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REPORT P32

PLANNING COMMITTEE

10.10.2006

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

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Item: 01
Reference: 05/01240/FUL
Applicant: Cotswold Estates Ltd
Location: Dennis House 4 Hawley Road Hinckley Leicestershire LE10 0PR
Proposal: CONVERSION OF EXISTING BUILDING TO 54 SELF CONTAINED FLATS TO PROVIDE SHELTERED HOUSING WITH ASSOCIATED PARKING AND ACCESS

Introduction:-

This is a full application for the conversion and extension of Dennis House, 4 Hawley Road, Hinckley. The application site also includes a three-storey building to the rear of Dennis House, known as 68 Station Road. The proposal involves the conversion, demolition and extension of the two existing buildings to provide 54 one and two bedroom flats with communal facilities within a new three-storey complex. Parking provision would be on the basis of 32 spaces and two visitor spaces (34 in total), accessed off Hawley Road.

To the west of the site is an industrial premises, occupied by CJ Marketing. To the east is the Railway Hotel public house. To the north (rear) is the Royal Court sheltered housing complex. Opposite is Somerfields supermarket.

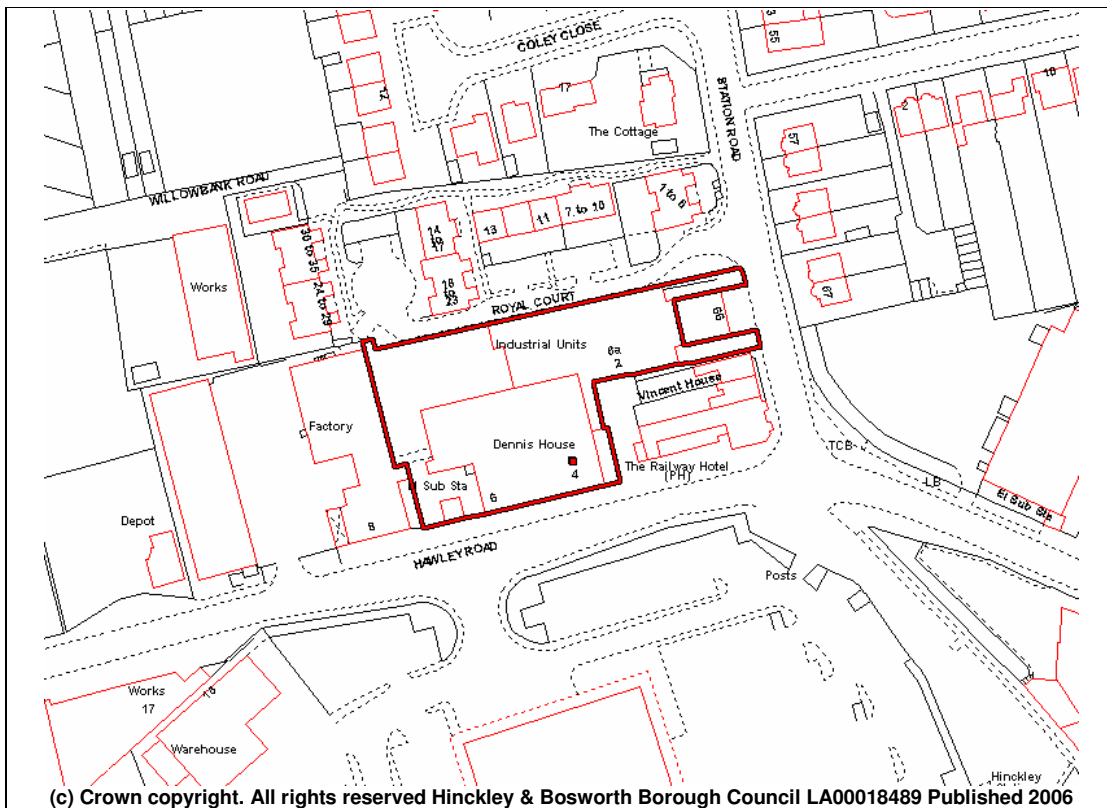
Information submitted in support of the application includes a Design Statement, a Planning Development Brief and Heads of Terms for a Section 106 legal agreement. The Design Statement considers that a modern well-designed residential development would improve the appearance of the site. The Development Brief outlines the apparent difficulties experienced in letting the units despite being widely marketed. No documentary evidence is submitted to support this statement, however.

The exact nature of the type of sheltered housing being proposed is not explicitly set out in the application. However, the Design Statement clarifies that it is intended to be for residents over 55 years of age.

Members will be aware of recent proposals to develop various sites along Hawley Road, including the Fludes site and the adjacent CJ Marketing/Carr House site. The former was refused planning permission (on appeal) for wholly residential development, and a revised scheme for mixed residential/employment uses on the latter is likely to include a legal agreement retaining the employment use of Carr House. An appeal was allowed in 2005 for the demolition of a workshop and erection of apartments at 66 Station Road, Hinckley, adjacent the application site.

History:-

None relevant.



Consultations:-

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

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

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

Borough Council's Green Spaces Manager requests, in the absence of any on-site open space provision, that contributions for off-site informal open space and formal open space at Argents Mead or Queens Park. For 54 dwellings this would equate to £102,600 (54 x £1,900).

Director of Highways, Transportation and Waste Management (Highways) considers that insufficient information has been submitted to enable an assessment of the traffic impact of the proposed development and requires the submission of a Transport Assessment.

Director of Commercial and Support Services identifies a contribution towards existing library facilities of £1,800.

Hinckley and Bosworth Primary Care Trust requests a contribution of £12,398 towards health services.

Director of Environment and Heritage Services (Environmental Management) recommends a commuted sum be requested to cover long term maintenance of landscaped areas.

No objection has been received from:-

Neighbours
Site Notice
Press Notice.

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 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.

Although the proposal may not easily be described as a residential care or nursing home, it is considered that given the circumstances of the intended nature of the occupation of the building for over 55's, Policy CF8 of the adopted Local Plan remains relevant. This Policy states that planning permission will be granted for residential care and nursing homes providing the development is in-keeping with its surroundings and does not harm neighbouring amenity; has adequate gardens, car parking and servicing areas; has easy access to local facilities and is designed to accommodate easy access for the elderly and infirm.

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 and on Residential Care and Nursing Homes (revised July 1997) and on Play and Open Space (adopted October 2002) provide further guidance on development proposals including design and layout standards and the provision of open space within development proposals or of financial contributions towards off-site provision.

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 Dennis House is important small business accommodation and should be retained. 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 the 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 one of those buildings and is, therefore, a valuable employment building that officers would prefer to see retained, ideally for future employment use.

The current scheme is for wholly residential purposes and offers no mix of uses, and no documentary evidence has been submitted to show that the building is no longer suitable for continued employment use such as through an appropriate marketing exercise.

Design and Layout Considerations

The existing building is distinctive but of no particular architectural merit. Even so, 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. Accordingly, it is considered that the importance and prominence of the site merits a very high quality scheme but that the design of the building, as currently proposed, needs improvement, particularly in terms of its general massing and design including the set-back of the new side wing behind a walled area and driveway, which is not in-keeping with the sense of enclosure considered necessary for this part of Hawley Road. It is considered that a more creative and interesting design solution could, and should, be achieved for this prominent and visually important site.

Furthermore, the separation differences between the habitable room windows of the proposal with those of Royal Court are 22 metres and 12 metres to a blank wall. These do not strictly comply with the Council's Supplementary Planning Guidance which recommends 25 metres and 14 metres respectively. Also, a very small area of amenity space of approximately 40 square metres is provided. The Council's Supplementary Planning Guidance recommends 10 square metres per flat or, in the case of its Guidance on Residential Care and Nursing Homes, 10 square metres per resident.

The density of development would be approximately 164 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 34 off-street car parking spaces for 54 dwellings falls short of the Council's normal standard of 150% provision, although provision for residential institutions may be relaxed.

Other Considerations

Developer contributions would have been required for open space, to meet Policies REC2 and REC3 of the adopted Local Plan, and the Council's Supplementary Planning Guidance on Play and Open Space and the Green Space Strategy, in the absence of any on-site open space

provision. However, in view of the nature of the development, it may be considered inappropriate to require contributions towards childrens' informal play space. However, contributions could be used to improve formal open space at Argents Mead or Queens Park. For 54 dwellings the normal open space requirement would equate to £102,600 (54 x £1,900). Contributions towards health provision and library facilities in line with policy, specifically IMP1, would also have been required should the recommendation have been favourable.

Conclusion

In view of the issues relating to the loss of employment and design and layout, and the unresolved issue relating to traffic generation, it has been suggested to the applicants that, in the circumstances, this application should be withdrawn.

In general terms, it is felt that a more comprehensive scheme should be considered, perhaps including the adjacent land at CJ Marketing and Carr House, which would allow for a more cohesively designed scheme to be proposed that would also allow a minimum of 25% employment uses to be retained. Such a comprehensive scheme would also be in-keeping with the aims and intentions of the Masterplan, given that the land and buildings further along Hawley Road form one of the Masterplan Areas. One of the aims of the Masterplan is to improve the appearance of this important gateway into and out of the town.

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. In addition, it is the opinion of the Local Planning Authority that it has not been sufficiently demonstrated that the land and buildings are no longer suitable for employment purposes, contrary to Leicestershire Structure Plan Employment Policy 5.
- 2 In the opinion of the local planning authority, the proposed development, by reason of its massing, layout and appearance, would result in an incongruous form of development, to the detriment of the character and appearance of the existing street scene and of general visual amenity along an important gateway into the town, contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan. In addition, the development does not provide adequate amenity space provision or separation distances with existing residential properties to the detriment of the amenities of the occupiers of neighbouring dwellings and the amenities of the future residents of the proposal, contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Guidance on New Residential Development and Residential Care and Nursing Homes.
- 3 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 standards, contrary to Policy T5 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 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).

- 5 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.

Contact Officer:- Mr N Wright Ext 5605

Item: 02

Reference: 05/01368/FUL

Applicant: Cotswold Estates Ltd

Location: Stamford House 1 Hill Street Hinckley Leicestershire LE10 1DS

Proposal: **EXTENSION AND ALTERATIONS TO OFFICES TO CREATE TEN RESIDENTIAL UNITS**

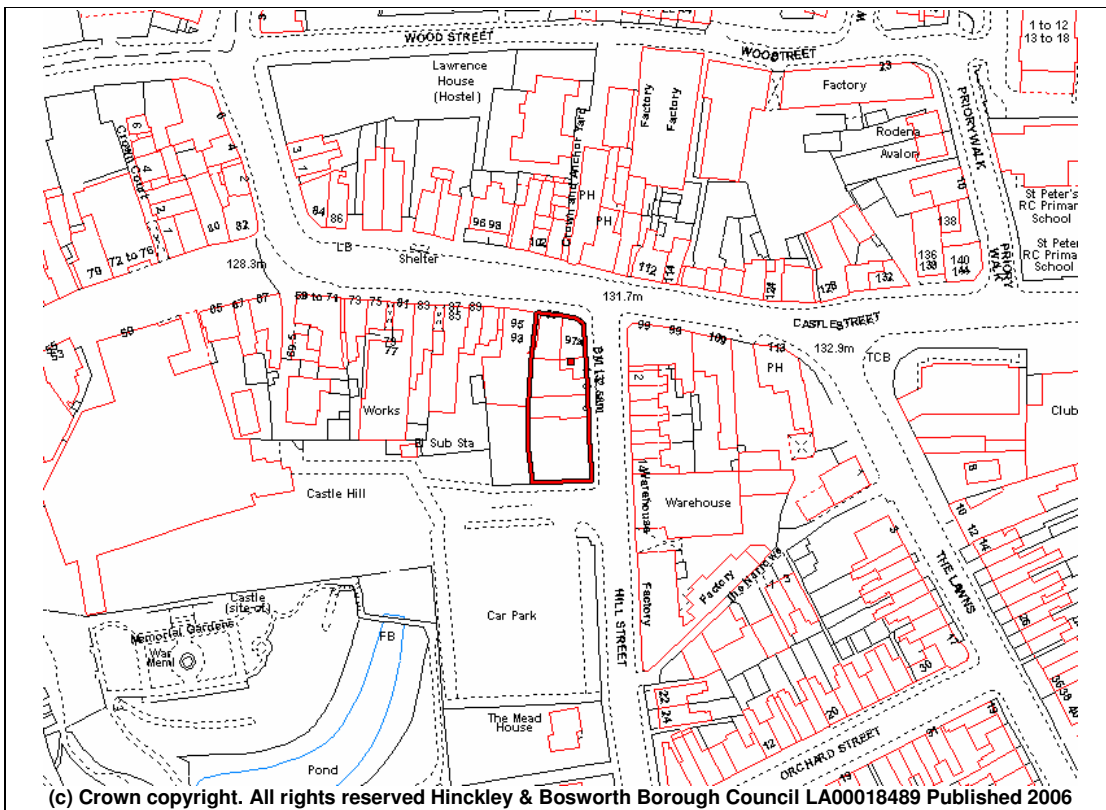
Introduction:-

The proposal is a full application for extensions and alterations to offices to provide ten residential units at Stamford House situated on the corner of Hill Street and Castle Street. The proposal includes the change of use of four existing first floor offices to residential use and the erection of a third storey. Parking is provided in an existing car park to the rear of Stamford House. The building sits on a prominent corner in this commercial area.

A mix of uses, comprising of shops, commercial premises and residential properties, surrounds the site.

History:-

05/00217/FUL	Change of use from four offices to four residential units	Approved	07.07.05
96/00917	Variation of Condition 3 of Application 90/0024/4	Approved	20.01.97
93/1030	Change of use of first floor to two self contained flats	Approved	27.01.94
90/0024/4	Change of use of car showrooms into shops and office (Classes A1, A2 and B1)	Approved	23.08.90



Consultations:-

No objections have been received from:-

- Director of Highways, Transportation and Waster Management (Highways)
- Site Notice
- Press Notice
- Neighbours.

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

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

Hinckley and Bosworth Primary Care Trust requests a contribution of £2,296 towards health services.

Director of Highways, Transportation and Waste Management (Waste Management) seeks contributions towards Civic Amenity Site Infrastructure of £411.

The Head of Environment and Heritage (Libraries) seeks a contribution towards the costs of books, materials and other facilities of £420.

Development Plan Policies:-

Policy RETAIL 12 of the Local Plan relates to the use of upper floors and residential use. The policy states that planning permission will be granted for the use of vacant or under-used shop floors of shops and other commercial premises in new or existing developments within the town

centre or local shopping centre by their conversion into, or use as, self contained flats. This is provided the development: does not have an adverse effect on the amenities enjoyed by occupiers of adjoining property, does not involve the intensified use of an access or the creation of a new access that would be inadequate in terms of width and/or visibility to the detriment of highway safety.

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 BE7 states that the primary policy will be the preservation or enhancement of the special character of the conservation area, including the buildings, related spaces, views in and out of the area, topography and vegetation.

Policy T5 of the Local Plan refers to the provision of adequate standards for highway design and parking provision for new development and change of use applications. It is stated that the Local Planning Authority will apply the relevant parking standards unless a different level of provision can be justified.

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

Appraisal:-

The relevant policies of the adopted Local Plan encourage the reuse of vacant upper storeys of shops and offices within town centres. The advantages of utilising upper floors for residential use means that there is added vitality to the town centre which in turn contributes to the level of self policing within the area. Members may recall granting planning permission for the change of use of four offices to four self-contained residential units at their meeting in June 2005.

Whilst the conversion of office space to residential use is encouraged, this is usually related to vacant or under-used upper floors. The current scheme proposes extra accommodation by way of an additional third storey element to the building, although the spirit and intention of Policy RETAIL 12 may still be appropriately applied. The site falls within the Hinckley Town Centre Conservation Area and occupies a prominent corner location. In many respects, the proposal will improve the appearance of the area. However, the rear of the building is also prominent since the surface car-parking areas to the rear leave the back of the building exposed. The additional storey and roof adds to this prominence. Officers do remain concerned about the design of the current scheme in respect of the 'end' elevation as viewed from Hill Street. Discussions will take place with the applicants, therefore, with a view to improving the design of the current scheme. The outcome will be reported at the meeting.

Highways Considerations

The submitted parking provision details the use of a car parking area to the rear of Stamford House. This car park provides eleven parking spaces, which, for ten flats is a shortfall of four spaces required to meet a standard of 150% parking. Moreover, in order to provide the identified eleven spaces, the proposal seeks to utilise the existing parking facilities provided for the retail units occupying the ground floor of the building. As the proposal seeks to provide a net increase of six residential units in excess of the number previously approved, a further nine car parking spaces are required to supplement those parking spaces already identified. Taking this into account, and the town centre location of the site, a financial contribution towards improving existing town centre parking may be appropriate in this case. At £2000 per space, this would

equate to a contribution of £18,000. Again officers will discuss the contribution with the applicants and report the outcome at the meeting.

Developer Contributions

Developer contributions are required for open space, to meet Policies REC2 and REC3 of the adopted Local Plan, and the Council's Supplementary Planning Guidance on Play and Open Space and the Green Space Strategy, in the absence of any on-site open space provision. The application would require a contribution towards play and open space provision from nine of the ten units. This would equate to £17,100 (9 x £1,900). Contributions could be used to improve informal and formal open space at Argents Mead or Queens Park.

Conclusion

Given that the residential use of the upper floors has already been established with the grant of previous planning permissions, there is no objection, in principle, to the proposed additional residential units. It is considered that these would not prejudice the retail protection policies for the town centre and complies with Policy RETAIL 12 of the adopted Local Plan. However, officers do remain concerned about the design of the proposal and the parking implications. If these issues are resolved satisfactorily, officers consider the scheme to be acceptable.

RECOMMENDATION: That subject to (i) the receipt of revised plans to amend the design and (ii) following the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 or the receipt of a one-off payment on or before 13th November 2006, or the imposition of appropriate condition to provide financial contributions towards the car parking shortfall, off-site public open space provision, health, library and civic amenity facilities, the Head of Culture and Development be granted powers to issue planning permission subject to the following conditions:-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies RETAIL 12, BE1, T5, REC2 and REC3 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 This permission relates to the application as revised by amended plan **** received by the Local Planning Authority on ****.
- 3 Before the occupation of the first residential unit, the eleven car parking spaces shown on the submitted drawing shall be provided within the curtilage of the site and kept available at all times thereafter.
- 4 Notwithstanding the details submitted on the approved plan, those units fronting Hill Street shall be fixed and double glazed with no opening lights and will be ventilated by acoustically treated trickle vents.
- 5 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed extensions and alterations shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 To define the permission.
- 3 To ensure that adequate off-street parking facilities are available to accord with policy BE1 and T5 of the adopted Hinckley & Bosworth Local Plan.
- 4 In the interests of residential amenity, to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

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

Contact officer:- Miss E Macdonald Ext 5682

Item: 03

Reference: 06/00413/C

Applicant: E Taylor Skip Hire & Recycling Ltd

Location: Field Adj Lynden Lea Leicester Road Hinckley Leicestershire LE10
3DR

Proposal: EXTENSION OF WASTE RECYCLING BUILDING

Introduction:-

The comments of the Borough Council have been requested on additional information submitted in respect of an application, submitted by Mr E Taylor to Leicestershire County Council, to extend the existing waste recycling building at land at Lynden Lea, Leicester Road, Hinckley. Members may recall that when they first considered this proposal in April of this year, they resolved to object to the proposal on a number of grounds including the impact of the development on the character and appearance of the area, highway safety and noise.

The additional information now submitted in support of the application includes a noise assessment, a traffic impact assessment, a lighting assessment and additional statements relating to landscaping and a justification for the proposal.

The previous report is repeated below for Members' information, with an appropriately amended appraisal.

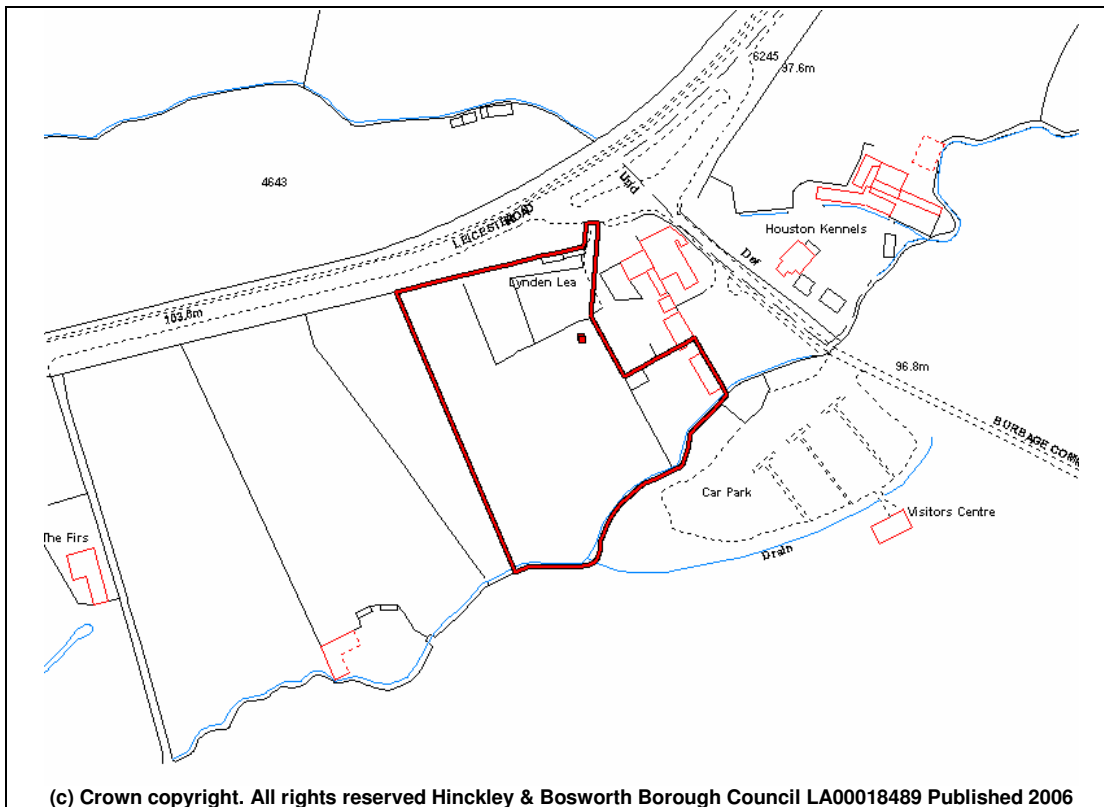
The new building would measure 50 metres by 20 metres and be of cladded steel portal frame construction to match the existing building, which measures 20 metres by 20 metres.

