Building known as The Old Rectory that lies to the west. There are further residential properties to the east and south and an open recreational area to the north. Access is from Main Street to the east. A public footpath borders the site to the north. The site measures 0.534 hectares, slopes gently from west to east and is characterised by a large number and variety of mature trees and shrubs, particularly to the perimeter of the site.

The design statement proposes a mixture of 3 and 5/6 bedroom houses arranged in two terraced rows with a generally north-south orientation around a central courtyard area. This layout together with the repositioning of the access is designed to enable public views of the adjacent Listed Building from Main Street itself. This is further facilitated by the provision of a large open landscaped area to the south-west corner of the site adjacent to the Listed Building. The principle elevations provide simple designs taking references from existing dwellings within the local vicinity with a mix of styles, ridge heights, and fenestration details to replicate evolutionary development and ensure that its form reflects the site and its surroundings. Garaging and parking courts have been sited to minimise their impact upon the setting of the Listed Building whilst avoiding a car-dominated development.

History:-

98/00785/TPOCA	Removal of Five Trees, Crown raise Two Beech Trees and General Maintenance to Other Trees	Approved	26.10.98
00/00243/TPOCA	Fell Three Trees and Crown raise and thin One Tree	Approved	27.04.00
01/00718/TPOCA	Crown raising of Trees	Approved	21.08.01
06/00321/FUL	Demolition of Existing Building and Redevelopment to provide 7 Houses	Withdrawn	09.05.06

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Consultations:-

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

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

Primary Care Trust request developer contributions towards the provision or improvement of health care facilities.

The Conservation Officer comments that the proposal is generally acceptable subject to minor amendments to some elevations and that thought should be given to additional landscaping within the site. He further comments that materials should be natural given the setting adjacent to a Listed Building and the within the wider Conservation Area.

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

Severn Trent Water Limited
Director of Environment and Heritage Services (Archaeology)
Director of Environment and Heritage Services (Ecology)
Leicestershire County Council (Developer Contributions)
Newbold Verdon Parish Council
Ramblers Association
Leicestershire Constabulary Crime Reduction Officer.

Neighbours notified, Site Notice and Press Notice posted:-

2 letters of objection have been received raising the following issues/concerns:-

- a) destruction of historically and ecologically important site
- b) oasis of greenery
- c) highway safety issues
- d) affordable not luxury homes should be built
- e) loss of public village amenity
- f) loss of trees in Conservation Area.

Development Plan Policies:-

The site is within the settlement boundary for Newbold Verdon and conservation area and adjacent to a listed building.

Government Guidance

Planning Policy Guidance 3 Housing encourages the use of previously developed land within urban areas in preference to the development of Greenfield sites for housing. It promotes more sustainable patterns of development linked to public transport and the more efficient use of previously developed land.

Local Plan Policies

Policy BE1 of the adopted Local Plan seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Development should avoid the loss of open spaces and vegetation which contribute to the quality of the local environment, incorporate landscaping to a high standard and ensure adequate highway visibility for road users and adequate provision for on and off street parking for residents and visitors together with turning facilities and should not adversely affect the occupiers of neighbouring properties.

Policy BE5 states that the settings of Listed Buildings will be preserved and enhanced by appropriate control through the design of new development in the vicinity, having regard to the scale, form, siting and design of the proposal in relation to the Listed Building and its setting.

Policy BE7 states that in Conservation Areas, the primary planning policy will be the preservation or enhancement of their special character (including buildings, related spaces, views into and out of the area, topography and vegetation) and appearance. When determining applications for development, consideration will be given to the siting of proposals in relation to existing urban spaces, the overall scale, design and proportions which should be sympathetic to the characteristic form in the area, the desirability of retaining features of historic or characteristic value and the use and application of building materials.

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

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

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

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

Appraisal:-

The Principle

The site has been used for residential purposes for a considerable period of time albeit at a very low density with significant areas of open space. Despite this, the site is not designated within the adopted Local Plan as being an area of Open Space or Special Character within the settlement and therefore the use of the site for residential development is considered to be acceptable in principle, subject to the design, density, scale and layout being satisfactory.