The site is accessed from a lay-by and there is high hedging along the Leicester Road. To the south is Burbage Common and to the south west is agricultural land. To the east and north east is Lynden Lea itself and beyond this a former restaurant/public house, now offices and a contractors yard.

The proposal is intended to improve the existing segregated recycled household waste facility (papers, bottles, jars, cans, shoes and textiles) collected from both Hinckley and Bosworth and North Warwickshire Borough Councils. The operators hope to expand this service to other local councils throughout the UK.

History:-

05/00138/C	Variation of condition to allow a relocation of waste transfer building	No objections
02/00600/C	Extension of existing waste recycling facility, including erection of building	Objection



Consultations:-

All consultations are carried out by the County Council. However, the comments of the Council's Head of Health and Environment Services has been requested in respect of the noise and lighting assessments. These will be reported to Members at the meeting.

Development Plan Policies:-

The site lies within a Green Wedge as designated in the adopted Hinckley & Bosworth local Plan.

Policy NE3 of the adopted Local Plan seeks to ensure that the physical separation and character of the area between settlements is protected and wherever possible improved. Planning permission will only be granted for agriculture, forestry, sport and recreation, transport routes or mineral uses, provided the proposal does not adversely affect the open character of the green wedge and is in keeping with the scale and character of the surrounding area.

Appraisal:-

The area at Lynden Lea, which has a lawful scrapyards use has, over time, expanded onto adjacent agricultural land. The site is in a very sensitive location within the green wedge and adjoining Burbage Common and woods. This is an attractive area of countryside and should be protected from inappropriate development.

Although the site is partially screened from Leicester Road, the existing buildings on the site are very visible from the main entrance and from an adjacent field access. The new extension would be more than double the size of the existing building and, therefore, add to the visual intrusion of development into the green wedge already being caused by the existing operation, including the comings and goings of large vehicles. When it originally considered this proposal, the committee expressed concerns about the highway safety implications of an intensification in the use of the site and the resultant increase in traffic and its egress and ingress to and from Leicester Road, particularly given the parking congestion that exists on the adjacent lay-by leading to the site's access and the entrance to Burbage Common. However, the Traffic Assessment concludes that the increase in traffic will not be significant. Similarly, the noise assessment suggests the proposal would not result in unacceptable changes in noise levels.

Notwithstanding these serious concerns, however, the Borough Council does, of course, recognise the importance of recycling and also acknowledges that suitable sites for this use are hard to find. In this respect, any expansion of such a facility is welcomed. This particular site currently accepts all of the dry recyclables from the Council's kerbside collection service, which the Council is looking to expand to include collection of plastics and cardboard.

On balance, however, and notwithstanding the additional information submitted, officers do remain seriously concerned about the detrimental visual impact of both additional buildings and of inappropriate uses in this sensitive area and it is considered that, on balance, an objection should again be lodged with the County Council.

That the Leicestershire County Council be advised that the Borough Council wishes to object to the proposal for the following reasons:-

- 1 The proposal represents further intrusion of built development into an area identified as Green Wedge in the adopted Hinckley & Bosworth Local Plan and, as such, the open character of this area requires protection. Whilst the Borough Council does recognise the importance of recycling, it is considered that the location and excessive size of the new building, along an important gateway to the town and within an otherwise attractive area of countryside adjoining Burbage Common and Woods, would cause a harmful effect on the character and appearance of the area, including the Common, contrary to Policy BE3 of the adopted Hinckley and Bosworth Local Plan .
- 2 The Borough Council remains concerned about a facility for waste transfer on land outside the long-established scrapyards, in particular the ancillary buildings, internal access road and fence, which have been constructed on that land. Notwithstanding this, it is the opinion of the Borough Council that all relevant planning conditions and/or vehicle weight restriction orders relating to the site and its operation should be appropriately enforced.
- 3 If the Leicestershire County Council is minded to approve the application the screening of the site boundary along Leicester Road should be substantially improved by additional planting.
- 4 The Borough Council considers the proposal to be premature to the adoption, later in 2006, of the Leicestershire Municipal Waste Management Strategy 2006. The Strategy will consider the way that waste is managed in Leicestershire over the next 20 years and is in response to a number of regulatory changes at both a national and European level that require waste to be handled in a more sustainable manner and which require local authorities to be much more

than a facility for collecting and disposing of waste. It is considered that to permit this ad-hoc proposal prior to the adoption of the Strategy could unacceptably compromise its aims and intentions.

Contact Officer:- Mr N Wright Ext 5605

Item: 04

Reference: 06/00556/FUL

Applicant: John M Knapp Builders

Location: 28 Britannia Road Burbage Hinckley Leicestershire LE10 2HF

Proposal: **DEMOLITION OF NO 28 BRITANNIA ROAD AND ERECTION OF REPLACEMENT DWELLING**

Introduction:-

This application was originally an application for the approval of reserved matters for part of the site granted outline consent for the demolition of no. 28 Britannia Road and the erection of three dwellings, reference 06/00021/OUT. However, as the proposed building does not match the siting approved at outline stage the application has been amended to a full planning application for the demolition of no. 28 Britannia Road and the erection of a replacement dwelling. In addition amended plans have been received showing the levels on site and changes to the proposed windows. The site measures 1000 square metres and is accessed off Britannia Road between No.'s 24b and 30. The site lies on the edge of the Burbage and is bounded to the north by residential; to the east by residential and to the south and west by open countryside.

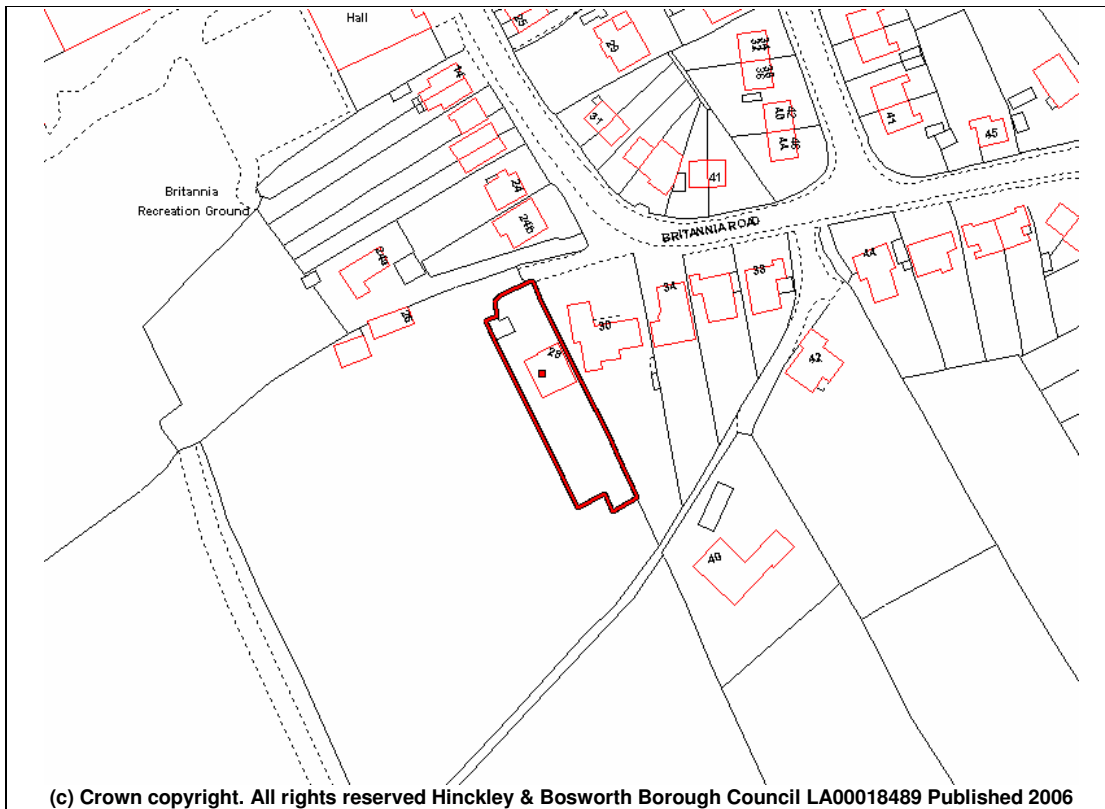
The site itself comprises a modern bungalow and detached garage, no. 28 Britannia Road. The bungalow and detached garage are constructed in yellow brick with a brown tiled pitched roof. The application proposes to demolish no. 28 Britannia Road and to construct a large two storey dwelling with accommodation over an attached garage.

Information submitted in support of the application states that the character of the area is one of variety of forms of dwelling in a mix of designs and materials. Materials are a mix with bricks from buff to red with a high percentage of rendered properties. The proposal incorporates the use of traditional materials, brick, timber and rough-cast render, in this location on the edge of the village where it meets a more rural outlook. The steeper roof pitches than those nearby also reflects this situation and will serve to lift the architectural quality in the immediate vicinity of the village.

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

History:-

06/00021/OUT	Demolition of no. 28 Britannia Road and Approved erection of three dwellings (revised scheme)	22.03.06
05/01127/OUT	Demolition of no. 28 Britannia Road and erection of four dwellings	Withdrawn



Consultations:-

No objections have been received from Head of Health and Environment

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

The Director of Environment and Heritage Services (Archaeology) states that the Leicestershire and Rutland Historic Environment Record (HER) shows that nearby archaeology includes a Roman occupation site and an Anglo-Saxon site less than 100m from the proposed development site and local residents have commented that a Cambrian well exists in the garden on no. 28 Britannia Road. A condition is requested requiring a written scheme of investigation to be submitted and approved by the Local Planning Authority prior to commencement of development.

Parish Council recommends refusal of the application and requests a site visit on the grounds that the proposal appears substantially different from the outline application, only retains 2 trees and requests that the Borough Council considers placing a Tree Preservation Order on the mature and very attractive trees on the site. The Parish Council also requests that the issues of drainage, landscaping, archaeology and width of access be addressed prior to the application receiving consent.

Two letters received from local residents raising concerns regarding:-

- a) highways concerns regarding additional traffic and vehicular visibility

- b) building on greenbelt land
- c) inaccuracies in the drawings
- d) overlooking and distance between proposed and existing dwellings
- e) flooding of drainage system
- f) removal of trees and bushes
- g) difference in ground levels and potential subsidence
- h) loss of light and consequential increase in energy consumption
- i) dormer style dwelling would be more in keeping
- j) no details of boundary treatment
- k) more than half the building will extend beyond the building line of no. 30 Britannia Road contrary to planning guidance

Development Plan Policies:-

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

Policy BE1 of the Local Plan states that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area; where they ensure adequate highway visibility and parking standards; where they do not adversely affect the amenities of neighbouring properties; where they incorporate landscaping to a high standard; and where they would not be prejudicial to comprehensive development of a larger area of land which the development forms part.

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

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

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

Appraisal:-

Principle

The site is located within the settlement boundary of Burbage where residential development is looked upon favourably providing there is no adverse impact on the amenity of neighbours, character of area and highways. Permission has already been granted in principle for a replacement dwelling.

Design and Layout

The application seeks permission for a large 5 bedroom 2 storey dwelling with an attached treble garage including accommodation over the garage. The dwelling is broadly in the same position as the existing bungalow and matches the footprint approved on the previous outline scheme, with the exception of a 4 metre increase in the front projection forming the garages.

The proposed dwelling has a gabled plain tiled roof and contains a number of finishes. The front and side elevation facing the adjacent paddock will be dowelled timber frame with roughcast render panels whilst the remaining side and rear elevations will be constructed in brick with feature arches above the openings.

The proposed dwelling would be within approximately 6 metres of a first floor side window to no. 30 Britannia Road and have windows facing the same. However, this is not a primary window and as such the distance between the proposed dwelling and no. 30 Britannia Road is considered acceptable. A condition is proposed requiring obscure and fixed glazing to the three windows on the east elevation of the main dwelling and the proposed velux window above the garage.

The proposed dwelling has a 4.6 metre wide and 5.5 metre long rear projection located 2 metres from the eastern wall of the property. However, this is at a distance of 12 metres from no. 30 Britannia Road and at an acute angle. Concerns have been expressed regarding the potential for overlooking from this rear projection back towards no. 30 Britannia Road into a dormer window serving a bedroom. It is considered that this will be limited by the position of the main rear wall of the proposed dwelling. However, there is potential for a view back into the bedroom window of no. 30 Britannia Road from the southernmost metre of the proposed rear projection. A condition is proposed requiring that this pane only be obscure glazed and fixed.

Concerns have been expressed regarding the 2 storey design at the rear of the dwelling and the potential impact on no. 30 Britannia Road, as well as the view that as the adjacent dwellings are of a dormer design to the rear the proposal is out of keeping with the area. However, there are 2 storey dwellings in the vicinity of the site, notably 24a Britannia Road and it is not considered that the proposal would be out of keeping with the area. In relation to the impact of a two storey building on the amenities of no. 30 Britannia Road, the proposal will result in a 2 storey projection of 2 metres along the boundary with no. 30 Britannia Road at a distance of approximately 2.5 metres. These distances are within those set out within adopted Supplementary Planning Guidance and are considered acceptable.

The proposed fifth bedroom is above the treble garage with dormer windows to the west and is accessed via an external staircase. There are some concerns regarding the presence of an external staircase. However, it is integrated within the building and the applicant states that it is required due to the reduced height of the forward projection and consequential difference in floor levels. A note to applicant is proposed informing the applicant that, for the avoidance of doubt, the conversion of the garage and accommodation above to form a separate dwelling would require planning permission.

Amended plans were requested and have been received showing that the land falls away by 0.5 metres at the front of the property, adding a velux window to bedroom 4 and replacing the large single dormer window over the garage with two smaller dormers and are considered to be acceptable.

The proposed garden is approximately 23 metres in depth and 400 square metres in area, both of which considerably exceed the minimum criteria contained within adopted Supplementary Planning Guidance. It is considered that all other distances requirements set out in adopted Supplementary Planning Guidance are complied with.

The dwelling has been designed in such a way that future extensions may be contrary to adopted Supplementary Planning Guidance and a condition removing Permitted Development rights is therefore proposed.

Highways

Concerns have been expressed about the impact of the development in terms of highway safety. The Highway Authority has raised no objections to the application on highway safety grounds therefore a refusal based on the detriment to both highway and pedestrian safety could not be sustained. As the application proposes to replace a bungalow with a larger house any potential increase in traffic movements would be limited and the principle has already been established. The proposal incorporates sufficient parking and in respect of highway requirements is considered acceptable

Other Considerations

Concerns have been expressed regarding flooding of drainage system, the removal of trees and bushes, the lack of details of boundary treatment and the difference in ground levels and potential subsidence. Conditions are proposed requiring the submission and approval of details regarding drainage, a landscaping scheme and boundary treatment and a note to applicant advising that a retaining wall will be required along the east elevation of the proposed garage.

There are no financial contributions required on this application as there is no net increase in the number of dwellings.

Conclusion

In light of the above it is considered that the proposal meets all of the minimum criteria set out in adopted Supplementary Planning Guidance, is considered to be of high a quality design and is considered acceptable.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, RES5 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 dwelling and attached garage shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 Before any development is commenced on site a landscaping scheme shall be submitted to and approved by the Local Planning Authority. The scheme shall indicate the treatment proposed for all ground surfaces, including both hard and soft surfacing, together with the species and materials and their disposition.
- 4 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 5 The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the Local Planning Authority in writing.

- 6 Details of all boundary treatment to the site including retaining walls shall be submitted to and approved in writing before development commences, and implemented in accordance with the approved scheme before first occupation of the dwelling hereby approved.
- 7 No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has previously been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitable qualified body approved in writing by the Local Planning Authority.
- 8 Before first occupation of the dwelling hereby approved, car parking provision shall be made within the curtilage of the dwelling on the basis of 3 spaces. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A-E(Inclusive) shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 10 The windows to be inserted in the southernmost 1 metre of the east elevation of the proposed rear projection; the three windows to be inserted in the east elevation of the main dwelling and the velux window to be inserted in the eastern roof slope of the proposed garage shall be provided and thereafter retained with obscure glazing and fixed permanently in such a manner as would eliminate any overlooking of the adjacent dwellings.

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 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 3 To enhance the appearance of the development to accord with policy BE1 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 5 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.
- 6 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property.
- 7 To ensure satisfactory archaeological investigation and recording.
- 8 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 9&10 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 3 The applicant is informed that surface water should, ground conditions permitting, discharge to soakaways, or if sufficient land is within the control of the applicant, to ditches or swales. Paved driveways should be permeable, if practical.
- 4 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.
- 5 The applicant is advised that a retaining wall will be required along the east elevation of the proposed garage.
- 6 The applicant is advised that, for the avoidance of doubt, the conversion of the garage and accommodation above to form a separate dwelling would require planning permission.

Contact officer:- Mr D Warden Ext 5691

Item: 05

Reference: 06/00592/FUL

Applicant: George Stew Ltd

Location: The Old Forge Garage 39 Main Street Higham On The Hill
Leicestershire CV13 6AJ

Proposal: DEMOLITION OF EXISTING GARAGE AND DEVELOPMENT OF FOUR
TERRACED HOUSES

Introduction:-

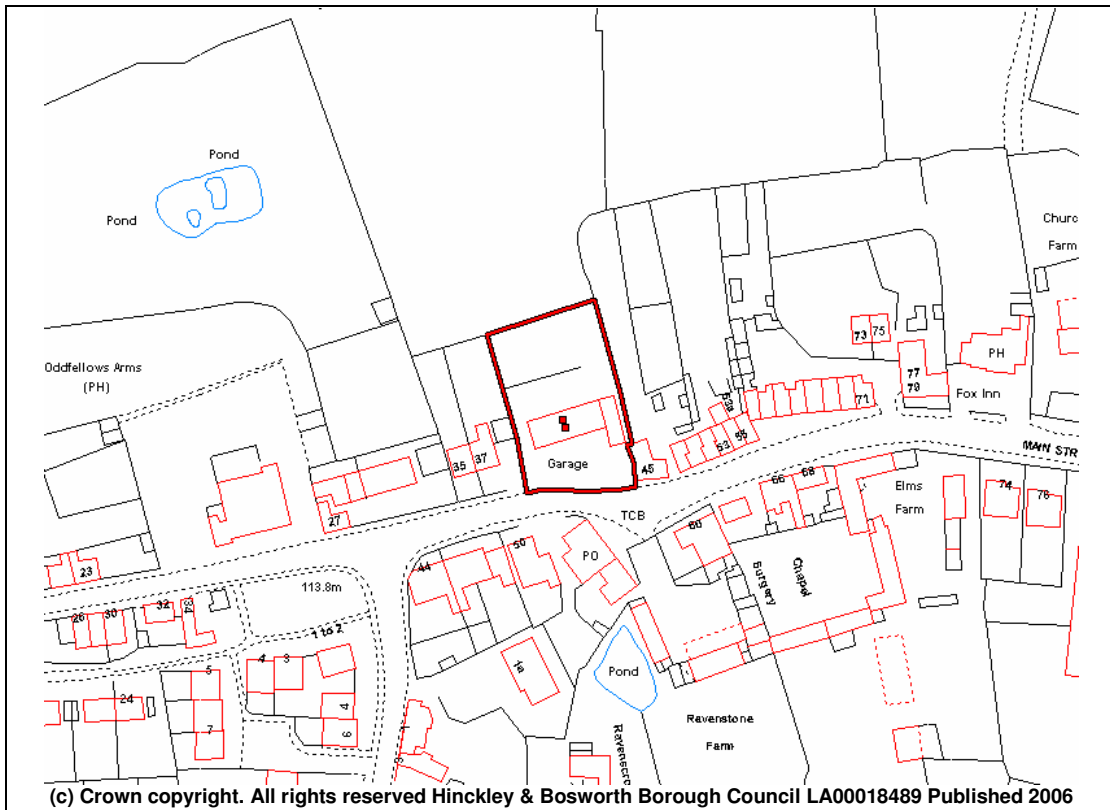
This is a full application for the demolition of the existing Old Forge Garage and the erection of a block of 4 new terraced dwellings and associated car parking. The site is within Higham-on-the-Hill close to the village centre, there are residential properties to the east, south and west and open countryside directly to the north.