Density

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

The Local Plan states that the density of new residential development will be expected to safeguard the character and physical features of individual sites and allow for appropriate open space provision and landscaping. The proposal would result in an overall density of 20 dwellings per hectare, which is below Government guidance (30 - 50 dwellings per hectare) however, given there are significant constraints to the site, ie Setting of a Listed Building, Conservation Area, extensive mature vegetation etc, this lower density is considered to be justified in this particular case in order to meet other policy criteria.

Setting of Listed Building/Conservation Area

The site lies to the west of a Listed Building and is currently enclosed to the south, west and east by numerous species of mature trees and shrubs of varying height. This relationship reflects the former use of the site as a landscaped garden area for The Old Rectory prior to it being separated. The existing modern Rectory is of little architectural merit and does not enhance the character or setting of the Listed Building or the wider Conservation Area of Newbold Verdon, therefore its demolition is considered to be acceptable.

The layout of the proposed redevelopment has had regard to the setting of the Listed Building by retaining a large open landscaped area immediately adjacent to it, creating a clear central sight line to the Listed Building from Main Street to allow public views to be established that are not currently available. Unfortunately, this can only be achieved by the

removal of a significant number of trees and shrubs from within the site and some from its frontage to allow for the new access. A tree survey has been submitted with the application that provides an accurate assessment of the quality and condition of the trees on the site. Whilst a large number of these trees are not of any particular merit in themselves, they do provide a contribution to the visual amenity of the area. However, given the overall development of the site and the proposed additional planting scheme, on balance, the loss of these trees is considered to be acceptable, especially as this establishes views of the Listed Building that would otherwise remain hidden. The layout also retains adequate distance from the trees to be retained on the site perimeter whilst also allowing adequate amenity areas to the rear.

The trees on the site are not subject to a formal Tree Protection Order but are afforded protection by their location within the Conservation Area. The most important specimens are the larger more mature trees towards the perimeter of the site. The repositioning of the access has taken this into account and has been located to minimise its impact following discussions with the Council's Arboricultural Consultant. The major mature trees around the perimeter are to be retained along with some of the smaller under-storey trees and supplemented by additional new planting within and around the site to enhance the new development and its setting and to preserve the character of the site. It is intended to place a Tree Protection Order on the more important trees around the perimeter of the site in the near future.

The designs of the proposed dwellings are considered to be similar to those of existing buildings elsewhere within the Conservation Area and are therefore considered to reflect the special character of the area. The Listed Building itself has a fairly simple design and it is considered that the new development should not and does not compete with it.

Archaeology and Ecology

At the time of writing this report the consultation responses from the Director of Environment and Heritage Services regarding the Archaeological Impact and the Ecological Impact of the proposed development had not yet been received. These will be reported as a late item. Until then, the comments from the previous application have been included as a condition. A Great Crested Newt Survey submitted with the application concludes that although the site includes areas which may have potential for the species, no sightings, captures or evidence of breeding were found to indicate their presence, although the report also states that the four surveys were conducted outside the optimum time for the species aquatic activity and therefore may not be truly representative.

Layout and Design

The concept of the development is that of a large Farmhouse type dwelling to the main frontage with Main Street along with a row of farm workers cottages to the rear, with subsequent additions. The scheme proposes two terraced rows arranged around a central courtyard in a generally north-south orientation. The larger farmhouse type building provides a focal entry to the site with the smaller cottage type dwellings set back and to the rear, opening out to provide views to the Listed Building in the background. Built development has been limited to the southern side of the site to enhance this view and setting.

The principle elevations to Main Street and the central courtyard provide simple designs ranging from the formal, regular fenestration of the main Farmhouse type building to the less formal, irregular fenestration to some of the other cottages. There is also a variety of scale, proportions and roof pitches to add interest to the street-scene and reflect the local special character that exists within the Conservation Area.

The garages and parking courts have been located towards the rear of the site behind brick walls and further planting to reduce their impact on both the Listed Building and the overall appearance of the scheme.

Highway Safety and Parking Provision

The proposal to relocate the access to the site has two advantages, firstly to open up views to the Listed Building from Main Street and secondly to move it further from the junction of Main Street and Mill Lane. Although residents have pointed out that this merely moves it closer to the entrance to the church opposite and to a bus stop on Main Street, it is not anticipated that the Highway Authority will have any significant objections to the proposal, subject to standard conditions, as the developer has had pre-application discussions regarding these matters.

On-street car parking in the vicinity of the site is considered to be a problem, particularly as there are a number of shops in close proximity to the site. However, the proposal does provide for 25 formal car parking spaces i.e. 2 spaces per 3 bedroom units and 3 spaces per 5 bedroom units. This meets the vehicle parking guidelines of Appendix D of the adopted Local Plan and the development is not considered likely to create additional parking problems given adequate provision on-site.

Developer Contributions

The Primary Care Trust request a financial contribution of £2296 towards the provision and improvement of health care facilities to help meet the additional demands arising from new residential developments. At the time of writing this report the consultation response from Leicestershire County Council in respect of financial contributions towards education, civic amenity and libraries has not yet been received and will be reported as a late item.

A financial contribution towards the provision and maintenance of formal and informal public open space provision will be required from the developer to meet Policies REC2 and REC3 of the Local Plan, and the Council's Supplementary Planning Guidance on Play and Open Space and the Green Space Strategy as this has not been provided on site. A contribution amounting to £1900 per dwelling will be required which amounts to £19,000. This could be used to improve existing formal and informal open space at Alan's Way and Dragon Lane recreation grounds.

Conclusion

The principle of residential development is acceptable subject to the proposed development meeting the criteria of other relevant plan policies and Supplementary Planning Guidance. Whilst the proposed development involves significant changes to the existing site and involves the loss of a significant number of trees, overall the development is considered to enhance the Conservation Area and to respect the setting of the adjacent Listed Building by virtue of its layout and high quality design together with substantial planting scheme. Therefore it is considered that the application should be approved.

RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972 towards public play and open space, education, health facilities, library facilities, and waste management, the Head of Culture and Development be granted powers to issue planning permission subject to the conditions below. Failure to complete the Agreement by the 8th November 2006 will result in the application being refused.

SUMMARY OF DECISION - The proposal is in conformity with Policies BE1, BE5, BE7, RES5, T5, IMP1, REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The demolition hereby permitted shall not be undertaken before a contract for carrying out of the works of re-development of the site has been made and full planning permission has been granted for the re-development for which the contract provides.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 Before development commences, full details of the window style, reveal, cill, and header treatment shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
- 5 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.
- 6 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 H inclusive shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 7 No development shall commence on site until details of the method of disposal of surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 8 No development shall take place within the application area until the applicant, their agents or successors in title, has secured the implementation of a programme of archaeological work, commencing with an initial stage of exploratory trial trenching and followed by an appropriate mitigation strategy. This work shall be conducted in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.
- 9 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.
- 10 The car parking spaces and turning areas indicated on the approved plan shall be provided before first occupation of the dwellings hereby permitted and retained for such use at all times thereafter.
- 11 The 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 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.

- 13 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.
- 14 Notwithstanding the submitted details, before first use occupation of any of the dwelling hereby permitted, visibility splays of 2.4 metres by 70 metres shall be provided at the junction of the access with Main Street. These shall be in accordance with the standards contained in the current County Council 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.
- 15 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.
- 16 For the period of construction of the development within the site, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 17 For the period of construction of the development vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned before entering the highway.
- 18 Before any development commences, representative samples of the types and colours of materials to be used on the access drive, and in the hard landscaped courtyard, parking courts and turning areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 19 The approved soft landscaping scheme shall be carried out in accordance with the approved details and maintained for a period of five years from the date of planting. During this period any trees or shrubs that 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 unless otherwise agreed 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 In the interests of visual amenity.
- 3-5 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 6 To safeguard the amenities of neighbouring properties and in the interests of visual amenity to accord with policies BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure satisfactory provisions are made for the drainage of the site.
- 8 To ensure satisfactory archaeological investigation and recording to accord with policy BE14 of the Hinckley & Bosworth Local Plan.
- 9 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.