The site has an existing outline permission for the demolition of the garage and the erection of 3 new terraced dwellings. All matters, except a landscaping scheme, were approved on 13th August 2002.

A design statement supporting the application indicates that the front elevation facing Main Street is intended to be "cottage style" and the colour and textured finishes are all to blend in with the existing village centre. The application also includes a Section 106 legal agreement.

History:-

00/00950/OUT	Demolition of existing garage & residential redevelopment	Withdrawn	26.03.01
00/01054/CON	Demolition of garage building	Withdrawn	26.03.01
02/00321/OUT	Demolition of existing garage & residential redevelopment	Approved	13.08.02
02/00358/CON	Demolition of existing garage	Approved	13.08.02



Consultations:-

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

- Head of Health and Environment Services
- Severn Trent Water Limited
- Director of Environment and Heritage Services (Rights of Way)
- Director of Highways, Transportation and Waste Management (Highways)
- Borough Council's Land Drainage Consultant

Higham on-the-Hill Parish Council.

Leicestershire County Council (Developer Contributions) request contributions towards library and play and open space facilities.

Neighbours notified, Site and Press Notice issued, no comments have been received at the time of writing this report.

The Borough Council's Conservation Officer has concerns with the overall design of the scheme and the lack of any architectural detailing that would compliment the appearance of the Conservation Area.

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 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.

The Local Plan

Policy BE1 of the adopted Local Plan seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

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.

Policies REC2 and REC3 and the Borough Council's Supplementary Planning Guidance on Play and Open Space (October 2002) require the appropriate level of open space to be provided within development sites, or alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area as identified in the Quantity/Accessibility Audit on Open Space 2005.

Appraisal:-

The site currently has outline approval for three, three bedroom terrace dwellings that are of a high quality design on this important site in the Conservation Area . This permission expires 13th August 2007 and includes a small expansion of the site beyond the settlement boundary currently used for the storage of commercial gas bottles and additional parking.

The current scheme submitted consisted of a block of four, four bedroom terraced dwellings. To accommodate the additional parking (3 spaces per dwelling) the scheme extended a further 9 metres beyond the settlement boundary to the north of the site into the open countryside.

During negotiations amended plans were received retaining four dwellings but reducing the number of bedrooms from four to three per unit. Parking arrangements were amended at the rear of the dwellings so the development does not extend beyond the existing outline permission.

The site is located within the Conservation Area and in the heart of the historic village core. The development will create an important and highly visible addition to the existing street scene. A scheme of this nature requires a high quality design to reinforce local distinctiveness. Officers are concerned that the inclusion of the fourth unit has seriously compromised the integrity of the previously approved scheme. Architecturally the scheme is very bland and the block formation is devoid of features or detailing that can be found in the existing street scene or previous permission. With no break in the building line the development relates poorly with 45 Main Street to the east of the site and will afford any future occupiers of plot 4 views of a large gable wall.

The addition of the fourth unit also reduces the amount of private amenity space to an unacceptable level. The occupiers of the dwellings will have a sub standard amount of private amenity space with rear gardens ranging between 25-30 square metres. The Local Planning Authority applies the minimum standard of 80 square metres for three bedroom dwellings of this type. Whilst in sensitive locations and to support good quality design there maybe some flexibility in these standards, in this case the design is poor and the size of the gardens are wholly inadequate.

The private amenity of this space is further compromised by the creation of an unsecure area of car-dominated hardstanding at the rear of the properties. This also has implications for the

views into the site from the public footpath that crosses the site along its western boundary and for pedestrian safety.

Conclusion

By increasing the number of dwellings from three to four the proposal has become unbalanced and represents overdevelopment of the site. The private amenity space of any future occupants is severely compromised and the development relates poorly to the existing street scene and exhibits little architectural quality that would preserve or enhance the Conservation Area or the views into the site from the open countryside. On this basis the proposal is recommended for refusal.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 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 the primary route through the village core. Failing to compliment or enhance the Conservation Area the development would be detrimental to the appearance of the street scene and general visual amenity, contrary to policies BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.
- 2 In the opinion of the Local Planning Authority, the development of the site for the erection of four dwellings represents overdevelopment which is out of keeping with the character of the area and will lead to a detrimental impact on the living environment and amenity space of any future occupants and the private amenity space of the neighbouring properties. The development is therefore contrary to policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Guidance on New Residential Development.
- 3 In the opinion of the Local Planning Authority the proposed parking and manoeuvring arrangements would create a car dominated area of hard standing that neither compliments or enhances the character of the area and would be detrimental to the visual amenity of the surrounding countryside and contrary to policies BE7 and NE5 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- Mr Simon Cheshire Ext 5762

Item: 06

Reference: 06/00786/OUT

Applicant: Taylor Woodrow Developments Ltd

Location: Land Adj To Greyhound Stadium Nutts Lane Hinckley Leicestershire
LE10 0NT

Proposal: RESIDENTIAL DEVELOPMENT WITH MEANS OF ACCESS

Introduction:-

This outline application is for residential development with means of access on land adjacent to Nutts Lane, Hinckley. All other matters remain reserved, i.e. siting, design, external appearance and landscaping.

The site is roughly rectangular in shape measuring an area of approximately 2.6 hectares. Hinckley Stadium lies to the south, the Ashby Canal and residential development lie to the North, to the west lies further residential development, granted on appeal (Crest Nicholson) and to the east, on the other side of Nutts Lane is an existing small industrial estate.

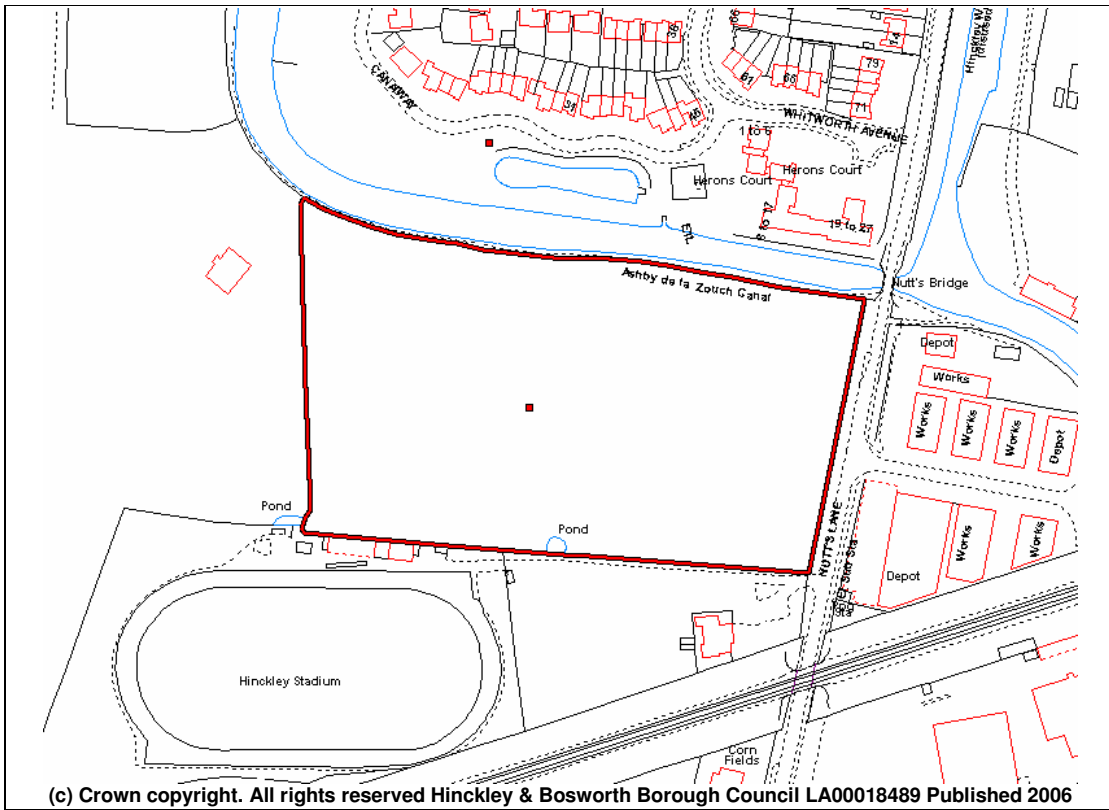
The site is generally flat and open, being bounded on three sides by mature hedgerows and the remaining boundary, along Nutts Lane, comprises a hedge, mature trees and a single field gate access. The Ashby Canal is a designated conservation area and the site abuts the conservation area boundary.

Details submitted with the application provide for residential development of up to 117 dwellings with associated access, parking and open space provision. Affordable housing is to be provided at 20% of the number of dwellings.

The application includes the submission of an indicative layout/masterplan, design and access statement, Transport Assessment, Flood Risk Assessment, Drainage Strategy, Noise Survey, Air Quality Survey, Landscape and Visual Appraisal, Ecological Appraisal, Amphibian Survey, Arboricultural Survey, Archaeological Assessment, including a desk top study, excavation report and geophysical survey and a draft Heads of Terms. The Heads of Terms indicates contributions towards education, library facilities, health care facilities and civic amenity. The design statement includes information in support of the design and access principles adopted. The scope of the design statement covers the relevant national, regional and local policies, an examination of the local context of the site, a study of the local character in Hinckley, an appraisal of the site's constraints and opportunities, a review of the of the form and layout, a review of the landscape, study of the access and circulation and a review of the land use and density.

History:-

00/01214/OUT	Residential development	Refused	08.11.01
99/00154/OUT	Residential development and means of access	Refused	13.10.99



Consultations:-

At the time of writing the report no response had been received from Highways Agency.

No objection has been received from Central Networks.

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

Environment Agency

British Waterways
Severn Trent Water.

The Borough Council's Land Drainage Engineer raises no objection to the proposal subject to certain conditions but does suggest that the downstream continuity of the roadside ditch on the western boundary of Nutts Lane must be verified by the developer as this will be a critical component of the site drainage and flood routing.

English Nature advises that the Borough Council includes the recommendations of the Ecological Appraisal as reserved matters.

The Borough Council's Arboricultural Consultant comments that the submitted arboricultural survey is essentially sound and agrees with the view that the perimeter hedgerows need to be retained and possibly strengthened. None of the trees on site are of significant importance to qualify for a tree preservation order.

The Borough Council's Ecological Consultant concurs with the findings of the ecological appraisal and amphibian survey submitted with the proposal. However, he does recommend that consideration is given to the submission of a specialised beetle survey before a final decision with regard to the management of the pond is determined.

Leicestershire Constabulary Crime Reduction Officer objects to the proposal in reference to the permeability of the site and its impact on community safety. However, the layout details submitted are for indicative purposes and not for determination at outline stage.

The Ashby Canal Association has commented that despite the introduction of access points, there is nothing to suggest improvements will be carried out to the canal towpath and that assurance is also sought to ensure there is no loss or interruption to the mooring facilities by Nutts Lane Bridge.

The Inland Waterways Association objects to the application stating that there is no justification for the need to develop the green field site for residential purposes. In addition, the Ashby Canal is an historic waterway and designated Conservation Area, therefore, it is important to protect its special character and environment as is required by Policy REC6 of the adopted Hinckley and Bosworth Local Plan.

Head of Health and Environment has raised some initial concerns in respect of the likely impact on residential amenity arising from the operation of the nearby Morris and Sons located opposite the site. Some monitoring is to be carried out and any further information will be reported as a late item.

Director of Highways, Transportation and Waste Management objects to the proposal on the following grounds:- that the applicant has failed to demonstrate an appropriate and safe vehicular access would be provided to the proposed development, there is an inadequate width, design and layout to Nutts Lane, the site access is not integrated and integrated transport measures are insufficiently developed in the Transport Assessment.

The Green Space Manager has raised concerns with regard to the piecemeal development of this area of Hinckley and the absence of a development plan ensuring an adequate provision of formal and informal space facilities.

Director of Environment and Heritage Services (Ecology) has commented that the Ashby Canal has ecological significance and that the ecological integrity of the Canal should be protected. As such, it is advised that a buffer of 20 metres is provided to ensure this protection and to provide a nature area for wildlife. It is advised that bats may also be in the vicinity and therefore any lost habitat should be replaced.

Director of Historic and Natural Environment (Archaeology) advises the site has low archaeological potential.

Neighbours notified, 6 letters of objection have been received raising the following concerns:-

- a) loss of view
- b) traffic congestion on Nutts Lane
- c) loss of wildlife
- d) likely impact on the business function of nearby industrial units
- e) Nutts Lane is substandard and barely adequate to cope with the existing traffic let alone any likely increase
- f) the proposed access has the potential to cause conflict between private and commercial vehicles
- g) the land is designated as open countryside
- h) too high density and above proposals within the Core Strategy
- i) the site is subject to flooding in winter months
- j) several mature trees would require felling to provide the access
- k) likely removal of any trees to create access would remove screening to the industrial site on Nutts Lane
- l) the operation times, noise and light pollution from the nearby businesses would be intrusive
- m) commercial lorries often park in front of the proposed access point waiting to enter the industrial site
- n) Nutts Lane is narrow and the installation of a footpath would reduce its width further
- o) Nutts Lane bridge is narrow and without a footpath
- p) Nutts Lane is an emergency escape route to and from the A5 and is not suitable for increased pedestrian or cycle use
- q) the existing footpath to Coventry Road is unsuitable for wheelchair users and prams
- r) existing on street parking problems means it is insufficient for two cars to pass each other
- s) the bridge over the canal was built in 1805 and not suitable to take the increased volume of traffic
- t) the Ashby Canal is a conservation area and disintegration of the hedgerows should not be allowed
- u) concern for lack of additional local facilities such as schools, dentists and doctors
- v) overlooking
- w) loss of the hedgerows
- x) devaluation of property
- y) the drainage and sewage systems for the area are already inadequate
- z) noise from the businesses, greyhound stadium and railway impacting on the development
- aa) there is very little green/pasture land left on this side of town.

Development Plan Policies:-

Government Guidance

Planning Policy Statement 1: Delivering Sustainable Development; states that the Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole.

Planning Policy Guidance Note 3: Housing seeks to ensure that priority is given to re-using previously-developed land within urban areas in preference to the development of greenfield sites.

Regional Spatial Strategy

Policy 20 of the Regional Spatial Strategy for the East Midlands recommends that Local Authorities and developers identify sites in pursuit of a target of 60% additional dwellings on previously developed land.

Policy 2 details the Locational Priorities for Development and describes a sequential approach for future development. Previously developed land within urban areas is a priority over Greenfield land outside the urban area.

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 Policies

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.

At the Local Plan Inquiry, the Inspector recommended that this site and the adjoining Hinckley Stadium be allocated for residential development. However, the Planning Committee rejected the Inspector's recommendation based on consideration that the site provided good quality agricultural land and concerns about the impact of traffic on the local network.

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 BE7 states that the primary policy will be the preservation or enhancement of the special character of the conservation area, including the buildings, related spaces, views in and out of the area, topography and vegetation.

Policy NE15 relates to the protection of river corridors or other watercourse corridors of the Local Plan stating planning permission will not be granted for development which would either have an adverse effect on its land drainage function or result in the loss of the recreational amenity and nature conservation.

Policy REC6 relates to the protection of the Ashby Canal corridor seeking to ensure and protect the provision of a strip of land either side of the canal as a recreation and wildlife corridor.

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

Hinckley and Bosworth Urban Capacity Study 2006 has been carried out and identifies potential brownfield land within the urban area for residential development.

Appraisal:-

Principle

The site falls outside the settlement boundary of Hinckley as defined on the proposals map of the adopted Hinckley and Bosworth Local Plan and is therefore designated as open countryside. As such, the principle of new residential development outside the settlement boundary is considered to be contrary to the relevant plan policies.

This site and the adjacent Greyhound Stadium was recommended for allocation for housing development by the Local Plan Inspector but was rejected by Planning Committee. Residential development bounds the site to the west and beyond the Ashby Canal to the north. The residential development to the west was granted on appeal on former greenfield land, outside the settlement boundary. As part of the Appeal the Borough Council had demonstrated its 5 year housing land supply. However, at that time, it was acknowledged that some strategic objectives remained unresolved, raising uncertainty over whether some of the sites would be brought forward within the necessary timescale i.e Dragon Lane, Newbold Verdon. Accordingly, the Inspector concluded that there was a need to make the land available for housing.

Whilst the adjacent development was granted on appeal this does not mean that all other sites on the edge of the settlement boundary automatically can be developed for this same purpose. In fact, it is considered that the need to protect and conserve the countryside is further reinforced by the loss of the adjacent greenfield land to residential development. Furthermore, the Borough Council considers there is significant brownfield land within the existing urban settlement boundary that will have a greater contribution to the regeneration of Hinckley.

Whilst the the applicant has previously been advised that any change to the settlement boundary needs to be considered through the preparation of the Local Development Framework, it is apparent that the site has not come forward for future potential housing.

Design and Layout

The layout plans are submitted for illustrative purposes and give a good indication of the likely scheme for the area. The proposal is for up to 117 dwellings, equating to a density of approximately 45 dwellings per hectare. This is higher than the 27 dwellings per hectare referred to in the Local Plan and in the upper region of the national guidance referring to 30-50 dwellings per hectare. Taking into account the semi rural nature of the site and the likely impact of development on the Ashby Canal corridor and conservation area, any high density would need to be of a particularly high quality to justify this. Whilst the scheme is illustrative there are reservations about the quality.

The Ashby Canal is a conservation area and wildlife corridor. As such, careful consideration needs to be given to the siting of development likely to impact on the character and value of the Ashby Canal. Having assessed the plans submitted it is considered the proposal provides an inadequate set back from the canal. Whilst design details are not included as part of the application the design and access statement indicates the introduction of 2.5 and 3 storey properties fronting the Ashby Canal. However, a development of no more than two storey would be more appropriate.

It is considered that the internal layout of the proposal does not provide an adequate design solution. Whilst it is more appropriate to provide development fronting the canal, it is apparent that large proportions of the street frontage are characterised by rear garden boundaries, garaging and parking. This is not considered to create an attractive street scene or sense of character and effectively turns it back on what should be a design opportunity.

The open space (LEAP) identified on the indicative plan is not considered to be sufficiently integrated within the layout of development. Play and Open space facilities should be located so they are safely accessible by children and are overlooked by houses or well used pedestrian routes, in order to provide some visual supervision. The current proposal does not meet these requirements and does pose an integrated or communal feature within the site. Further open space is also proposed along the canal frontage.

Highways

The proposed access to the site is off Nutts Lane, Hinckley. The access is to provide a priority junction on the western carriageway of Nutts Lane and to form a staggered priority junction with the access to the Nutts Lane Industrial Estate. Pedestrian and cycle access is also proposed to the Ashby Canal. It is considered that the details submitted do not demonstrate that satisfactory access will be provided to the development and that adequate improvement works will be carried out to Nutts Lane. In addition, it is considered that the Transport Assessment submitted as part of the application does not sufficiently develop integrated transport measures. Comments from the Highways Agency are awaited. Any comments received will be reported as a late item.

Landscaping and amenity

The proposed layout has identified the existing trees and hedges to be retained. As the site abutts the Ashby Canal conservation area it is important to ensure that the existing hedge is retained and reinforced where appropriate. Similarly, it is important that sufficient planting is retained and reinforced to help provide screening for the properties from the Nutts Lane Industrial Estate opposite the site. It is apparent from the plans that the existing boundary planting is also proposed to be retained.

In light of the potential impact on residential amenity arising from the noise generated from nearby activities at the Nutts Lane industrial estate noise assessments are being carried out and any details will be reported as a late item. This, coupled with the activities at the Greyhound Stadium, have been a source of complaint for existing residents in close proximity to the site, therefore, there is concern for the residential amenity of future occupiers of the proposed development.

Ecology

The site is designated at Parish level as a site of ecological interest (SINC) and abutts the Ashby Canal which is also of ecological significance. The applicant has submitted an ecological survey and amphibian survey as part of the application. Upon assessment of the appraisals, it is apparent that the surveys make suitable recommendations. However, the Borough Council's Ecological Consultant advises that a specialised beetle assessment is carried out.

Drainage

One of the previous reasons for refusal of a similar application in this location related to the drainage constraints of the site. Whilst the Borough Council's Land Drainage Engineer raises no objection to the proposal it is apparent that some further investigation work is advised.

Developer Contributions

A request of £6,200 is required towards library facilities and the cost of additional books.

A request of £4,812 is requested towards civic amenity based on £41.13 per dwelling.

A financial contribution of £128,859 is sought in respect of education towards the local upper school provision. A further contribution of £58,500 is also requested towards the maintenance of sports facilities at John Cleveland College.

The Primary Care Trust request a contribution of £26,863 towards healthcare facilities.

The Play and Open space contribution equates to £186,012.69. A shortfall in the required provision of equipped children's play area means that an off site contribution is required as part of the financial contribution. It has been identified that any financial contribution would improve the existing formal open space facilities at Langdale Park, in close proximity to the proposed development.

Conclusion

Taking into account the site's designation outside the settlement boundary, the relevant national, regional and structure plan policies seeking to prioritise the development of brownfield land over greenfield sites and also, the likely unsatisfactory living environment provided for the future occupiers of the development arising out of the potential noise impact from nearby businesses and recreational activities, it is recommended that the application is refused.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, the proposal would result in development in the countryside which will be detrimental to the general appearance and character of an area which should be protected for its own sake. This is contrary to Policy NE5 and BE1 of the adopted Hinckley & Bosworth Local Plan and Strategy Policy 8 'Development in the Countryside' of the Leicestershire, Leicester and Rutland Structure Plan and Policies 2 and 20 of the Regional Spatial Strategy for the East Midlands (RSS8).
- 2 In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development and that sufficient improvements works will be provided for Nutts Lane, to the potential detriment of highway safety. In addition, the applicant has insufficiently developed integrated transport measures within the Transport Assessment. Accordingly, is therefore contrary to Policies BE1 and T5 of the adopted Hinckley and Bosworth Plan.
- 3 In the opinion of the Local Planning Authority, it is considered that the development would be likely to result in an unsatisfactory living environment for the occupiers of the proposed development by reason of noise, arising from the activities of existing businesses and recreational facilities in close proximity to the site, to the detriment of residential amenity, contrary to 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 the play and open space facilities, education facilities, library facilities, health care facilities and civic amenity of the local area by the proposed development

would not accord with Government Guidance Circular 1/97, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996-2016, Policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Supplementary Planning Guidance on Play and Open Space adopted October 2002.

Contact Officer:- E MacDonald Ext 5682

Item: 07

Reference: 06/00796/FUL

Applicant: David Wilson Homes East Midlands Ltd

Location: Atkins Car Park Lower Bond Street Hinckley Leicestershire LE10
1QU

Proposal: **ERECTION OF 34 RESIDENTIAL UNITS WITH ASSOCIATED PARKING
AND ACCESS**

Introduction:-

This full application is for the re-development of the former car parking area to the Atkins factory opposite which is now vacant. The site area measures 0.034 hectares, and rises in a westerly direction towards Trinity Lane. The site is surrounded by a mixture of predominantly residential, properties, the museum and some commercial properties. There are two public footpaths which run through the site, footpath V2 which is Manor Place jitty and footpath number V3. Both link Trinity Lane with Lower Bond Street.

The proposed scheme as submitted comprises of three blocks providing 34 dwellings with 51 car parking spaces. These consist of a small block of 2 cottages which fronts onto Lower Bond Street between the museum and the funeral directors. This building is one and a half storeys high. Behind the museum is another small block of three cottages which are two storeys in height. The third block accommodates 29 apartments. This building consists of several attached blocks of varying height. The main section which faces onto Lower Bond Street is three and a half storeys in height reducing to three storeys adjacent to the Museum. It then turns westwards into the site fronting onto the jitty before turning southwards to face the rear of properties fronting Trinity Lane. The height of these blocks is four storeys which is lower in height than the adjacent Trinity Mews development. All blocks will have vehicular access from Trinity Lane. The proposal will also close of one of the access points onto Lower Bond Street.

A Design and Conservation Area Statement has been submitted with the scheme which identifies the important buildings adjacent: the Hinckley and District museum, which is Grade II listed, low two storey timber framed structure with a thatched roof; the former Atkins factory which has recently been listed Grade II and is three and a half storeys high with a three storey 1960's glazed office extension to its northern end; two storey Victorian houses on Trinity Lane and a new residential apartment scheme to the south west designed to resemble the former G Bott factory on the site before it was demolished.

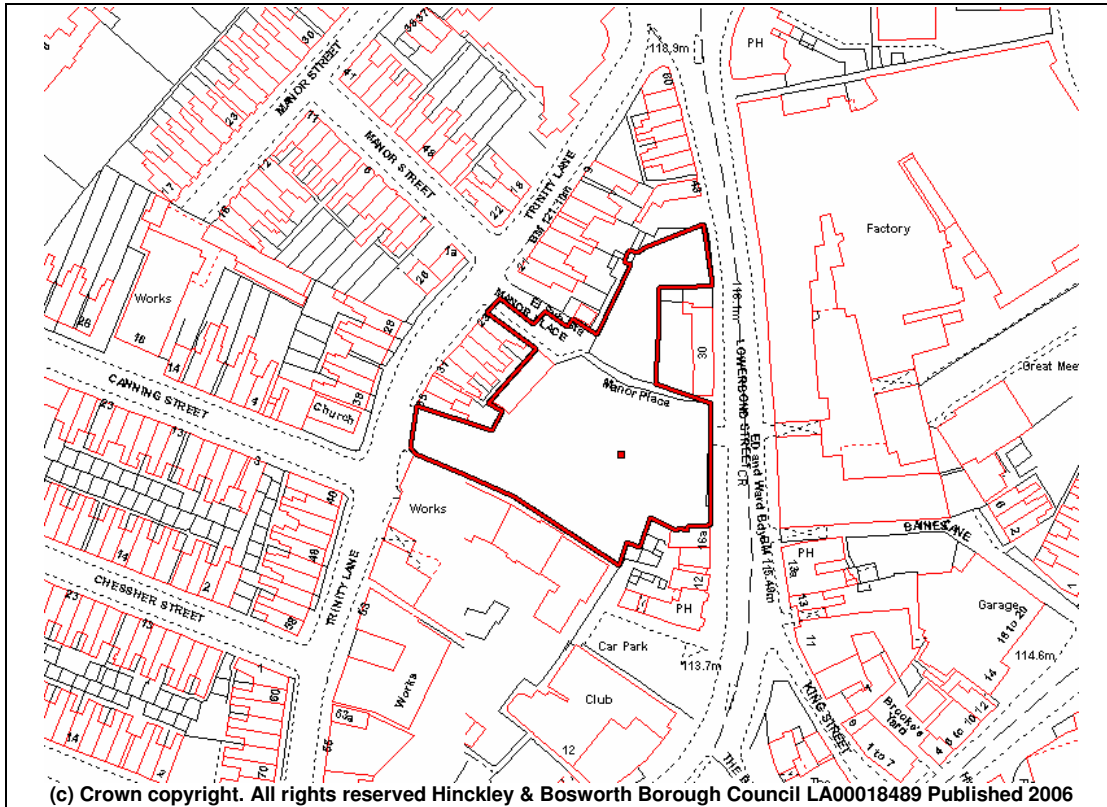
The scheme seeks to provide a high density development that maximises the potential of the site, exploits its topography, while at the same time respecting the scale and setting of adjacent buildings. The mass, scale, form, elevations, materials, landscaping and surfacing have all been addressed through the design statement. In addition a revised Transport Statement, archaeological desk based assessment and an ecological survey have been submitted with the proposal.

History:-

04/00836/FUL Residential Development
and Associated Works

Refused 10.08.05

Planning Appeal currently held in abeyance



Consultations:-

Director of Community Services (Rights of Way) advises that until the applicant is able to demonstrate to the satisfaction of the Highway Authority that appropriate provision has been made to accommodate footpaths V2 and V3 within the development, planning permission should not be granted.

Director of Highways, Transportation and Waste Management advises that the applicant has failed to demonstrate that an appropriate and safe vehicular access can be provided to the proposed development from Trinity Lane. In effect the access road within the site does not lie wholly within the ownership of the applicant. This has resulted in a significantly sub-standard width to allow two vehicles to pass. There are also significant safety concerns for pedestrians as this route will be a shared surface for vehicles and pedestrians.

Hinckley and Bosworth Primary Care Trust requests a contribution of £7,806 towards health services

Hinckley & Bosworth Borough Council Green Spaces Manager has advised that a financial contribution is required to improve formal and informal open space at Hollycroft Park which is approximately 187 metres from the site.

Director of Environment and Heritage Services (Ecology) has advised that bats, a protected species by law, have been recorded nearby and recommends that green corridors/planting are established along site boundaries.

Director of Highways Transport and Waste Management (Waste Management) seeks contributions towards Civic Amenity site infrastructure of £1,398 for the Barwell site.

Director of Community Services (Education) seeks a contribution towards the cost of education of £14,437

Director of Environment and Heritage (Libraries) seeks a contribution towards the cost of books, materials and other facilities of £1,720

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

The Head of Health and Environmental Services
The Land Drainage Engineer
Severn Trent Water Ltd
Environment Agency.

The Leicestershire Constabulary Crime Reduction Officer comments that surveillance of the parking area adjacent to the Barratt apartment block is poor and measures should be taken to reduce the possibility of vehicle crime such as additional lighting or CCTV including raising the height of boundary walls.

Hinckley and District Museum raise concerns as follows:-

- a) There is no provision made for parking for visitors, particularly the disabled, to the Museum.
- b) The developer should meet the cost of the gates to the museum's existing parking spaces and the new fence around the Museum garden.
- c) The responsibility to maintain the area around the proposed development should be in perpetuity.
- d) The developer should undertake a structural survey of the Museum before construction begins and ensure no damage occurs to this Grade II listed building.

Neighbours notified, together with the Site and Press Notice posted; three letters of objection have been received raising the following issues/concerns:-

- a) Detrimental impact of the development on the area
- b) There should be a building included in the development to house the Hansom cab
- c) Detrimental impact on the adjacent Barratts' apartment block due to overlooking/loss of privacy, noise from the proposed car park and additional congestion on Trinity Lane.

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.

Structure Plan Policies

Leicestershire, Leicester and Rutland Structure Plan 1996-2016 adopted 6th 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 and enhances the form and character of the built and natural environment.

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

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

Employment Policy 5 'Review and Protection of Employment land and Buildings' only supports other uses or mixed 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.

Local Plan Policies

The site is identified in the adopted Hinckley and Bosworth Local Plan as an employment site and within the Conservation Area. The site is allocated as EMP1(b) which considers other employment activities or alternative uses on their merits. Within the Druid Quarter Masterplan and Regeneration Strategy, which is Interim Planning Guidance (June 2002) a design brief states that this is a residential opportunity whose design should re-establish the east-west pattern of the late 19C housing, which previously occupied the site. Retail food/drink and business uses would be encouraged along Lower Bond Street frontage. Consideration should be given to the setting of the listed building,(the Museum), enhanced pedestrian links through the site and provision of off street parking.

The Hinckley Town Centre Masterplan May 2006 links the development of the Atkins car park site with the main Atkins factory site to the east of Lower Bond Street.

BE1 seeks to safeguard and enhance the existing environment and states that planning permission will be granted where development complements or enhances the character of the surrounding area and has regard to the safety of individuals, ensures adequate highway visibility for road users and adequate street parking, does not adversely affect the occupiers of neighbouring properties. It also seeks to ensure that the development should not be prejudicial to the comprehensive development of the larger area of land of which the development forms a part.

BE5 states the settings of listed buildings will be preserved and enhanced by appropriate control through the design of new development in the area. Subdivision of the curtilage and any other proposal will be discouraged where it would threaten the future economic viability of a listed building.

BE7 states that the primary policy will be the preservation or enhancement of the conservation area including buildings, related spaces views in and out of the area topography and vegetation.

Policy T5 of the Local Plan refers to the provision of adequate standards for new accesses, highway design and parking provision for new development.

Policies REC2 and REC3 require the appropriate level of open space to be provided within the development site, or alternatively a financial contribution to be negotiated towards the provision of new recreational 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 RES3 requires the provision of affordable housing on residential sites in line with an up to date Housing Needs survey.

Policy IMP1 ensures that appropriate contributions towards the provision of infrastructure and facilities are made which are commensurate with the scale and nature of development proposed together with the Borough Council's Section 106 Strategy.

The Borough Council's supplementary planning guidance gives advice on new residential development.

Appraisal:-

Design and Layout

The importance of repairing the urban fabric adjacent to the listed museum building and opposite the newly listed Atkins factory is recognised in the Design Statement. This is achieved, in principle, by siting development to infill the gaps in the Lower Bond Street frontage and reinforce the edges of the Manor Place jitty.

In detail, the dwellings on the north side of the museum, which are higher up the hill, are kept low to avoid dominating the museum building itself. On the south side along the street where site levels are lower, the development is three and three and a half storeys but set back to retain the view along the street of the timber framing in the gable wall of this important medieval building. Manor Place is improved by providing accommodation on both sides of the jitty and using a set back and angles in the building frontages and planting to create interest. Within the main body of the site on the south side of the jitty, a planted up courtyard has been created to improve the outlook from both the proposed development and the Barratt apartments.

The development complies with the Council's design standards controlling minimum distances between habitable rooms. However the impact of the development on the Barratt apartment block can be further reduced by the introduction of a planting buffer zone along the joint boundary. This will reduce the impact of the adjacent parking areas.

The impact of the construction works on adjacent buildings and the responsibility for the cost of the provision of new gates and fences are not planning issues.

Highway Considerations

The existing vehicular access road off Trinity Lane is only partially within the ownership of the applicant. Although this is not a planning issue in itself, it has a major impact on the design width and kerb radii of the proposed access road into the site which is below Leicestershire County Council's Highway standards. Furthermore, the resulting conflict between vehicles and the use of Manor Place by pedestrians has also raised the issue of public safety, which is unacceptable.

The Listed Factory Site

The application site is an integral part of the Aspira factory site and provides the only car parking for the complex, estimated at 106 car spaces. This is recognised by the town centre masterplan which has identified the essential link.

Within the built part of the site, immediately opposite the application site, the Goddard building of 1868 have recently been listed as Grade II buildings of national importance by the department of culture, media and sport. The whole complex is vacant at the present time and its future is uncertain. The future economic viability of the Goddard building is closely linked to the existing buildings and its car parking. Until the future of the listed building is resolved it is essential that the factory's car park is retained in its current use.

Developer Contributions

There has been continuing discussions and negotiations with the applicant regarding the loss of parking for the main building to provide contributions towards the provision of town centre parking. However, the applicant fundamentally disagrees with this request, and does not agree with the link between the main building and car park. If the main building remains undeveloped, and the car park is lost through this scheme without addressing the shortfall, we would effectively be left with a very large B2 general industrial site in the town centre with no parking.

In addition, the applicant has concerns regarding other contributions, such as affordable housing and Play and Open Space. The Borough Council's policies on these are very clear, and justifications have been put forward by officers.

There are outstanding requirements for library, civic amenity, education and health contributions to meet the requirements of local plan policy.

Conclusion

In view of the number of unresolved issues relating to highway access, and contributions, officers are of the view that the scheme is unacceptable in its current form.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, development of the site would be prejudicial to the comprehensive development of the area to which this site forms part, severing the historical and operational relationship of this car park site to the main building opposite, contrary to policy BE1 of the adopted Hinckley & Bosworth Local Plan, and the Druid Quarter Masterplan and Regeneration Strategy (Interim Planning Guidance June 2002).
- 2 In the opinion of the Local Planning Authority, the lack of any definitive financial contribution to address the increase in pressure placed on town centre car parking facilities, library facilities, waste facilities, education and health 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 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 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).
- 4 The proposed development fails to provide the requisite amount of affordable housing units in accordance with Policy RES3 and IMP1 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Guidance on Affordable Housing (September 2002).
- 5 In the opinion of the Local Planning Authority it has not been sufficiently demonstrated that an appropriate and safe vehicular access can be provided to the proposed development from Trinity Lane. The proposed access road from Trinity Lane, as indicated in the application, is significantly sub-standard in width, to the detriment of highway safety and which, in addition, would lead to unacceptable conflict between vehicles and pedestrians, contrary to Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- B Whirrity Ext 5619

Item: 08
Reference: 06/00797/FUL
Applicant: Cotswold Estates Ltd
Location: Barwell Business Centre Kingsfield Road Barwell Leicester LE9 8GR
Proposal: PART DEMOLITION OF EXISTING SITE AND ERECTION OF 10 NO. B1, B2 AND B8 INDUSTRIAL UNITS AND NEW MEDICAL CENTRE WITH ASSOCIATED PHARMACY

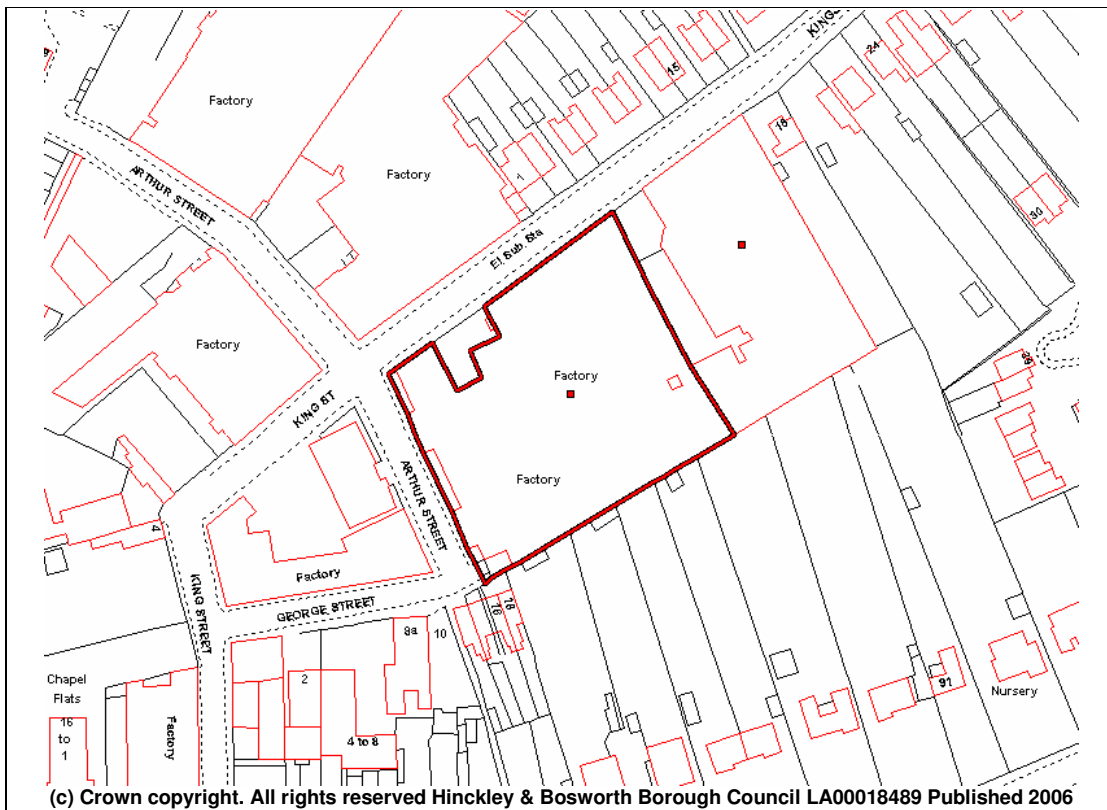
Introduction:-

This is a full application for the part demolition and part retention of an existing industrial building now known as Barwell Business Centre and the erection of 10 new industrial units, a new medical centre with an associated pharmacy and the formation of a new access and parking court. The existing buildings are all single-storey and were originally one large factory with associated offices but are currently divided into a number of smaller units. The site is located to the south of Kingsfield Road at the junction with Arthur Street close to the centre of Barwell and covers an area of approximately 0.4 hectares. There are similar industrial/commercial units to the East, North West and South West and residential properties to the North and South. The existing former office building fronting Arthur Street is within the Barwell Conservation Area and its Victorian façade with a number of attractive features is considered worthy of retention. These details are not replicated on the main factory building that extends across the remainder of the site.

The design statement proposes retention and reuse of the Victorian building fronting Arthur Street as a new medical centre and redevelopment of the remainder of the site with a mixture of single and two storey modern industrial units for B1, B2 and B8 uses, arranged around a central parking courtyard providing 61 parking spaces with a new improved vehicular access off Kingsfield Road. A further 12 - 15 parking spaces are available for staff on a separate parcel of land on nearby King Street. The development brief submitted as part of the application considers that the proposals are a suitable redevelopment of a failing brownfield employment site that no longer meets the needs of modern businesses, provides Barwell with an updated medical centre that has the support of the Primary Care Trust and would meet growing demand from local residents, provides car parking facilities where none currently exist and would enhance the character and appearance of the Barwell Conservation Area.

History:-

No relevant planning history.



Consultations:-

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

Head of Health and Environment
Environment Agency
Severn Trent Water Limited
Borough Council's Land Drainage Consultant.

Hinckley and Bosworth Primary Care Trust support the proposal for a new medical centre in this location as it will remain central to the practice population and allow an expanded range of services in premises fit for purpose. They maintain that the current facility in Jersey Way is inadequate to meet the needs of the practice and access to and around this existing facility is poor.

The Conservation Officer comments that the proposal is generally acceptable, that the retention of the Victorian façade fronting Arthur Street is an important element of the Barwell Conservation Area and that the design of the new buildings includes architectural details that mimic the Victorian frontage.

Director of Highways, Transportation and Waste Management requests more detailed information in order to enable a full and reasoned assessment to be made, particularly in relation to the Traffic Impact Assessment.

Leicestershire Constabulary Crime Reduction Officer has no objection but offer advice.

Neighbours notified, Site Notice and Press Notice posted.