- 10 To ensure that adequate parking and turning facilities are available to serve the development and to ensure that vehicles may enter and leave the site in a forward direction to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 11 To reduce the number of vehicular accesses to the site and consequently reduce the number of potential conflict points.
- 12 To enable a vehicle to stand clear of the highway whilst the gates are opened and closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
- 13 In the interests of pedestrian safety.
- 14 To afford adequate visibility at the junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
- 15 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause dangers within the highway.
- 16 To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems in the area during construction.
- 17 To reduce the possibility of deleterious material (mud, loose stones etc) being deposited in the highway causing danger for road users.
- 18 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.
- 19 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 and BE5 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.
- 3 Demolition of the outbuildings requires notification to the Building Control Section of the Local Planning Authority in accordance with Sections 80 and 81 of the Building Act 1984.
- 4 The applicant is advised that owls and bats are protected species under the Wildlife and Countryside Act 1981 and should work proceed and any of the above species be discovered, the applicant should contact English Nature immediately.
- 5 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (01530 262380)

- 6 It is necessary, when carrying out works to tree(s) to be aware of the WILDLIFE AND COUNTRYSIDE ACT, 1981, whereby it is an offence for any person who intentionally takes, damages or destroys the nest of any wild bird, while the nest is in use or being built, or takes or destroys any eggs of such wild bird. The times when birds are nesting is generally between the months of March to September inclusive.
- 7 The applicant's attention is drawn to the presence of a surface water sewer that crosses the north-east corner of the site which must not be built over. The developer is advised to contact Severn Trent Water Limited for further details.

Contact Officer:- R Wright Ext 5894

Item: 12

Reference: 06/00864/CON

Applicant: EDS Building Developments Ltd

Location: The Rectory 57 Main Street Newbold Verdon Leicester LE9 9NN

Proposal: DEMOLITION OF EXISTING DWELLING

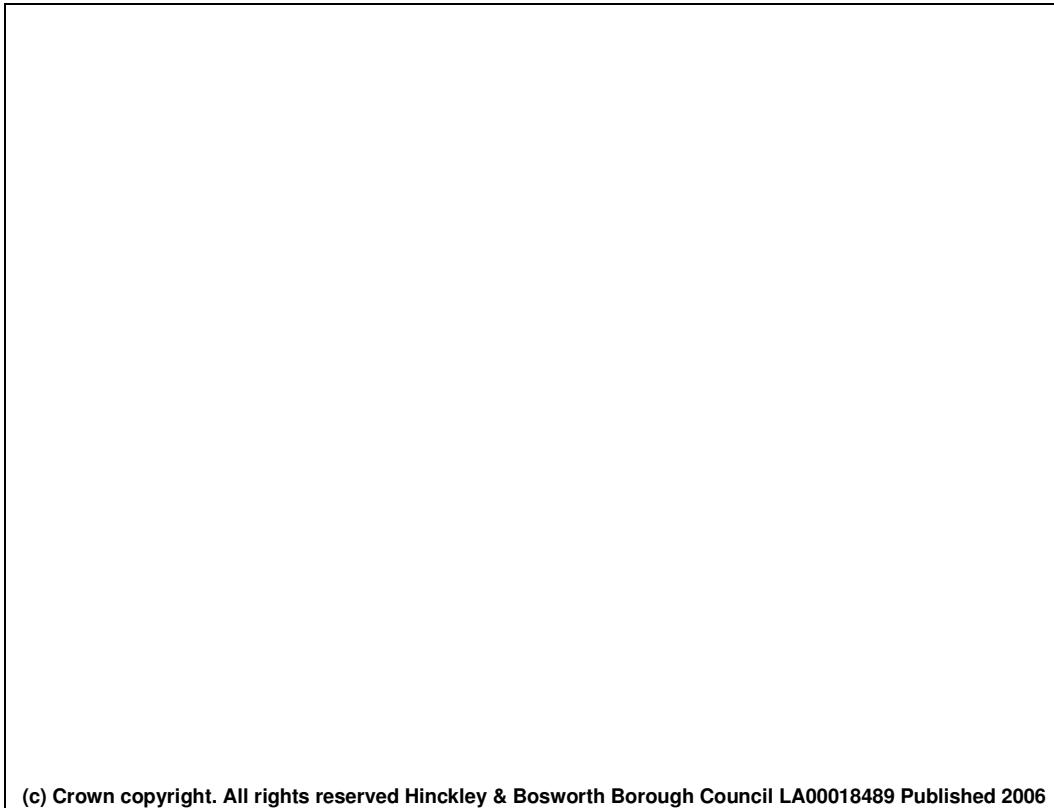
Introduction:-

This is an application for Conservation Area Consent for the demolition of a former Rectory and outbuildings at 57 Main Street, Newbold Verdon. The demolition is to facilitate the redevelopment of the site for 10 new residential units and associated garaging, parking and a new access. An application for the redevelopment of the site precedes this item on the agenda (ref. No. 06/00853/FUL).