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

- a) overdevelopment
- b) no demand for additional industrial units
- c) inadequate parking and servicing facilities
- d) land ownership/rights of way issues
- e) increased use of shared access with Kings Court
- f) increased on-street parking and congestion
- g) increased traffic flow to and from site
- h) access too close to road junction
- i) inadequate road widths
- j) general highway safety issues
- k) no fire exits
- l) detrimental to amenity of neighbouring residential property through noise and disturbance from loading/unloading.

Development Plan Policies:-

Structure Plan Policies

Strategy Policy 2A sets out a sequential approach towards the location of development that supports the re-use of previously developed land and buildings within or adjoining town centres and rural centres which are well served by public transport.

Strategy Policy 2B states that in considering the suitability of land for development in the context of Strategy Policy 2A, the actual or potential accessibility of the sites by non-car modes, the need to secure a balance of land uses within the area including mixed use development and the contribution that development could make towards the strengthening of a local community, supporting local services and meeting local needs, particularly in rural centres should also be taken into consideration.

Strategy Policy 9 states that good quality mixed development will be promoted through the provision and retention of: a mix of compatible land uses that take into account the scale of development proposed, the range of land uses in the vicinity of the proposal and existing need in the area; and local character and distinctiveness of recognised importance and its protection or enhancement where necessary.

Strategy Policy 10 states that good design will be promoted by ensuring that development provides for the efficient use of land in a manner which acknowledges environmental and amenity interests and protects or enhances the form and local character and distinctiveness of the built and natural environment.

Employment Policy 5 states that development of existing employment sites or the re-use of employment buildings for other uses or for mixed development will be permitted if the change would not result in a shortage of employment land or buildings in the area; or the land or buildings are no longer suitable for employment purposes; or the site would make an important contribution towards improving the environment.

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 incorporate landscaping to a high standard, 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 BE2 states that the design and layout of new development to which the general public would have access should have regard to the needs of wheelchair users, other people with disabilities, elderly people and those with young children.

Policy BE7 states that in Conservation Areas, the primary planning policy will be the preservation or enhancement of their special character or appearance (including buildings, related spaces, views into and out of the area). In and adjoining Conservation Areas the Local Planning Authority will require the siting and design of new development to preserve or enhance their character or appearance and to be in sympathy with the merits of neighbouring development. 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 suitable 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.

Policy BE26 states that planning permission will be granted for development that incorporates a lighting scheme provided that the proposal would not unacceptably create a nuisance to nearby residents and/or road users in terms of glare, create light spillage or unnecessarily high levels of light, or affect the character or appearance of the area.

Policy EMP1(b) states that these sites are generally considered to be acceptable employment locations but that proposals for other employment activities or alternative uses will be considered on their merits in the context of the appropriate design policies of the Local Plan.

Policy CF1 states that planning permission for the development of community facilities within or abutting the centres of local settlements will be granted unless the proposed development will have a detrimental effect on the amenities of the occupiers of adjoining residential properties or the general character of the area, represents an over-development of the site, would involve the creation of a new access which is inadequate in terms of width, layout and/or visibility to the detriment of highway safety, or would make inadequate provision for off-street car parking.

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 Employment Land and Premises Study undertaken in May 2004 on behalf of the Council recommends that the site be retained for employment use.

Appraisal:-

The Principle

The site covers approximately 0.4 hectares and is located within a mixed-use area containing residential properties alongside industrial, warehousing and other commercial activities. It forms part of a designated EMP1(b) employment site as identified in the adopted Hinckley and Bosworth Local Plan. Part of the proposal site is also within the Barwell Conservation Area. The site has been used for employment purposes for a considerable period of time and although originally one large factory unit has more recently been marketed as a number of separate smaller units. Unfortunately some of these units have remained empty, possibly due to the

ageing fabric of the existing buildings and the severe lack of parking and servicing facilities available. The proposal for a mixed use of employment and community facilities is considered to be acceptable in principle as this is a site where both employment and other alternative uses can be considered on their own merits in the context of appropriate design policies within the Local Plan. The site is also located close to the centre of Barwell and is therefore accessible by a range of sustainable alternative modes of transport.

Strategy Policy 2A of the Leicestershire, Leicester and Rutland Structure Plan welcomes the reuse of previously developed land within town or rural centres in order to promote regeneration and minimise the amount of Greenfield land taken for development.

Conservation Area

The existing former office building fronting Arthur Street is within the Barwell Conservation Area and its large Victorian façade with a number of attractive features is to be retained within the proposed scheme and the building converted to use as a medical centre. Primary planning policy within conservation areas is the preservation and enhancement of their special character and the retention of this building façade is considered to be an important element of the scheme as a whole in meeting Local Plan policy criteria. The main factory building that extends across the remainder of the site does not have any particular architectural merit and, given this and its current condition and appearance, its demolition and replacement by more modern units is considered to be acceptable and likely to enhance the appearance of this part of the site in accordance with policies BE7 and BE8.

Layout and Design

The layout of the proposed scheme involves perimeter development of the site to the West, South and Eastern boundaries together with a central shared parking court located behind a newly built feature brick wall to the northern boundary. The newly constructed access to the site is also from the North. The floorspace on the site, currently 3,716 square metres, would be considerably reduced to 2,442 square metres to allow for provision of the central parking courtyard within the curtilage of the site providing 61 parking spaces. There are currently only 12- 15 car spaces for the site, located on a separate piece of land on King Street, and therefore access for deliveries, staff and customers is currently severely restricted. By adopting this layout, the proposal vastly increases the amount of off-street parking and servicing facilities to the site whilst retaining a strong employment aspect and, in addition, providing a valuable community facility. It is proposed to use the shared (with Kings Court) vehicular access along the eastern side of the site for loading and unloading to the industrial units 8 to 12 inclusive. Although there is a dispute over the right of way of this area, this is not a material planning consideration and the applicant has provided correspondence that appears to confirm that access for temporary loading and unloading of vehicles will be available in the future as it is currently. Given the considerable reduction in floor-space proposed it is considered that the proposal would not lead to an over-development of the site.

Whilst the existing Victorian façade to the western boundary is to be retained, the remainder of the site would be demolished and replaced. The existing single storey main factory building which covers a majority of the site is outdated and deteriorating and has inadequate internal working layouts, heights, parking and servicing. This would be replaced by a mixture of single storey and two storey units designed for modern day needs. The design of these units, although modern in appearance, contains features that mimic those of the retained Victorian building, particularly in relation to the entrances. Although these units would increase in height to 6.8 metres, they would remain lower than the existing Victorian building to the western boundary (7.2 metres) by virtue of the use of a low profile roof design. The design is therefore considered to be in scale and proportion with its surroundings and to limit the impact of the development on the adjacent Barwell Conservation Area and neighbouring commercial and residential properties.

Impact on Neighbouring Properties

The site has been used for purposes designated within Use Classes B1 (Offices and Light Industry), B2 (General Industry) and B8 (Storage and Warehousing) for a considerable length of time and has operated adjacent to similar uses and residential properties without restriction. The applicant is keen to ensure that no restrictions (e.g. such as hours of use) are placed on the units should planning permission be granted as this may affect their attractiveness to the small starter businesses they are hoping to attract. The Council's Health and Environment Section have confirmed that there are no recent or ongoing complaints from this site and as the adjacent Kings Court operates B1 and B2 uses without restriction they may be difficult to justify.

Given the above, it is anticipated that the proposed development would not be unduly detrimental to neighbours amenities by reason of noise, smell or other disturbance. In addition, the appearance of the new modern units will certainly enhance the appearance of the street-scene and the area in general when compared to the deteriorating existing factory building.

Access to the medical centre by the public would be restricted to the internal area of the site therefore the closest residential properties in George Street should not be unduly affected except for collection of refuse from the designated area at the south western corner of the site which in any case currently acts as a loading and unloading area.

A condition requiring prior submission and approval of lighting details for the parking courtyard has been recommended should planning permission be granted in order to protect the amenities of neighbouring properties from any potential sources of light pollution.

One possible concern relates to the potential impact on the surrounding area of the comings and goings of traffic generated by the proposed development, in particular the medical centre, and is discussed later in this report under Highway considerations.

Landscaping and Maintenance

There is currently no landscaping on any part of the site. The proposed scheme includes the provision of some small, planted areas within the site to enhance the appearance of the development, these together with the other communal areas of the site would be maintained by a managing agent with funding via a service charge to be levied on the occupiers of the units.

Highway Considerations and Parking Provision

At the time of writing this report the Director of Highways, Transportation and Waste Management has not provided any formal comment on the proposed development but has requested more detailed information from the applicant in order to enable a full and reasoned assessment to be made, particularly in relation to the Traffic Impact Assessment. The streets surrounding the site are perceived as being relatively narrow by modern standards and this is exacerbated by an abundance of on-street parking in the area. The additional information required by the Highway Authority seeks to clarify the likely impact that the proposed development will have in terms of traffic when compared to the existing use. The formal comments of the Highway Authority will therefore be reported as a late item.

Parking provision within the site of 61 spaces and a further 12-15 staff parking spaces on a separate piece of land in the ownership and control of the applicant in nearby Kings Street provides a total of 73 to 76 spaces. The vehicle parking guidelines of Appendix D of the adopted Local Plan would require 28 spaces for the medical centre, 38 spaces for the B1 (Offices) units and 14 spaces for the remaining B1, B2 and B8 industrial units, a total of 80 spaces. Although the proposed parking provision is lower than that suggested in the vehicle parking guidelines, consideration should also be given to the fact that it is a vast improvement on the current parking situation.

Conclusion

The site is within the settlement boundary of Barwell and partly within the Barwell Conservation Area. It is a designated employment site within the adopted Local Plan where other uses can be considered on their merits. Therefore the principle of the development for mixed use is acceptable. The proposal would enable the re-use of a brownfield site and provide a positive contribution to the mix of land uses in this area. Overall the development is considered to enhance the Barwell Conservation Area and retains a building of architectural interest. The layout and design of the proposed development is considered to be acceptable and to enhance the street-scene and the area in general. The development would also provide a modern medical centre close to the centre of Barwell to meet the growing demands of local residents. Overall the proposal is considered to meet the criteria of the relevant policies from the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 - 2016 and the adopted Hinckley and Bosworth Local Plan 2001 and therefore it is considered that the application should be approved.

RECOMMENDATION: - Permit subject to no significant objections being received from the Director of Highways, Transportation and Waste Management and the following conditions:-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, BE2, BE7, BE8, BE26, EMP1(b), CF1 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 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 This permission relates to the application as revised by amended plan Nos. FP4.02-04-01-03 Rev H and **** received by the Local Planning Authority on 18th September 2006 and **** October 2006 respectively.
- 4 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed buildings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 The use of Unit 2 within the development hereby permitted shall be for the dispensing of prescription only medication, the sale of over the counter medicines and the provision of advice to patients and for no other purposes, including any other purposes in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order (with or without modification), unless otherwise agreed in writing by the Local Planning Authority.
- 6 The use of Units 3, 4, 5, 6 and 7 within the development hereby permitted shall be for B1 (Offices) use only and for no other purposes (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order (with or without modification), unless otherwise agreed in writing by the Local Planning Authority.
- 7 No deliveries shall be taken at or despatched from the site outside the hours of 7am to 7pm or at any time on Sundays or Statutory Public Holidays.
- 8 There shall be no storage of materials, plant, oil drums, tyres or waste materials of any description on the open area of the site, unless otherwise indicated on the approved plan.

- 9 Before any development is commenced on site full details of the method of disposal of surface and foul water drainage, which shall be on separate systems, 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.
- 10 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- 11 Before any development is commenced on site a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate the treatment proposed for all ground surfaces together with the species and materials proposed and their disposition.
- 12 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.
- 13 Details of any floodlighting shall be submitted to and approved in writing by the Local Planning Authority before first use of the development hereby approved. The development shall be carried out in accordance with the approved details.
- 14 Before development is commenced, full details of the provision to be made for screening by walls and fences to the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details.
- 15 Before first use of the development hereby approved the car parking and turning facilities shown on the approved plan shall be surfaced and marked out in accordance with the approved details and shall be maintained for such use at all times thereafter.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To comply with the requirements of Section 74 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 3 To define the permission.
- 4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5&6 To ensure that the use remains compatible with the surrounding area.
- 7 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 8 To ensure that the site does not deteriorate into an untidy condition.

- 9 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.
- 10 To avoid water pollution.
- 11 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 12 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 13 To avoid light pollution and protect the amenities of neighbouring properties to accord with policies BE1 and BE26 of the adopted Hinckley and Bosworth Local Plan.
- 14 In the interests of visual amenity and to safeguard the privacy of neighbouring properties to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 15 To ensure that adequate off-street parking facilities are available to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 In accordance with Section 76 of the Town and Country Planning Act 1990, the developer's attention is directed to the following items regarding the detailed design of the development hereby permitted in relation to buildings to which Section 175 of the Factories Act 1961 applies :-
 - a) Relevant provisions in Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and any subsequent amending legislation and
 - b) The Code of Practice for Access for the Disabled to Buildings by the British Standards Institution, reference BS 5810:1979.
- 3 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.
- 4 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.
- 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 The applicant's attention is drawn to the contents of the attached reports provided by the Environment Agency and Leicestershire Constabulary in respect of Sustainable Drainage approaches to surface water management (SUDS) and Crime Reduction Advice respectively.

Contact Officer:- Mr R Wright Ext 5894

Item: 09
Reference: 06/00840/COU
Applicant: P A Wright And Sons
Location: Smockington Farm Watling Street Smockington Hinckley
Leicestershire
Proposal: CONVERSION OF REDUNDANT FARM BUILDINGS TO LIGHT
INDUSTRIAL AND OFFICES

Introduction:-

This application is for the change of use of redundant agricultural buildings to light industrial and office use. The existing buildings form a 'C' shape to the south of the A5 at Smockington to the east of Burbage. This is a speculative development hence the application proposes conversion to both light industry and offices. The site is surrounded by open countryside.

The application suggests that the barns are Victorian or slightly earlier in age, but have been subject to subsequent alteration including recently replaced roofs. They consist of the northern barn, a single storey block, the eastern barn, a twin bay single storey block and the southern barn, a two storey block with small single storey block.

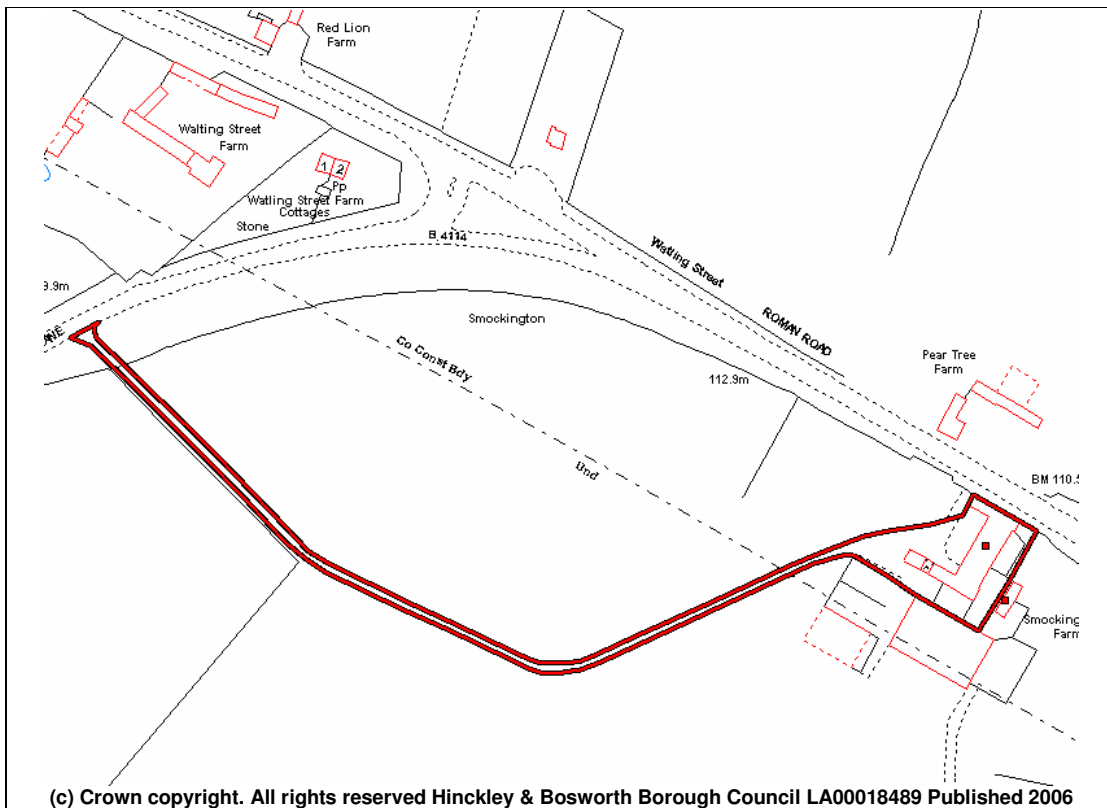
The application proposes separating the barns into five units and a reception area. Three smaller units have been highlighted as office space with 2 larger units for light industrial. The courtyard area will be laid out with 17 parking spaces of which one is disabled.

The submitted plans show the existing buildings are to be converted with little external alterations. Existing door and window openings will largely remain. In the southern barn the existing two storey opening will be in filled, this is the only change to the existing floorspace.

The existing access leading from the B4114, Smockington Lane, falls within the administrative area of Rugby Borough Council. The application proposes this to be widened, no access is proposed directly from the A5.

History:-

70/0978	Agricultural Building	Approved	10.7.70
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Consultations:-

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

- Neighbours
- Site Notice
- Ramblers Association.

Rugby Borough Council have stated that they have no objection in principle to the conversion of redundant agricultural buildings however they have requested that as the proposed alterations to the access lie within their Authority and therefore require a separate planning permission for such engineering operations.

The Head of Environment and Economy at Warwickshire County Council as Highways Authority raises no objection subject to conditions requiring the improvement of the existing access.

The Highways Agency has requested further information from the applicant and directed that the application should not be approved until this information has been submitted and they have had time to comment.

The Borough Council's Land Drainage Engineer has raised no objection subject to a standard condition.

Burbage Parish Council have raised no objection to the application.

Development Plan Policies:-

Government Guidance

National guidance in the form of Planning Policy Statement 7, Sustainable Development in Rural Areas, states that the Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable.

Local Plan Policy

Policy BE20 of the adopted Hinckley & Bosworth Local Plan, permits the re-use of rural buildings for employment, recreation and tourism uses providing it would not adversely effect the appearance or character of the landscape; the building is in a structurally sound condition and thus capable of conversion without significant adaptation and rebuilding; it would not be detrimental to the character and appearance of the building; it would not involve significant extensions; it would not adversely affect the amenities of future occupiers or neighbours, highway safety or any protected wildlife habitat; and it doesn't involve significant areas being utilised for external storage which cannot be mitigated through appropriate screening or landscaping.

Policy NE5 also allows for the change of use or reuse of existing buildings again providing it would not have an adverse impact on the appearance or character of the landscape; it is in keeping with the scale and character of existing buildings and general surroundings; where necessary it can be effectively screened by landscaping; and it will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Adopted Supplementary Planning Guidance furthers this Policy with design guidance. This again suggests that the conversion of rural buildings to commercial, industrial or recreational use is in preference to conversion to residential, as fewer alterations are required to undertake the conversion and it helps maintain a viable rural economy in encouraging new enterprise in the countryside.

Appraisal:-

Principle

The proposed change of use of these redundant agricultural buildings is broadly in-line with both national and local guidance which encourages the re-use of existing rural buildings for commercial use. The Adopted Local Plan sets out a criteria based Policy which would apply to this development. The key criteria are as follows:

Building Structure

The building should be in a structurally sound condition which is capable of conversion without significant adaptation and rebuilding. A structural report submitted with the application states that the barns are structurally sound and fit for conversion. The report proposes the replacement of the existing roofs, rebuilding of the gable wall of the northern block, replacement of timber lintels and stitching of existing brickwork cracks.

This report and the buildings themselves have been assessed by the Senior Building Control Surveyor, who has stated that the identified work and further work including repointing, replacement of perished brickwork in the southern barn, and potentially replacement of a wall to the covered way will be required.

Given the age of the structure and its lack of recent use this work is considered acceptable as renovation rather than rebuilding. The replacement roof will improve the appearance of the buildings which currently have a mixture of roofing materials some of which are not in keeping with the age and style of the barns.

Impact on Character

The proposals show no additional doors or windows are required for the conversion. One existing doorway in the western elevation of the eastern barn is to be bricked up and the external staircase on this elevation is to be removed. The covered way is to be enclosed to accommodate the main entrance and reception. Two existing large rooflights in the eastern elevation of the eastern barn are to be removed, with four small rooflights added to the northern elevation of the southern barn.

The only proposed addition in footprint is by the enclosure of the covered way, this will add around 32 square metres to the existing 626 square metres. The proposed car parking area is within the enclosed courtyard and therefore screened from the surrounding countryside.

The application proposes minimal alterations and additions to the existing structure and is therefore considered to meet the requirements of Local Plan Policy and Supplementary Planning Guidance.

Highway Safety

The application proposes 161 square metres of office space and 497 square metres of light industrial space. Given the parking requirements set out in the Adopted Local Plan this would equate to a requirement of 17 spaces. The application proposes 16 spaces and one disabled space which is therefore considered acceptable.

Warwickshire County Council as Highways Authority have raised no objection subject to conditions requiring the improvement of the access and the widening and surfacing of the access. The required access improvements would fall within the administrative area of Rugby Borough Council. Therefore a further application would need to be submitted to Rugby in order to meet these requirements.

As the existing buildings are adjacent to the A5, the Highways Agency has been consulted. At the time of writing this report they have directed that the application should not be determined until further information has been submitted by the applicant in terms of existing and anticipated traffic movements.

Conclusion

The application meets the criteria as set out in Policy BE20 of the adopted Hinckley & Bosworth Local Plan in that the buildings are structurally sound and minimal alterations to the existing barns are proposed. The proposal meets parking requirements and the access is considered satisfactory by the Highway Authority. However, the consultation response from the Highways Agency requires further information to be submitted before the application can be approved. Therefore the recommendation will be to approve subject to the removal of the direction not to determine from the Highways Agency.

RECOMMENDATION:- Subject to the removal of the direction from the Highways Agency, the Head of Culture and Development be granted powers to issue planning permission subject to the following conditions:

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, BE20 and NE5 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 barn conversion including the materials proposed for the enclosure of the covered way, 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 Notwithstanding the submitted plans, detailed designs for the windows, doors, glazed screens and rooflights, which shall include recessing the openings, and finishings, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The approved details shall be incorporated into the development and shall be retained at all times thereafter.
- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - (i) proposed finished levels or contours
 - (ii) means of enclosure
 - (iii) hard surfacing materials including details of the car park surface and markings.
 - (iv) planting plans
 - (v) written specifications
 - (vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - (vii) implementation programme.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 6 No development shall commence until a full ecological survey and assessment of the site, including a scheme of mitigation measures, has been submitted to and approved in writing by the Local Planning Authority, and any work resulting from the assessment being implemented in accordance with the agreed details.
- 7 None of the units shall be occupied until access improvements have been completed in accordance with details to be agreed in writing with the Local Planning Authority.
- 8 The development hereby permitted is for the conversion of the existing buildings, and does not grant or imply permission for any demolition of the buildings without prior written approval of the Local Planning Authority.

- 9 The development hereby permitted is for the change of use of the existing agricultural buildings to light industrial and offices. The use hereby permitted shall be restricted to Use Class Order B1 and B2 of the Town and Country Planning Act (1990) as amended. No other use is permitted without prior written approval of the Local Planning Authority.
- 10 There shall be no storage of materials, plant, or waste materials of any description on the open area of the site, unless otherwise agreed in writing with the Local Planning Authority.
- 11 Before the development hereby permitted is first used, off-street car parking provision shall be made within the application site to the satisfaction of the Local Planning Authority. The parking area shall be surfaced and marked out prior to the development being brought into use and shall be so maintained at all times.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2&3 To ensure that the development has a satisfactory external appearance to accord with policy BE20 of the adopted Hinckley & Bosworth Local Plan.
- 4&5 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property.
- 6 To ensure satisfactory ecological investigation of the site to accord with policy NE8 of the adopted Hinckley and Bosworth Local Plan.
- 7 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 8 For the avoidance of doubt. The development is for the conversion of existing rural buildings within the open countryside in accordance with policy NE5 of the adopted Hinckley and Bosworth Local Plan
- 9 For the avoidance of doubt.
- 10 To ensure that the site does not deteriorate into an untidy condition.
- 11 To ensure that adequate off-street parking facilities are available to accord with policy T5 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 With regards to condition 7, a further application for the proposed access should be submitted to Rugby Borough Council. This proposal should incorporate the requirements of Warwickshire County Council as set out in their consultation response dated 5th September 2006.

- 3 If a new surface water drainage system is found to be necessary to satisfy the more rigorous requirements of office and commercial development (as compared with those of agriculture) an infiltration system based on soakaways and permeable paving should be considered. Otherwise ditches and watercourses will be a suitable outfall if ground conditions are unsuitable for soakaways.

Contact Officer:- Mr P Metcalfe Ext 5740

Item: 10

Reference: 06/00862/FUL

Applicant: Mr And Mrs Higgins

Location: 27 Hawthorn Crescent Burbage Hinckley Leicestershire LE10 2JP

Proposal: EXTENSIONS AND ALTERATIONS TO DWELLING

Introduction:-

This revised full application seeks planning permission for a single storey extension to the front and a single storey extension and conservatory to the rear of 27 Hawthorn Crescent, Burbage. The site is located in a cul-de-sac to the north of Hawthorn Crescent, which in turn is to the east of Grange Drive. The property is a two storey dwelling with an integral garage, single storey projections to the front and rear of the dwelling and a conservatory to the rear, adjacent to no. 25 Hawthorn Crescent. The application seeks approval to extend the existing single storey front projection by 1 metre and add a 3.1 metre single storey extension in front of the existing integral garage. This will result in a staggered frontage with the relocated integral garage projecting 0.5 metres in front of the lounge and hallway extension.

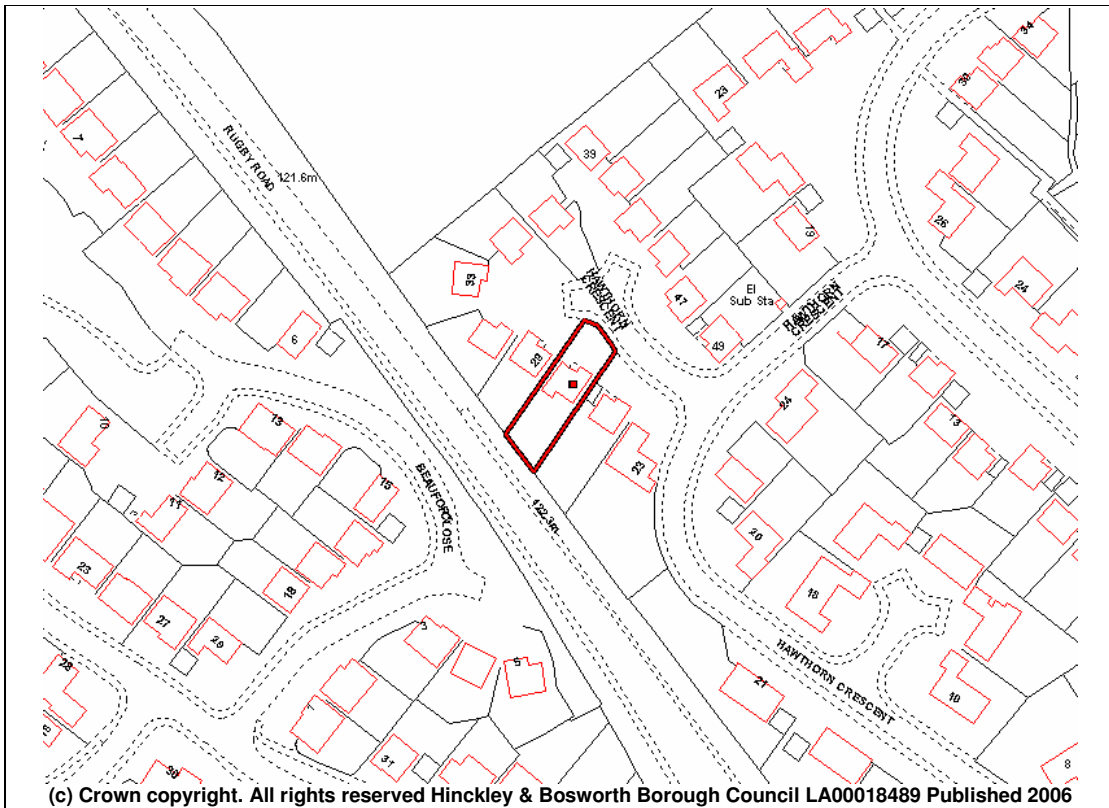
The application also seeks to extend the existing 2 metre single storey rear projection to span the full width of the dwelling replacing the existing conservatory. A new conservatory measuring 4.1 metres long by 3 metres wide is proposed adjacent to the boundary with no. 25 Hawthorn Crescent. The conservatory has a 3.1 metre long and 2 metre high wall adjacent to no. 25 Hawthorn Crescent, with the remainder of the conservatory glazed.

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

History:-

06/00198/FUL Extensions and alterations to dwelling

Withdrawn



Consultations:-

No objections have been received from:-

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

Development Plan Policies:-

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

Local Plan

Policy BE1 of the Local Plan seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. It provides measures to ensure development does not have an adverse impact on the environment; occupiers of neighbouring properties; or highway users.

Policy RES7 of Local Plan provides that householder development: respects the scale and character of the existing dwelling and streetscene; retains adequate parking provision; is designed to mirror the existing building to create an unified overall appearance; does not adversely affect the occupiers of neighbouring properties; and is carefully sited.

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

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

Appraisal:-

The property is located in a prominent position within the crescent and the existing front projection is approximately 1 metre forward of no. 25 Hawthorn Crescent. As a result, any extensions to the front of the dwelling will be prominent in the streetscene, in particular when looking into the cul-de-sac they will be viewed side on with all of the surrounding frontages very open. However, the proposal includes significant reductions in the previous, withdrawn, scheme which included extensions to the existing single storey front projection of 2.8 metre and extensions in front of the existing integral garage of 5.5 metres. The proposal will result in 2 metre and 2.5 metre projections in front of no. 25 Hawthorn Crescent. Adopted Supplementary Planning Guidance permits a maximum single storey projection along a common boundary of 3 metres. However, this relates only to rear extensions and no guidance is included for front extensions. The adjacent dwellings no. 25 and 29 Hawthorn Crescent both have integral garages adjacent to no. 27 Hawthorn Crescent, which means the distance to the nearest primary windows is 5 metres and 8 metres, respectively. As such it is not considered that the proposal will have an adverse impact on the aspect from these properties. It is considered that the proposed front extensions have been sufficiently reduced to limit their impact on the streetscene and are considered acceptable.

The proposed rear extension and conservatory will result in a projection along the boundary with no. 25 Hawthorn Crescent of 4.7 metres. As stated above Supplementary Planning Guidance permits a maximum of 3 metres along a common boundary. However, the proposed conservatory is 1.5 metres from the boundary and there is a 1.8 metre high fence between the properties. In addition, whilst the neighbouring dwelling no. 25 Hawthorn Crescent has been extended up to the boundary with the proposal site, the window adjacent to the boundary is to the rear of an integral garage and as such is not a primary window. Given the above it is not considered that this element of the proposal will have an adverse impact on the amenities of no. 25 Hawthorn Crescent.

The proposal will retain one garage parking space and there is sufficient space in front of the property to park a further two vehicles. The Highway Authority do not object to the application and this element of the proposal is considered acceptable. However, a condition requiring the retention of the garage for the parking of a vehicle is proposed. The property has four bedrooms, although the plans show that one will be used as a dressing room, and 3 parking spaces are therefore required.

In conclusion, it is considered that the proposal will have an acceptable relationship with the adjacent properties, will not appear too prominent in the streetscene and as such complies with the general design principles contained in policy guidance.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, RES7 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 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.

- 3 The use of the garage shall remain at all times for the purpose of parking a motor vehicle and shall not be converted to additional living accommodation, unless otherwise agreed in writing with the Local Planning Authority.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and RES7 of the adopted Hinckley & Bosworth Local Plan.
- 3 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer:- Mr D Warden Ext 5691

Item: 11

Reference: 06/00863/COU

Applicant: David William Corbett

Location: Cottage Farm 2 Cottage Lane Norton Juxta Twycross Atherstone, Warwickshire CV9 3QH

Proposal: CHANGE OF USE OF AGRICULTURAL LAND TO LANDING AND TAKING OFF OF MICROLIGHT AIRCRAFT

Introduction:-

The application seeks to regularise the unauthorised change of use of existing agricultural land to an airstrip for the taking off and landing of microlight aircraft. The applicant has been using the land for such a purpose, but has exceeded the annual 28-day limit permitted under the General Permitted Development Order.

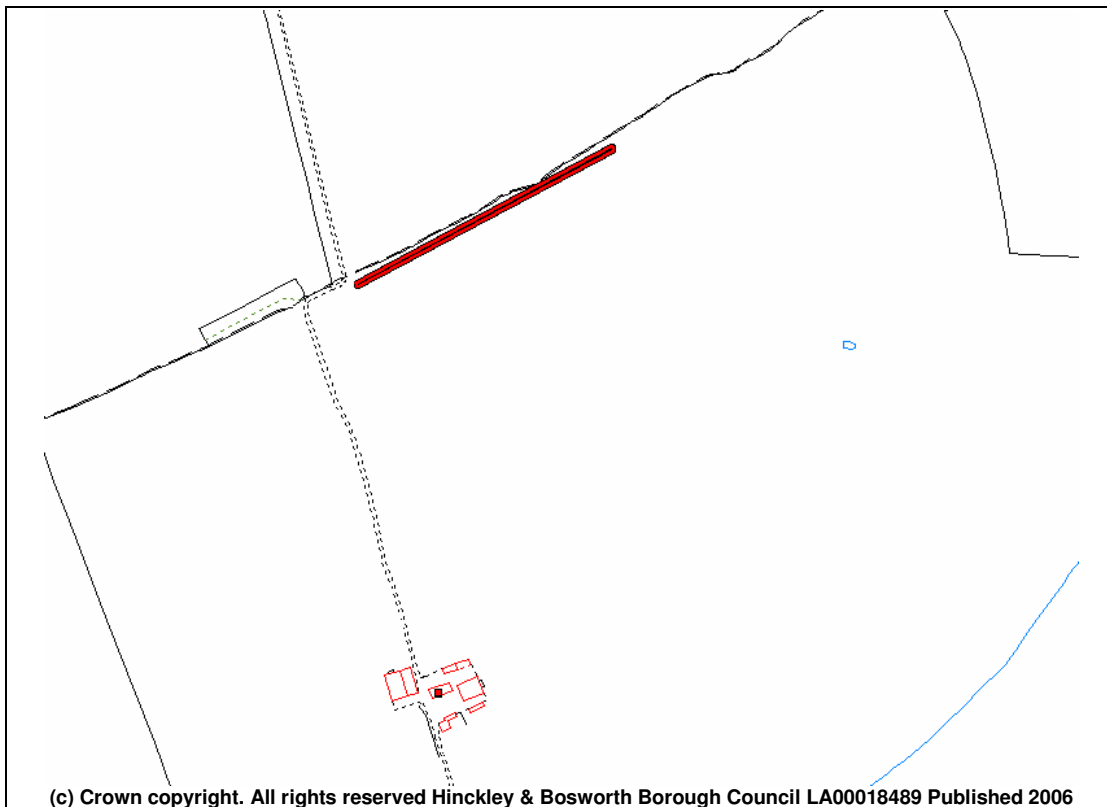
The airstrip is located within a site identified as 'Cottage Farm' and is in an isolated location. The strip of land is part of an agricultural field but is at one end. The site adjoins the district boundary of Hinckley and Bosworth Borough Council and North West Leicestershire District Council (a separate planning application has been made for an airstrip within the administrative boundary of North West Leicestershire DC area).

The applicant states that most local residents have been aware of the activity and there have been few complaints as we have always been aware of the need to respect people's privacy and to keep the noise within the area of the field.

Various plans have been submitted illustrating the location of the development and how it relates to surrounding properties and villages. The applicant states that there is a designated 'airspace' which is not 'controlled by Air Traffic Control and is used by all non commercial and military aircraft' as a route through the centre of the country. The applicant also states that low flying aircraft overhead are regularly attributable to a particular airport or airstrip when 'in fact it may just be flying through the corridor'. He also states that 'most light aircraft and microlights fly under Visual Flight Rules (VFR) so the corridor has a series of Visual Reporting Points (VRP) and pilots can check their position in the corridor quickly and easily'.

History:-

No relevant history.



Consultations:-

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

Director of Highways Transportation and Waste Management
National Air Traffic Services
Head of Health and Environment.

Twycross Parish Council states that they have received numerous letters of objection to the proposed plan from local residents; that there is a fear that the landing strip will be used for commercial purposes and not solely for pleasure flying; proposed hours of use indicate that the strip would not only be used for pleasure flying; noise pollution and that there is a real fear of significant developments taking place within the area

Leicestershire Footpath Association does not object to the proposal but states that they are concerned about the type of warning given to users of the right of way which passes close to

this development; it is important for walkers to have advance notice on the ground of microlight activity; noise usually alerts walkers but it would be beneficial to have warning notices erected in the vicinity of the landing and taking off strip

The Director of Environment and Heritage Services (Rights of Way) is concerned that the development will have safety implications for users of the rights of way especially along Cottage Lane

There have been six letters of objections received and their concerns are summarised as follows:-

- a) increase of air activity in the area
- b) increase in noise from aircraft
- c) full blown airfield could be established
- d) low flying microlights have an impact upon wildlife in the area
- e) 50 to 60 decibels have been recorded which illustrates the level of noise over private land
- f) loss of privacy
- g) low flying aircraft are an intrusion causing noise disturbance
- h) 'touch and go' type of aircraft activity going on at the site over prolonged hours
- i) loss of use of private garden space due to flying aircraft
- j) safety concerns due to possibility of collision between microlights and military aircraft
- k) air pollution due to aircraft flying around the area
- l) microlights have negative impacts upon wildlife.

In addition to objections received there is a 25-signature petition submitted supporting the planning application from residents of nearby villages. The petition states the undersigned have no objection to the current level of microlight activity at Cottage Farm.

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 7 'Sustainable Development in Rural Areas' seeks to regulate development in the open countryside in a sustainable manner. The use of the open countryside for tourism and leisure is generally encouraged.

Planning Policy Guidance Note 13 'Transport' states that when Local Planning Authorities consider aviation development consideration should be given to the environmental impacts of aviation proposals, and it recommends that conditions may be necessary to limit the impacts.

Planning Policy Guidance Note 24 'Planning and Noise' identifies that noise generating development can be a material consideration when determining planning applications, and that Local Planning Authorities should ensure that development does not cause an unacceptable degree of disturbance. PPG24 also states that in assessing applications for aircraft uses planning conditions should be considered in order to ameliorate any possible impacts of noise upon neighbouring land and properties.

Development Plan

The site lies within the open countryside as defined in the adopted Hinckley and Bosworth Local Plan.

Policy SP8 of the Leicestershire, Leicester and Rutland Structure Plan (adopted March 2005) states that the countryside will be protected for its own sake.

Policy NE5 of the Local Plan states that development in the countryside will be permitted provided it is essential to the local economy or it is for the change of use, replacement and extension of existing buildings; and only if it does not have an adverse effect on the appearance or character of the landscape; it is in-keeping with the scale and character of existing buildings and the general surroundings; it is effectively screened by landscaping or other methods; and will not have an adverse impact on highway safety.

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

Appraisal:-

The main issues to consider is the impact of the development upon the open countryside, and upon nearby residential amenities.

The development proposes no additional buildings or structures associated with the use. However, there are three microlight aircraft currently stored within an existing agricultural building which is located within the main farm complex.

The use of airstrips for leisure flying in the open countryside is not discouraged by national government planning policy guidance 'per se'. However, public access to the countryside is also encouraged and the airstrip is in close proximity a bridleway and footpath.

The proposed use of the land does not conflict with the adopted Structure and Local Plan policies that seek to protect the open countryside from detrimental development. It is clear that the development is one that specifically relates to point c of policy NE5 of the adopted Local Plan, as the use of the airstrip is for 'sport or recreational purposes', which does not have an adverse effect on the appearance or character of the countryside. Indeed, similar uses within the open countryside have been granted planning permission by the Local Planning Authority in the past i.e. Lodge Farm, Ashby Road, Osbaston.

The use of the airstrip for the taking off and landing of microlight aircraft can potentially be a source of nuisance for nearby residential properties. The airstrip is approximately 460m to the north of Cottage Farm, and is relatively isolated from residential properties. The nearest dwelling is approximately 650m northwest of the airstrip (within the administrative boundary of North West Leicestershire District).

The village of Norton Juxta Twycross is approximately 982m to the south east of the airstrip. Whilst it is noted that the Parish Council has stated that they have received a number of complaints regarding microlight aircraft activity within the immediate area, very few, if any, letters of objections have been received from residents in the village.

Whilst writing this report the comments from the Head of Health and Environment have not been received as a noise assessment has been carried out, and the results are being considered. The outcome will be reported as a late item. Despite this it is considered that the direction of microlight aircraft landing and taking off can be conditioned thus reducing the impact on nearby residents.

There may have been a number of aircraft activities within the area, but by inference it cannot be confirmed that all microlight aircraft flying overhead are operating out of Cottage Farm, as there is an aircraft corridor running over the area for all non-commercial aviation use travelling south/north. These non-commercial flights fly low and may become the source of annoyance for many people.

There have been objections raised on the basis that the use of the airstrip is not safe because military aircraft use the corridor. However, it is noted that the National Air Traffic Services (NATS) does not object to the proposal. Moreover, the applicant has submitted further information from the Ministry of Defence that confirms that they have no record of any alleged near miss incident over the last 12 months between a 'microlight and military aircraft'. Although safety concerns have been raised by the adjoining neighbour this is not confirmed by other authorities, and whilst safety can be a material consideration it should not be given significant weight because there are other legislative frameworks in place that regulate air safety for commercial and non-commercial activities. Another concern is that the use of the airstrip would intensify into a full-blown airfield. It is considered that by the imposition of enforceable conditions can control this, and the airstrip cannot be used for large-scale activities unless it meets the requirements of the Civil Aviation Authority. Further, intensification of the use of the airstrip is also a concern and this aspect needs to be controlled via the imposition of enforceable conditions. For example, the use of the airstrip for 'charitable flights' or by a club/business uses.