The site is within Newbold Verdon close to the centre of the village and adjacent to a Listed Building known as The Old Rectory that lies to the west. There are further residential properties to the east and south and a large open recreational area adjacent to a church to the north. The site measures 0.534 hectares and was formerly a landscaped garden to The Old Rectory. The site has since been separated and became a mature garden to the modern Rectory built much later towards the north-eastern corner of the site. The site is populated by a large number and variety of mature trees and shrubs with a large central open grassed area, the larger specimens are predominantly located around the perimeter of the site and enclose it to the south, east and northern boundaries. Despite its current appearance, it is not designated as an Open space or Area of Special Character within the Settlement within the adopted Local Plan. A public footpath runs along the northern boundary, access to the site is from the east off Main Street.

History:-

98/00785/TPOCAP	Removal of Five Trees, Crown raise Two Beech Trees and General Maintenance to Other Trees	Approved	26.10.98
00/00243/TPOCAP	Fell Three Trees and Crown raise and thin One Tree	Approved	27.04.00
01/00718/TPOCAP	Crown raising of Trees	Approved	21.08.01

**Consultations:-**

No objection has been received from Borough Council's Conservation Officer.

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

Director of Environment and Heritage Services (Archaeology)
Newbold Verdon Parish Council.

Neighbours notified, Site Notice and Press Notice posted:-

4 letters of objection have been received raising the following issues/concerns:-

- a) destruction of historically and ecologically important site
- b) oasis of greenery
- c) not a brownfield site
- d) loss of open space of special character
- e) loss of wildlife habitat
- f) loss of public village amenity
- g) loss of large number of trees in Conservation Area
- h) possible damage to roots of retained trees
- i) proposed redevelopment detrimental to Conservation Area
- j) one large luxury dwelling should be built

- k) affordable not luxury homes should be built
- l) highway safety issues
- m) detrimental to the setting of a Listed Building.

Development Plan Policies:-

Policy BE1 of the adopted Local Plan seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area. Development should avoid the loss of open spaces and vegetation that contribute to the quality of the local environment and incorporate landscaping to a high standard.

Policy BE5 states that the settings of Listed Buildings will be preserved and enhanced by appropriate control through the design of new development in the vicinity, having regard to the scale, form, siting and design of the proposal in relation to the Listed Building and its setting.

Policy BE7 states that in Conservation Areas, the primary planning policy will be the preservation or enhancement of their special character (including buildings, related spaces, views into and out of the area, topography and vegetation) and appearance. When determining applications for development, consideration will be given to the siting of proposals in relation to existing urban spaces, the desirability of retaining features of historic or characteristic value and the use and application of building materials.

Policy BE8 states that applications for the demolition of buildings in Conservation Areas will be refused except where it can be demonstrated that the loss of the buildings will not be detrimental to the character and appearance of the Conservation Area and that there are proposals for their replacement which would preserve or enhance the character or appearance of the Conservation Area.

Appraisal:-

The site is within the Conservation Area of Newbold Verdon, close to the village centre. It is enclosed by close boarded fencing to the north, east and south and by a variety of mature trees and shrubs that give the site its character. The site is to a large extent unseen from public view, particularly during the growing season. The western boundary adjacent to The Old Rectory has a low fence and shrubs allowing views of the impressive eastern elevation.

It is considered that the demolition of the existing modern Rectory building, which, has no particular architectural or historical merit, will not be detrimental to the setting of the Listed Building or the character or appearance of the Newbold Verdon Conservation Area. In addition, the redevelopment of the site proposed in a separate item on this agenda is considered to enhance the Conservation Area by opening up the site and providing public views of the currently hidden Listed Building, The Old Rectory. Some of the more important features (e.g. major mature trees towards the perimeter and the open area in front of the Listed Building) that contribute to the special character of the site are preserved. The proposed redevelopment is also considered to enhance the setting of the Listed Building by a sensitive lower density scheme that is sympathetic to the characteristic form of the Conservation Area in terms of its layout, scale design and proportions.