Refusal of the application could mean that the applicant returns to using various strips of land for his microlight activities without controls. The annual 28-day limit applies to any land that is within a single planning unit. The applicant has access to various sites that could potentially be different planning units thus permitting annual 28-day usage on each of these sites.

Members may consider that the annual 28-day limit is sufficient for the use of the airstrip, and whilst pleasure flying may be encouraged its impact upon immediately adjoining properties is far too much. Enforcement action would need to be firstly considered and if expedient, taken in order to ensure that the use of the airstrip does not exceed the annual 28-day limit. The enforcement action could only relate to the application site, and to no other unless a material change of use has occurred on a different planning unit.

Having considered the planning merits of this development it is considered that planning conditions can be imposed in order to ameliorate objections. Moreover, by restricting this permission to two years and making it personal to the applicant, as well as controlling the number of flights; the direction of flights; the days of operation and other conditions it is considered that two years will be sufficient time to monitor the use of this activity within the area.

RECOMMENDATION :- Permit subject to the following conditions :-

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

- 1 The use hereby permitted shall be discontinued and the land restored to its former condition on or before 10th October 2008 in accordance with a scheme of work previously submitted to and approved in writing by the Local Planning Authority.
- 2 This permission shall operate solely for the benefit of the applicant and shall not run with the land.
- 3 Aircraft movements shall take place only between 09:00 and 18:00n Monday to Saturdays except in an emergency.
- 4 The use hereby permitted shall be for the taking off and landing of microlight aircraft purposes only and no business or commercial uses or training facilities shall be carried out on the airstrip, without prior written approval from the Local Planning Authority.
- 5 There shall be a maximum of six (6) take-offs and six (6) landings in any operational day
- 6 There shall be no circuit flying or touch and go training at any time during the operational day.

- 7 Notwithstanding the submitted plans a taking off and landing procedure and plans shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Head of Health and Environment within one month of the permission hereby granted
- 8 All microlight aircraft movements are to be kept in a 'movement log' available for inspection by the Local Planning Authority.
- 9 Within one month of this approval, details of any fuel storage for the use of the microlight aircraft shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Head of Health and Environment. The approved details shall be implemented within one month of the approval letter and maintained as such.

Reasons :-

- 1 The use of the land as airstrip requires monitoring as to its potential impact upon nearby residential dwellings.
- 2-5 For the avoidance of doubt.
- 6 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 7 In order that the effect of the development upon the amenities' enjoyed by neighbouring properties can be assessed during this period and that any further application can be decided having regard to this assessment.
- 8&9 For the avoidance of doubt.

Contact officer:- Mr A Ghafoor Ext 5775

Item: 12
Reference: 06/00898/FUL
Applicant: George Wimpey East Midlands Ltd
Location: Stone Lodge Branting Hill Groby Leicester Leicestershire
Proposal: ERECTION OF SIXTY ONE DWELLINGS WITH ASSOCIATED PARKING AND ACCESS

Introduction:-

This is a full planning application for the erection of 61 dwellings on land off Branting Hill, Groby. The application has been submitted with a number of reports that address issues such as the planning merits; design; environmental impact; flood risk, transport; air quality and noise.

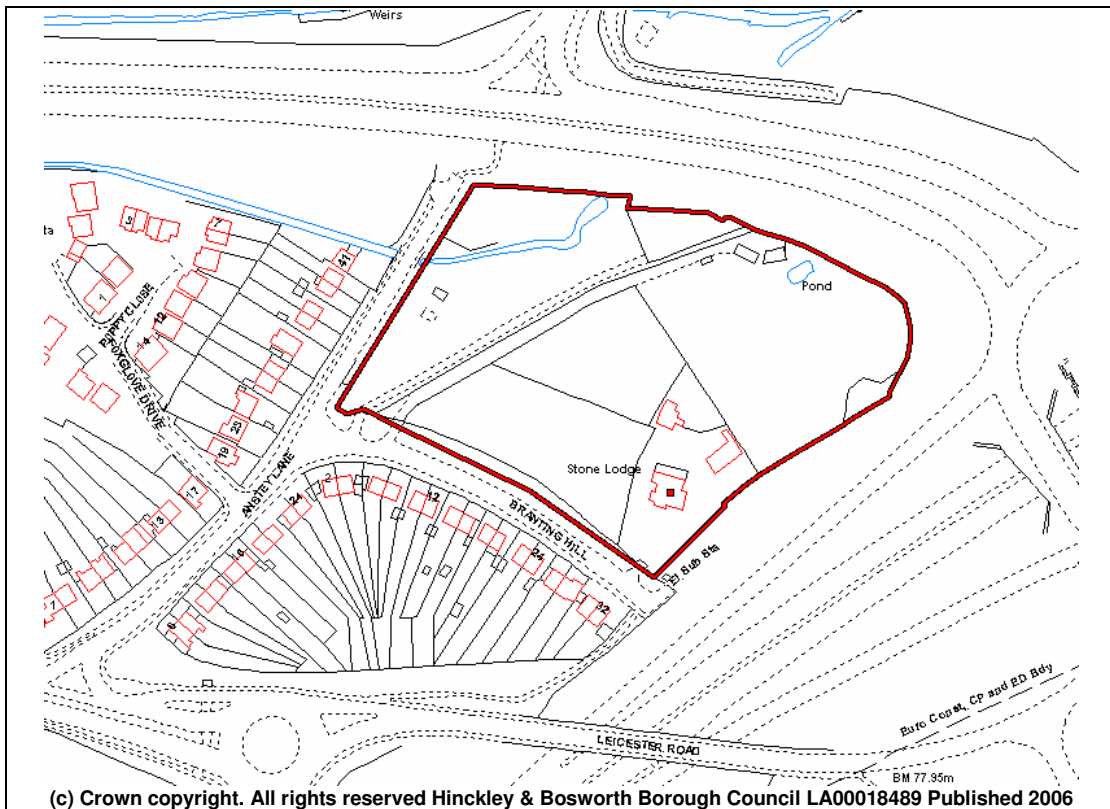
The site is located to the north-east of Groby and is bounded to the north by the A50 and the east by the A46. There is established residential development to the south fronting Branting Hill and to the west fronting Anstey Lane. The site itself measures approximately 2.22 ha and comprises an existing residential property, Stone Lodge, two grazing fields and a field with a watercourse running through it. Currently these areas are defined and separated from each other by fences and hedgerows. Both the A50 and A46 are elevated from the site; there is also an existing bund with substantial landscaping to the north and east.

Access to the site by vehicle is gained from the Leicester Road via Anstey Lane. There is a pedestrian route at the north western corner leading from the A50 and a pedestrian route at the south eastern corner alongside No 32 Branting Hill; this leads from the Leicester Road.

The proposal seeks a new road, accessed from Branting Hill opposite Nos 24 and 26. The access road forks at a right angle to the west after approximately 60 metres. The western third of the site, which currently comprises the field with watercourse has been left as open space incorporating a play area, this is linked to the proposed residential area via a footpath. The Public Open Space has been incorporated into the development through the orientation of 6 of the plots to the west, these overlook the public open space providing natural surveillance. The site comprises several trees, the majority of which are to be retained. One of these located along the western boundary of the site opposite No 39 is subject to a Tree Preservation Order.

History:-

06/00207/FUL	Erection of 56 dwellings with associated parking and access	Refused	21.06.06
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Consultations:-

No objection subject to conditions has been received from:-

Severn Trent Water
Head of Health and Environment.

The Borough Council's Land Drainage Engineer considers that if ground conditions permit, some or all of the surface water should be disposed of via soakaway units, which could function

as detention tanks, where ground strata lacks sufficient permeability. If the only practicable sustainable urban drainage option is run-off attenuation this can be achieved by a dry, grass covered basin or on-line tanks - literally oversized sewers. Severn Trent Water will need to be involved in the adoption and future management of sewer infrastructure.

Groby Parish Council have commented that if approved the following issues should be address via condition:-

- a) Relocation of play area further away from Rothley Brook
- b) Areas to north and south of Rothley Brook be fenced off to provide a wildlife haven
- c) The area has previously been subjected to flooding, this should be considered within drainage measures.
- d) The bat colony should be preserved and protected.
- e) Highway measures to alleviate traffic congestion and to improve the junction of Anstey Lane/Leicester Road
- f) Infrastructure such as Doctors Surgery and Schools should be able to cope with additional development.

Leicestershire Constabulary Crime Reduction Officer raises no objection to the principle of development but made recommendations in line with Secure By Design. The main recommendations comprised:-

- a) Secondary access through Play Area should be provided with a motorbike gate at the head of turning point with additional trip rail to front of Plot 49.
- b) Perimeter fence of at least 1.8 metres should be secured, the fronts of plots 46-51 should be protected, a trip rail along the perimeter should be considered.
- c) Street lighting to BS5489 should be provided. All dwellings should be provided with security lights.
- d) Landscaping across the development should not impede natural surveillance.
- e) Parking should either be provided within the curtilage of each dwelling, if not possible any parking courts should be provided with security lighting and gates to the entrance.
- f) All rear gates should be provided with a key lock, any alleyways should be provided with a lockable gate.

The Director of Environment and Heritage (Archaeology) comments that a programme of archaeological work (trial trenching) has been undertaken and has proved negative therefore no further fieldwork is required. It is recommended to impose a condition to ensure the satisfactory reporting of the findings and deposition of the archive.

English Nature comment that the eastern area of the site has most ecological value, and this can be a pleasant natural area for residents to enjoy and an oasis for wildlife in an increasingly built up area of the city. This area should be retained to preserve the ecological interest, and that long-term appropriate management is secured for this area. Hedgerows should be retained where possible. Evidence of bats has been found therefore further survey work is required and until then no work should commence of the building where the possible roost is sited. The applicant should be informed of their responsibility to ensure the protection of bats. Subject to the issues raised no objection to the proposals are raised.

As a result of the Developer Contributions Consultation, Leicestershire County Council have the following comments:

- Director of Children and Young People's Service - No contribution is required for the primary sector of education as there are a small number of spare spaces locally. However, the secondary schools are full and forecast to remain so. Consequently an education contribution of £190,198.00 is required (£94,001 for Groby Brookvale and £98,197 for Groby Community College).

- Head of Commercial and Support Services - based on the scale of this development in respect of additional users of the existing library facilities a contribution of £3,370 towards the cost of books, materials and other facilities is required. This would be spent over a period of 12 months.
- Natural Life Project officer - Bats have been recorded in the vicinity of the site. Therefore the developer should be required to incorporate bat bricks and boxes into the design of new properties and to plant native trees, common to the area, on site to establish feed grounds for the bats. Furthermore, green corridors should be maintained particularly along boundaries of the site as this furnishes wildlife links between habitats. It is recommended that hedgerows with standard trees be planted with a grass strip alongside.
- Director of Highways, Transportation and Waste Management - A contribution of £921 is required towards a fund to extend and improve the Civic Amenity sites to serve the area.

The Director of Highways, Transportation and Waste Management (Highways) has suggested conditions requiring both on site and off site works. Furthermore concerns were raised regarding the tandem parking to the rear of some plots.

The Borough Council's Green Spaces Manager comments that a maintenance contribution will be required for the informal space provided within the site. Furthermore the Stamford Drive/Sycamore Drive recreation ground is 515 metres away and therefore falls within the required proximity for improvements to formal open space. Therefore in this instance a financial contribution to improve and maintain the recreation area is required. The formal open space is identified in the Green Space strategy. Improvements recommended include, car park resurfacing, pathway improvements and landscaping. Play equipment could also be improved for older children and young people.

Neighbours notified, 13 letters have been received raising the following concerns:-

- a) increase in traffic causing reduced road safety and congestion;
- b) what will developers contribute to Groby other than traffic;
- c) Groby needs affordable housing;
- d) Groby lacks a good Doctor's surgery, school places, youth activities, retail outlets, recreational pursuits and the proposed development will impact on all these;
- e) if approved significant planting should take place to absorb the carbon monoxide from the already congested roads and noise measures should be considered;
- f) loss of quality of life through over population;
- g) devaluation of existing property;
- h) increased use of poor road network;
- i) impact on bats, birdlife and other wildlife;
- j) the location of the open space will attract youths to congregate and increase the crime rate;
- k) excessive noise, fumes and dirt currently exist, this will increase with the development;
- l) loss of green area;
- m) existing services cannot take further development;
- n) loss of existing character dwelling;
- o) loss of open aspect;
- p) loss of privacy;
- q) existing noise levels will impact on new residents making this an unsuitable location for new dwellings;
- r) nuisance of noise dust etc. from construction if approved.

At the time of writing the report comments are awaited from Hinckley and Bosworth Primary Care Trust and the Highways Agency

Development Plan Policies:-

Government Guidance

Planning Policy Statement 1 states that the Government is committed to a plan-led system and where adopted development plans contain relevant policies, section 54A of the Act requires the application to be determined in accordance with the plan. It also emphasises that good design is indivisible from good planning and lays down the key principles for achieving good design.

Planning Policy Guidance Note 3 'Housing' states that good design and layout of new development can help to achieve the Governments objectives and developers should think imaginatively about designs and layouts, which make more efficient use of land without compromising the quality of the environment. Densities should be between 30-50 dwellings per hectare, seeking greater density at places with good public transport accessibility. This is also re-iterated in Planning Policy Guidance Note 13.

Structure Plan

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

Local Plan

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

Policy RES5 of the adopted Local Plan enables the granting of planning permission for new residential development if the site lies within the boundaries of an urban area or rural settlement as defined on the proposals map; and the siting design and layout of the proposal do not conflict with the relevant plan policies. Supplementary Planning Guidance gives further advice regarding the design of new residential development.

Policy NE2 provides that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil, or suffer material harm from either existing or potential sources of air or soil pollution.

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

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

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

Appraisal:-

Policy and Principle of Development

Members will recall that an application for residential development was recently presented before them where the policy and principle of development was considered. This site was allocated for housing in the deposit copy of the Local Plan dated October 1995, under Policy RES1(t). It was recommended that the allocation be removed, as the site was considered

unsuitable for environmental reasons. The Inspector agreed with this recommendation and further recommended that the settlement boundary be realigned to exclude the site. The Inspector's recommendation was reported to Planning Committee on 5th January 1999, and Members resolved to delete Policy RES1(t), however they did not resolve to realign the settlement boundary. When the Local Plan was finally adopted, Policy RES1(t) had been removed as an allocation, and the settlement boundary remained the same and includes the site.

It is, at this late date, impossible to say whether it was Members intention at that time to leave the site within the settlement boundary or not. Section 54A of the Town and Country Planning Act 1990 requires proposals to be determined in accordance with the plan unless material considerations indicate otherwise. The site is shown on the proposals map, as being within the settlement boundary therefore Policy RES5 is the relevant policy. Case law indicates that the events leading up to the adoption of the local plan are not material considerations and therefore cannot fall to influence the determination of this application.

The previous application was not refused permission on principle of development, therefore it is considered that in principle residential development on this site has been previously established.

Density, Layout and Design

The application proposes 61 dwellings, on a site measuring 1.69 ha net, this realises a density of approximately 38dph. This is considered to be an acceptable density for this location and is within the guidance laid down by Central Government.

The layout of the proposed development has been carefully designed taking on current urban design principles such as views, vistas, and streetscape. The area proposed for the residential development has been designed to ensure the open space is integrated through a pedestrian link and the orientation of properties that create a crescent feel overlooking the space creating not only a positive design solution but also natural surveillance of the open space. It is further considered that this will enhance the attractiveness of the development providing a sense of place and focus for the community. Furthermore, sufficient parking provision has been provided for each dwelling along with private amenity space. Revised plans have been submitted that have rearranged some of the parking in line with comments made by the Director of Highways, Transportation and Waste Management.

The area of open space equates to a total of 5334 square metres of informal space, this includes an equipped play area of 305 square metres in line with the requirements of the Council's Supplementary Planning Guidance on Play and Open Space. Therefore only a requirement for financial contributions towards the maintenance of the informal open space will be required, this equates to £58,985.16. As the site is located within 1 km of formal open space, Stamford Drive/Sycamore Drive recreation ground, a contribution towards improvements to this space is required in line with the Supplementary Planning Guidance. The contribution in this instance is £40,197.17. Any contributions received for this formal open space, as identified in the green space strategy would go towards improvements including car park resurfacing, pathway improvements, landscaping etc. Play equipment could also be improved for older children and young people.

Impact on Infrastructure

Concerns have been raised that the development will adversely impact on existing infrastructure such as roads, utility services, schools and health. Developments of this size can and do have an impact on such infrastructure, therefore as part of the planning process it is necessary to consider if and how the impacts can be mitigated. With regards to the impact of the development on the local road network, the traffic impact assessment has been considered by the Director of Highways, Transportation and Waste Management who raises no objection to

the principle of development subject to conditions requiring both on-site and off-site highway improvements. With regards to the impact on the Utility Services such as drainage, electricity etc., it is not for the planning process to prohibit development due to these services not being capable of taking additional development. However, should the services not be capable it will be necessary for the developer to make arrangements with the service provider for the services to be upgraded. The adopted Local Plan makes provision for contributions to be made commensurate with the size of development towards infrastructure such as schools; health; libraries and civic amenity sites. In this instance, at the time of writing the report, there has been a request for a financial contribution towards education; libraries; and civic amenity sites; comments from the Primary Care Trust are still awaited. Contributions will also be required towards Play and Open Space as addressed above.

It should be noted that the developer has submitted a draft Section 106 agreement with the application that addresses the provision of infrastructure.

Affordable Housing

The development requires the provision of affordable housing at 20% of the total, i.e. 12 dwellings should be affordable. The application details do not at this time indicate the location of the affordable units or the mix of rented and shared ownership. However, it is considered that these would be provided in accordance with guidance and will not be grouped together but instead pepper potted across the site. The draft Section 106 agreement requires the developer to submit and obtain written approval from the Borough Council of plans indicating the location of the affordable housing and the mix proposed.

Environmental Considerations

Concerns regarding impact on the environment and environmental impacts on future residents have been an issue with the site since the time it was originally considered as a housing allocation. As such the Inspector considered that the site was unsuitable for housing even if mitigation measures may be possible. The application as submitted included all relevant assessments and consultation responses indicate that the original concerns of the Inspector can be effectively mitigated. It therefore has to be considered whether what the Inspector concluded was correct, that the site falls below what should be expected of land for housing for a new century. It is difficult to ascertain exactly what he meant by this. Furthermore, policy and circumstances have changed in terms of efficient use of land and the need to reduce urban sprawl. It is considered that if there are no objections by the statutory consultees to the development on environmental grounds any reason to refuse the application on environmental grounds would be difficult to defend at appeal.

Concerns have been raised by local residents that the development will be affected by the adjacent roads through pollution and that the development will result in the loss of green space and natural habitats. However, again with no objections to substantiate these concerns it would be difficult to defend a reason for refusal at appeal. The Parish Council have requested that the area around Rothley Brook, to the north of the open space, is preserved as a conservation area. English Nature have also suggested that this area could be a natural area for residents to enjoy and an oasis for wildlife. It is therefore considered that as part of the landscaping scheme the applicant will be required to maintain the area to the north of Rothley Brook as a natural wildlife habitat.

Other Issues

Two further concerns have been raised by neighbours, these are devaluation of properties and the site currently floods. The first issue is not a material planning consideration and cannot inform the decision making process. The second issue is a material consideration, however neither the Borough Council's Land Drainage Engineer, Severn Trent Water or the Environment Agency have raised objections. The applicant proposes a Sustainable Urban Drainage System

as the method of disposal of surface water; it is therefore considered that the proposed method would alleviate any problems that currently exist.

Conclusion

Whilst the Inspector for the Local Plan adoption considered that the site was unsuitable for residential development on environmental grounds, no significant objections to the development on these grounds have been received; and following the events leading up to the adoption of the local plan it is considered that it would be difficult to recommend refusal on either of these grounds.

It is considered that the proposed development has been designed taking into consideration the character of the locality; the layout proposed has taken both the previous reasons for refusal into account and adopted urban design principles to create an attractive well-balanced residential development. As such it is considered that the application should be approved.

RECOMMENDATION :- That following the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide financial contributions towards play and open space, education, libraries, civic amenity, health and the provision of affordable housing within the site, and subject to no significant additional objections being raised by 17 October 2006, the Head of Culture and Development be granted powers to issue Planning Permission subject to the conditions below. Failure to complete the agreement by 9 November 2006 may result in the application being refused. :-

SUMMARY OF DECISION - The proposal is in conformity with Policies BE1; RES5; NE2, T5, IMP1, REC2 and REC3 of the Hinckley and Bosworth Local Plan and Policies Strategy Policy 1, Strategy Policy 10, Strategy Policy 11, and Accessibility and Transport Policy 1 of the Leicestershire, Leicester and Rutland Structure 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 GW050-01 Rev E received by the Local Planning Authority on 28th September 2006.
- 3 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.
- 4 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 Development shall not begin until a scheme for protecting the proposed dwellings from noise from the A46 and A50as been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.
- 6 Notwithstanding the details submitted, details of all boundary treatment to the site including any proposed retaining walls shall be submitted to and approved in writing before development commences, and implemented in accordance with the approved scheme before first occupation of the dwelling hereby approved.