The proposed demolition is considered to comply with the criteria of policies contained in the adopted Local Plan relating to the settings of Listed Building and to Conservation Areas. Whilst a significant number of trees and shrubs will be lost if the proposed redevelopment is approved, the tree survey submitted with the application has identified the most important and better quality trees within the site of which the majority of these are to be retained and, it is anticipated, will be subject to a Tree Preservation Order in the near

future. The applicants have also submitted a comprehensive landscaping scheme with additional planting to further enhance the proposed redevelopment and the setting of the Listed Building and surrounding Conservation Area. Therefore, on balance, it is considered that the application should be approved.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policies BE1, BE5, BE7 and BE8 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The demolition hereby permitted shall not be undertaken before a contract for carrying out of the works of re-development of the site has been made and full planning permission has been granted for the re-development for which the contract provides.

Reasons :-

- 1 To comply with the requirements of Section 74 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 2 In the interests of visual amenity.

Notes to Applicant:-

- 1 Demolition of the existing buildings requires notification to the Building Control Section of the Local Planning Authority in accordance with Sections 80 and 81 of the Building Act 1984.
- 2 The applicant is advised that owls and bats are protected species under the Wildlife and Countryside Act 1981 and should work proceed and any of the above species be discovered, the applicant should contact English Nature immediately.

Contact Officer:- R. Wright Ext 5894

Item: 13

Reference: 06/00854/OUT

Applicant: Mr And Mrs S Bennett

Location: 109 Teign Bank Road Hinckley Leicestershire LE10 0ED

Proposal: ERECTION OF TWO DWELLINGS WITH ASSOCIATED PARKING AND ACCESS

Introduction:-

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

Siting and means of access are the only matters included for approval at this stage, although indicative elevations have also been included with the submission showing two new one-and-a-half storey dwellings to the rear, along with details of the two storey extension to the existing building. A similar outline proposal was refused by Members in April this year. This followed the withdrawal in 2005 of another similar proposal, although this showed two two-and-a-half storey dwellings to the rear.

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

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

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

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

The supporting statement considers that the previous reasons for refusal have been addressed by reducing the width of the proposed extension, moving the access drive further away from the boundary with No.113 and improving landscaping along this boundary. It concludes that the proposal represents an efficient use of land that satisfies environmental and amenity interests and accords with the development plan and local and national guidance. The statement also accepts the requirement for a financial contribution to the provision and maintenance of off-site open space, although no contribution has been submitted with the application. With regard to the setting of a precedent for similar proposals nearby, the statement considers that this is a uniquely large site, the development of which could not be repeated elsewhere.

History:-

06/00171/OUT	Residential development of two dwellings and access and extensions to existing dwelling	Refused	26.04.06
04/01494/OUT	Residential development of two dwellings and access and extensions to existing dwelling	Withdrawn	21.02.05

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Consultations:-

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

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

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

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

- a) increase in traffic and parking
- b) parking problems already exist on Teign Bank Road
- c) highway and pedestrian safety issues, particularly due to bend in road
- d) overlooking, overshadowing and loss of privacy
- e) noise and fumes from use of double garage
- f) same impact as previously refused proposals
- g) construction nuisance
- h) lack of water pressure and sewer capacity.

Development Plan Policies:-

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

Policy RES5 assesses residential proposals for development on unallocated sites. Policy BE1 seeks to ensure high quality of new development, that proposals complement and not adversely affect the surrounding area or adjacent properties, and ensure adequate privacy and amenity.

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

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

The Borough Council's Supplementary Planning Guidance on Play and Open Space would usually seek a financial contribution for the provision and maintenance of play and open space of £1,850 for each residential unit, where facilities cannot be provided within the site. This equates to £3,700 for the development.

Appraisal:-

Density

The application site measures 0.1095 hectares and gives a density of 28 dwellings per hectare. This is above the minimum density level of the local plan of 27 dwellings per hectare, but below PPG3 guidance that requires 30-50 dwellings per hectare. The density is judged appropriate given the site's location and density of nearby dwellings, and character of the area.

Design and Character of the Area

The application only includes the use of the land for residential purpose, with siting and access to the dwellings. The front elevations have been included for illustrative purposes only. It is unlikely that the indicative plans would be deemed acceptable given the design of neighbouring properties and the proposed siting of the proposals. However, the garage is judged acceptable since it would be unlikely to have an impact on the street scene and create no worse vehicle movements than already exist. The proposed extension, also, is considered acceptable in that it would be subordinate to the main dwelling, even though it does not strictly accord with the recommended 1 metre set-back contained in Supplementary Planning Guidance.

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

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

Privacy and Outlook

The Council's Supplementary Planning Guidance requires a distance of 25 metres between facing windows and 14 metres between facing windows and gable walls. The siting of the proposed dwellings meets these criteria, not only for the properties along Teign Bank Road but also Middlefield Court. The proposals aim to retain the existing boundary treatments to keep the existing privacy screen between the adjoining properties. In regard to the impact on the private rear amenity space of 107 and 113 Teign Bank Road, it is unlikely that one-

and-a-half storey dwellings in this location would have an unduly detrimental impact on the occupiers of these dwellings and this form of building, including fenestration, could be secured by condition.

Parking and Access

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

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

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

Landscaping and Amenity

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

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

An open space contribution for two new dwellings would be applicable to this application, if the scheme were to be considered favourably. This would equate to £3,800 in line with the objectives of the adopted Green Space Strategy.

Other Considerations

Impact on property value is not a material planning consideration, nor is traffic and nuisance caused by works vehicles due to its temporary nature, or lack of water pressure. The Borough Council's Land Drainage Consultant recommends that soakaways are considered for roof drainage and permeable surfaces for the drive and parking areas. Potential structural problems are civil matters between those affected.

In conclusion while the principle of residential development in urban areas is acceptable, the impact on the character of the area and the amenity of adjoining occupiers is an important material consideration. In this case, despite the revisions to the position of the driveway and additional planting, the development, on balance, remains detrimental enough to warrant refusal of the application.

RECOMMENDATION :- REFUSE, for the following reasons :-

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

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

Contact Officer:- N Wright Ext 5605

Item: 14

Reference: 06/00857/COU

Applicant: John Mayne

Location: Meadow Fields Stoke Road Hinckley Leicestershire

Proposal: CONVERSION OF EXISTING BARN INTO LIVING ACCOMMODATION

Introduction:-

The application is for the change of use of a brick built agricultural building that is currently used as a storage facility to a single storey residential dwelling.

Currently the proposal forms part of a small holding under the applicants ownership covering an area of approximately 13 acres. Meadow Fields is located adjacent to Stoke Road midway between Normandy Way and Rogues Lane when travelling north west from Hinckley towards Stoke Golding, in an area designated as open countryside.

The existing building will not be extended but new openings will be formed in the northern, southern and eastern elevations to create a habitable dwelling for the applicant and his family.

History:-

None recent.

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Consultations:-

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

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

Site notice issued and at the time of writing this report no representations have been received.

Development Plan Policies:-

Central Government Advice

Planning Policy Statement 7: Sustainable Development in Rural Areas. Policy supports the re-use of appropriately located and suitably constructed existing buildings in the countryside providing a number of criteria is met. One such criteria is that there should be no adverse impact on the countryside, landscape and wildlife.

Structure Plan

Strategy Policy 8 states that all development proposals in the countryside will be considered against landscape character assessments featured in Local Plans. The countryside will be protected for its own sake and development will only be acceptable if the general appearance and character of the landscape and the countryside is safeguarded or enhanced. Built development should be well integrated in relation to existing development and designed sympathetically to fit into the local surroundings. Proposals will be limited to small scale development for employment or leisure, dwellings for essential agriculture or forestry needs.

Local Plan

The site lies outside any established settlement boundary as defined in the adopted Hinckley and Bosworth Local Plan in an area designated as being in open countryside.

Policy NE5 of the adopted Hinckley and Bosworth Local Plan states that the countryside will be protected for its own sake. Planning permission will be granted for the change of use of existing buildings providing it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network and is effectively screened by landscaping. Development will only be permitted where it is either important to the local economy, cannot be provided within/adjacent an existing settlement, change of use/reuse of buildings of historic value or, for sport or recreational purposes.

Policy NE10 of the adopted Hinckley and Bosworth Local Plan states that any development within a Local Landscape Improvement Area should include a comprehensive landscaping proposal.

Policy BE1 of the adopted Hinckley and Bosworth Local Plan seeks to ensure a high standard of design and to safeguard and enhance the existing environment. Development should compliment or enhance the character of the surrounding area and ensure adequate highway visibility for road users and incorporate landscaping to a high standard. Residential proposals should provide sufficient garden area with boundary treatment that reflects existing features in the area.

Policy BE20 relates to the re-use of and adaptation of rural buildings, including those for residential purposes. It states that such proposals will be granted provided that there is no adverse affect on the landscape, highway safety, protected wildlife habitats, or to the design, character, appearance and setting of the building. The building should also be capable of conversion without significant alterations, extensions or rebuilding. Future occupiers should not be affected through noise, smell or other disturbance from rural activity.

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

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

Appraisal:-

The existing single storey building has a floor space of 126 square metres and was constructed during the late 1980s / early 1990s. Located 100 metres south of Stoke Road there are two other buildings within 8 metres of the proposal that are to be retained for agricultural purposes. The larger of these two buildings has a floor space of 143 square metres, the smaller 10 square metres. Both have the potential to adversely affect any future

occupiers of the proposal through noise, smell or other disturbance from agricultural activities.

The most significant issue relating to this development is the impact a residential dwelling and the associated curtilage would have on the appearance and character of the landscape. Furthermore the site is designated a Local Landscape Improvement Area. The site is visible from both Stoke Road to the north, Normandy Way to the south and Wykin Lane to the west.

Policy BE20 of the adopted Hinckley and Bosworth Local Plan and the adopted Supplementary Planning Guidance state that planning permission will only be granted where there is no adverse effect on the appearance or character of the landscape. The reuse and adaptation of a rural building must demonstrate it can be converted without involving extensions that would significantly alter the form and general design of the building in a way that would detract from its existing character and appearance. In addition the building should be structurally sound enough to be capable of conversion without significant adaptation or rebuilding. Consideration will be given to any future occupiers of the proposed conversion as they should not be adversely affected through noise, smell or other disturbance from a working farm or other rural activity.

The application is not supported by a structural survey but includes the demolition and rebuilding of the north west elevation and the formation of a number of new openings.

The application also lacks a comprehensive landscaping scheme to mitigate the impact on the surrounding landscape in accordance with Policy NE10. Without effective screening the proposed alterations to the building are considered to add to the identification of the building as being residential as opposed to being used for rural, recreational or employment purposes. Due to the close proximity of the building along the southern boundary, it is unlikely a successful landscaping scheme could be implemented without adversely affecting any future occupiers of the dwelling. The allocated private amenity space is already inadequate for a dwelling of this size.

Conclusion

The site which is clearly visible, particularly from the higher ground to the south and west, would have an adverse effect on the appearance and character of the landscape. The conversion of rural buildings is encouraged for employment, recreation and tourism uses. The proposed use is clearly not one of these uses and is a building that is not part of a historic farm complex. The collection of buildings within the site are not of any historic importance nor closely related to any adjacent settlements.

The proposal could set a precedent for the expansion of residential dwellings into the open countryside, that has not been proven to be structurally sound or to be important to the local economy nor that it cannot be provided within the adjacent settlements. Therefore the proposal is considered to be contrary to development plan policies and the Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority the proposal would constitute an undesirable and unjustified incursion of residential development on land outside any historic farm complex or established settlement boundary, resulting in a detrimental affect on the character and appearance of the countryside, which is designated as a Local Landscape Improvement Area. Therefore the proposal is contrary to policies BE1, BE20, NE5, NE10 of the adopted Hinckley and Bosworth Local Plan and the Council's adopted Supplementary Planning guidance on the Conversion of Rural Buildings.

- 2 In the opinion of the Local Planning Authority, insufficient evidence has been provided to demonstrate that the building is capable of conversion without the need for significant adaptation and rebuilding. The proposal is therefore contrary to policy BE20 of the adopted Hinckley and Bosworth Local Plan and the Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings.
- 3 In the opinion of the Local Planning Authority, the proposal is in close proximity to existing agricultural buildings which may cause a detrimental affect on the future occupiers of the proposed dwelling, due to likely noise, smell and other disturbances. The proposal is therefore contrary to policy BE20 of the adopted Hinckley and Bosworth Local Plan and the Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings.
- 4 The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the Local Planning authority would also object, but which would consequently be difficult to resist. Therefore the proposal is not in accordance with policies BE1, BE20 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 5 In the opinion of the Local Planning Authority, the 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 :- S. Cheshire Ext 5762