- 7 The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.
- 8 The applicant, or their agents or successors in title, must secure the implementation of a programme of archaeological work, comprising the production of an appropriate report and deposition of the project archive. This should be completed in accordance with the agreed scheme of work, which has been approved on behalf of the planning authority.
- 9 No part of the development shall commence unless and until improvements have been carried out to the central reserve gap at the junction of Marina Drive with Leicester Road, by reducing the nose of the eastern central reservation, to the satisfaction of the Local Planning Authority in consultation with the Highways Authority.
- 10 No part of the development shall be occupied unless and until improvements have been carried out in the vicinity of Leicester Road, to the satisfaction of the Local Planning Authority in consultation with the Highway Authority, as follows:
 - a) Narrowing of the westbound carriageway at the exit from the Sacheverel Way Roundabout, which will improve conditions at the uncontrolled pedestrian and cycle crossing.
 - b) New bus stop and bus lay-by on the westbound carriageway, including bus shelter, seating, raised kerbs, timetable case and startrak real time information system, located to the west of the said crossing within the highway boundary.
 - c) Provision of raised kerbs and startrak real time information system at the existing bus stop on the eastbound carriageway, east of the junction with Anstey Lane, and consequential adjustments to the said crossing.
 - d) Conversion of footway to joint-use cycleway between the said crossing, on the north side of Leicester Road, and the vicinity of No. 6 Anstey Lane.
- 11 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 6 metres behind the highway boundary and shall be hung so as to open inwards only.
- 12 The gradient(s) of the access drives shall not exceed 1:12 for the first 10 metres behind the highway boundary.
- 13 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.
- 14 The car parking and turning facilities shown on the approved plans shall be provided before the development hereby approved is first occupied and shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.
- 15 Any windows or doors at ground floor level on the road frontage shall be of a type other than outward opening and shall be so maintained in perpetuity.
- 16 No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.
- 17 Upon the first occupation of each dwelling, the developer shall supply a transport information pack with walking, cycling, bus and rail maps and timetables, means of application for free bus passes, and locations of local schools, shops and other amenities to the satisfaction of the Local Planning Authority.
- 18 Before the development commences, details of the routeing of construction traffic shall be submitted to and approved by the Local Planning Authority in consultation with the Highway

Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the Local Planning Authority.

- 19 No development shall take place until details of measures to be taken to prevent the deposit of materials, i.e. mud from vehicles leaving the site during construction works being deposited on the public highway, have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be retained and fully implemented for the duration of the construction period.
- 20 Prior to commencement of development details of secure by design measures should be submitted to and approved in writing by the Local Planning Authority, these details shall include:
 -
 - a) a motorbike gate at the point where the turning head and pedestrian access to the Open Space meet
 - b) a trip rail along the perimeter of the open space to the front of plots 46 to 49 and 50 to 51. The scheme shall thereafter be implemented in accordance with these approved details.
- 21 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - (i) proposed finished levels or contours
 - (ii) means of enclosure
 - (iii) hard surfacing materials
 - (iv) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
 - (v) planting plans and written specifications
 - (vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - (vii) implementation programme.
 - (viii) a natural wildlife habitat and management plan.
- 22 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.
- 23 No development shall commence on site until a further ecological survey in respect of the bats that are evident on the site has been submitted to and approved in writing by the Local Planning Authority. Any necessary mitigation required as a result of the survey shall be implemented in accordance with an agreed scheme.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3&4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that the residents of the approved dwellings are not adversely affected by road noise from the A46 and A50 to accord with Policies BE1 and NE2 of the Hinckley and Bosworth Local Plan.

- 6 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to accord with Policies BE1 and NE2 of the Hinckley and Bosworth Local Plan.
- 8 To ensure the submission of a report and the satisfactory disposition of the archive to accord with Policy BE1 of the Hinckley and Bosworth Local Plan.
- 9 In the interests of highway safety, to improve the geometry of the junction for u-turners including construction traffic destined for the site to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 10 To ensure a satisfactory form of development and in the interests of Highway safety to accord with Policy BE1 of the Hinckley and Bosworth Local Plan.
- 11 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with Policy BE1 of the Hinckley and Bosworth Local Plan.
- 12 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety to accord with Policy BE1 of the Hinckley and Bosworth Local Plan.
- 13 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users to accord with Policy BE1 of the Hinckley and Bosworth Local Plan.
- 14 To ensure that adequate off-street parking facilities are available to accord with policy BE1 and T5 of the adopted Hinckley & Bosworth Local Plan.
- 15 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 16 To ensure that an adequate line of vision is available in the interests of road safety to accord with policy BE1 of the Hinckley and Bosworth Local Plan.
- 17 In the interests of the sustainability of the development and to encourage alternative transport choice to accord with Accessibility and Transport Policy 1 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016.
- 18 To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site to accord with Policy BE1 of the Hinckley and Bosworth Local Plan.
- 19 In the interests of road safety to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 20 In the interests of preventing crime and disorder to accord with BE1 of the Hinckley and Bosworth Local Plan.
- 21 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 22 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

- 23 To ensure the proposal does not adversely affect the possible bat roost to accord with Policy NE8 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 If ground conditions permit, some or all of the surface water should be disposed of via soakaway units, which could function as detention tanks, where ground strata lacks sufficient permeability. If the only practicable sustainable urban drainage option is run-off attenuation this can be achieved by a dry, grass covered basin or on-line tanks - literally oversized sewers. Severn Trent Water will need to be involved in the adoption and future management of sewer infrastructure.
- 3 Many species of bird are declining in number and range. Hence most breeding birds in Britain receive protection during the breeding season under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally kill, injure or take any wild bird, to take, damage or destroy a nest while it is in use or being built or to take or destroy an egg of any wild bird. If any birds are discovered during work on the development, the relevant work should be halted immediately and English Nature or your ecological consultant (if you have previously employed one) should be notified and further advice sought. Failure to comply with this may result in prosecution and anyone found guilty of an offence is liable to a fine of up to £5,000 or to imprisonment for a term not exceeding six months, or both.
- 4 Evidence of bats was found on the site, bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 and the Habitats Regulations. The grant of planning permission does not absolve the applicants from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the ODPM Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System.
- 5 Due to the presence of bats recorded on the site, it is suggested that the developer incorporate bat bricks and boxes into the design of the new properties and to plant native trees, common to the area, on site to establish feed grounds for the bats. Green corridors should be maintained where possible as this furnishes wildlife links between habitats. It is recommended that hedgerows with standard trees be planted with a grass strip alongside.
- 6 The applicant should be aware that they should offer two free 3-month bus passes to be used within 6 months, to occupiers of each dwelling.
- 7 Condition 21 requires the provision of a natural wildlife habitat, it is suggested that this be located to the north of Rothley Brook and is afforded appropriate protection in the interest of ecological preservation and enhancement.

Contact Officer:- Miss T Miller Ext 5809

Item: 13

Reference: 06/00905/TPO

Applicant: Paynes Garages Ltd

Location: Paynes Garages Ltd Watling Street Hinckley Leicestershire LE10 3ED

Proposal: WORKS TO 4 TREES

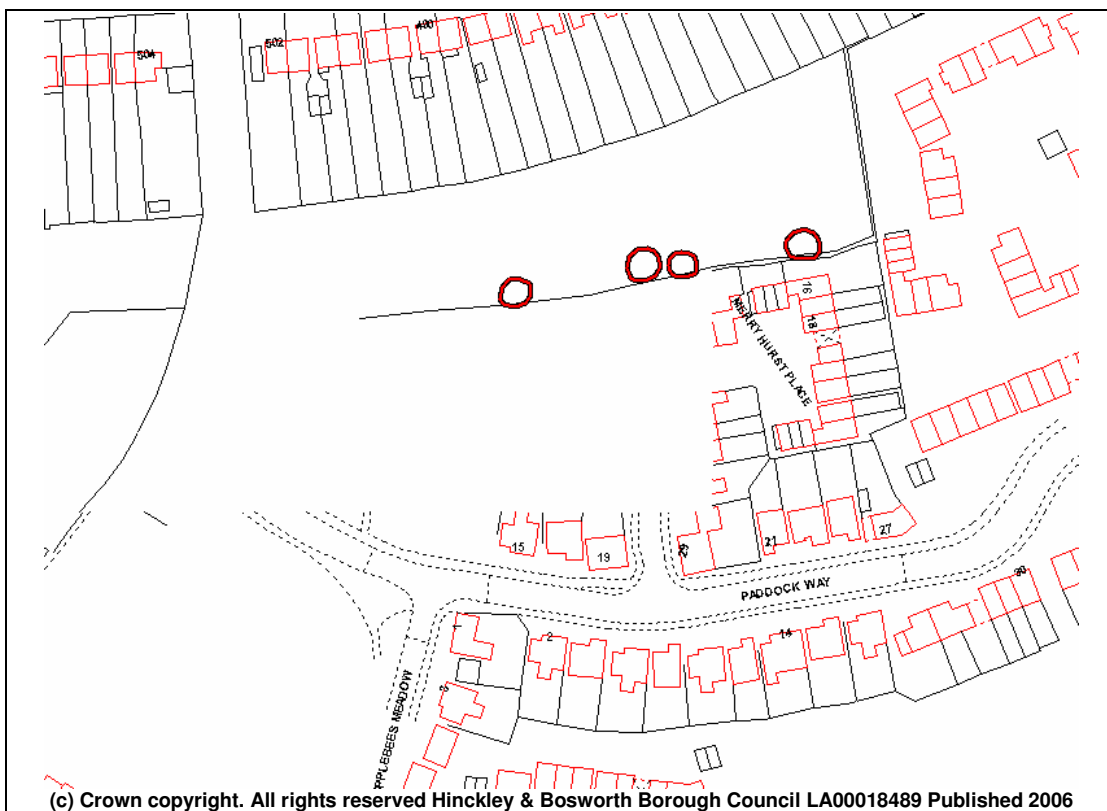
Introduction:-

This is an application for consent to undertake works to trees which form part of the Hinckley (Land at The Paddock, rear of Coventry Road) Tree Preservation Order 2002.

The trees are located at the rear of the site, bordering on the Waterside Park development. The applicant seeks permission to top 4 ash trees which are overhanging a parking area, and are close to 3 dwellings.

History:-

None considered relevant to this application.



Consultations:-

Borough Council's Arboriculturalist advises the 4 ash trees are now overshadowing the 3 dwellings and parking area and recommends crown reduction of up to 50%, with deadwood removal within the crown.

7 Letters have been received from Neighbours and the Committee For The Paddock expressing the following concerns:-

- a) The trees could show deterioration after surgery
- b) The route taken by arborist's machinery could damage bushes and pipes within the paddock
- c) There is no harm or risk posed by the trees

- d) No proper case has been made by the applicant
- e) The man made structures (a tree house) within close proximity to the trees should be removed
- f) Lopping of the trees would have a detrimental impact on local wildlife
- g) The works would result in a loss of privacy to the residents on Coventry Road
- h) The works would result in a temporary closure of the car park.

Development Plan Policies:-

The site lies outside the Settlement Boundary of Hinckley as identified in the Hinckley and Bosworth Local Plan. Policy NE11 relates to Tree Preservation Orders and ensures that protected trees are controlled by the Local Planning Authority to maintain their visual amenity.

Appraisal:-

Following a detailed site appraisal it is considered necessary to carry out the proposed maintenance to improve the living environment of those nearby and to help increase the lifespan of the tree. The Borough Council's Arboriculturalist considers it prudent to carry out the proposed work, due to the brittle nature of the species and the possibility of wind blown timber causing damage to nearby properties.

An assessment by the Committee for the Paddock has been considered, and in the officer's opinion the proposed work would not have a detrimental impact on the visual amenity of the area as new growth within the trees would be stimulated, similarly the impact to the wildlife and bushes within the paddock would be minimised through appointing a qualified arborist to undertake the works.

Other objections raised are not considered relevant to his application.

RECOMMENDATION :- Permit subject to the following conditions :-

- 1 1. Works to be limited to a maximum of 50% crown reduction
- 2 All works to be carried out in accordance with BS 3998 "Recommendation for Tree Works".

Reasons :-

- 1 To maintain visual amenity
- 2 To ensure the works are carried out in a satisfactory manner

Contact Officer:- Mr G Webster Ext 5654

Item: 14

Reference: 06/00930/FUL

Applicant: Mr Rana Singh

Location: Land Adj To 46 Melton Street Earl Shilton Leicestershire

Proposal: ERECTION OF TWENTY APARTMENTS WITH ASSOCIATED ACCESS, CAR PARKING AND AMENITY AREAS

Introduction:-

This is a full planning application for a revised scheme for the redevelopment of the former hosiery factory site on Melton Street. The site is situated towards the south-eastern end of Melton Street, 100 metres south of Hinckley Road. This application has been submitted as the development has not been constructed in accordance with the approved plans in June 2004, reference 04/00523/FUL. A Temporary Stop Notice was served on 21st July 2006 preventing work from continuing that related to the buildings overall height, roof design and elevations until after 21st August 2006. The building constructed is approximately half a metre higher, the roof is a different shape and there are differences in the elevations from those approved in 2004.

Both the previously approved scheme and this proposal are for the erection of 20 apartments on approximately 0.19 hectares of land. This application will include 2 one bedroom apartments, 17 two bedroom apartments and 1 three bedroom apartment.

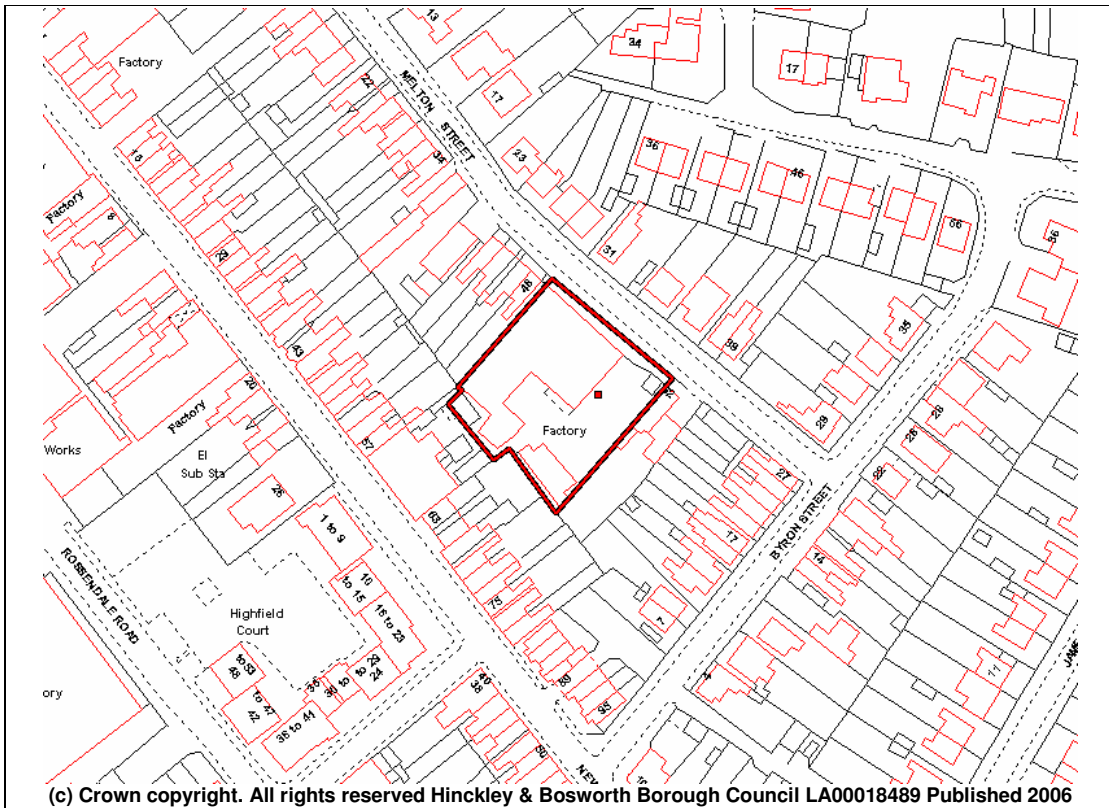
The proposal reflects the appearance of a factory building, which utilises the roof space on the second floor and incorporates two main sections. The main mass of the building is to the north of the site and provides a pedestrian entrance within this element of the building. The second element of the building provides the access way through to the rear of the site. The building remains 3 metres back from the pavement and includes a brick wall on the pavement edge which provides an element of enclosure. There remains within the proposal communal amenity areas which amount to approximately 200 square metres and 30 car parking spaces.

The current application proposes to retain the majority of the roof, as built, with the exception of the smaller section adjacent to no. 52 Melton Street, which will be lowered to the shape and height approved in 2004. Once amended the overall roof height of this part of the building will be 0.9 metres higher than 52 Melton Street. The remainder of the roof will be 1.8 metres higher than this section and 0.6 metres higher than the neighbouring property no. 46 Melton Street. The proposal also amends the windows in the roof fronting Melton Street, removing the lower half of the windows in the lower slope of the roof and adding pairs of windows to the upper slope. The application also seeks to regularise differences in the elevations including the removal of the upper elements of the brick piers which separate the windows; the addition of brickwork between the 1st floor windows and the eaves and the increase in size of the steel beam above the vehicular entrance.

Information submitted in support of the application states that the application has been resubmitted as whilst under construction a number of anomalies occurred between the approved drawings and those issued for construction. As the principle was established with the previous approval this application focuses on addressing the issues identified in the temporary stop notice. These are detailed as reconstructing the lower section of the roof adjacent to no 52 Melton Street to correspond with the profile of the roof previously approved; reducing the visual depth of the beam over the vehicle entrance to a similar dimension as that approved by infilling the web of the exposed steel beam with courses of new brickwork supported on a steel angle welded to the beam and reconfiguration of the windows to address concerns of overlooking.

History:-

04/00523/FUL	20 Apartments associated car parking and amenity areas	Approved	18.07.04
95/00357/FUL	Extension to Factory	Approved	23.06.95



Consultations:-

No objections have been received from:-

Earl Shilton Town Council
The Environment Agency.

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

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

Borough Councils Green Spaces Manager states that there is a net gain of 20 dwellings and that due to the small size of the site it is not possible for any public open space to be provided and a contribution should be sought for off site provision in line with adopted Supplementary Planning Guidance on Play and Open Space. The property is located approximately 328 metres from Wood Street Community Park which acts as the neighbourhood park, providing children's play equipment and formal pitches etc. In this instance a financial contribution to improve existing informal and formal open space at the Wood Street Community Park would be acceptable. The Community Park is undergoing the first phase in a major refurbishment currently but further works will be required in the future to improve the boundaries, community meadow, etc.

As a result of the Developer Contributions Consultation, Leicestershire County Council have the following comments:

- a) Director of Children and Young People's Service - There is spare capacity in the local schools therefore no education contribution is required.
- b) Head of Commercial and Support Services - based on the scale of this

development in respect of additional users of the existing library facilities a contribution of £1,040 towards the cost of books, materials and other facilities is required. This would be spent over a period of 12 months.

- c) Natural Life Project officer - states that no demolition of built structures or felling of trees is involved. However, the records indicate that bats and badger, both protected species by law, have been recorded nearby. It is recommended that the developer maintains/establishes green corridors particularly along the boundaries of the application site as this furnishes wildlife links between habitats. In built up areas the best method of establishing these links is to plant hedgerow with standard trees with a grass strip alongside. Any such existing habitat should be retained and managed to enhance its wildlife potential.
- d) Director of Highways, Transportation and Waste Management - The nearest civic amenity site is Barwell. Contributions are required at a rate of £41.13 per dwelling, equating to £823.
- e) Group Manager, Environment Management - states there does not appear to be much scope for landscaping on this site as the building would be immediately at the back of the footway following the existing building line with car parking well screened to the rear. However, if a landscape scheme is envisaged, then a suitable commuted sum should be requested from the developer to cover the long-term maintenance of any proposed landscape works.

Hinckley and Bosworth Primary Care Trust have requested a financial contribution of £4,592 towards the provision of appropriate levels of health care that is an essential part of any sustainable community.

Ten letters received from local residents raising concerns regarding:-

- a) proposal has changed to 20 'residential units'
- b) concerns regarding the 'type' of people who might occupy them
- c) height of roof
- d) dwarfs neighbouring property
- e) overlooking of properties and gardens
- f) continuation of building works
- g) reduction in parking from previous scheme and lack of parking
- h) damage to adjacent property during construction
- i) inset balconies have doubled in size causing disturbance and privacy issues
- j) domestic refuse area not shown

No response at the time of writing has been received from Leicestershire Constabulary Crime Reduction Officer.

Development Plan Policies:-

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

Policy BE1 of the 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 IMP1 of the Local Plan requires developers to make a contribution towards the provision of the necessary on-site and off-site infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

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

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

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

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

Appraisal:-

Principle

The site is located within the settlement boundary of Earl Shilton where residential development is looked upon favourably providing there is no adverse impact on the amenity of neighbours, character of area and highways. The principle of the development of 20 apartments on this site was approved in 2004 and it is not considered that circumstances have materially changed. As such the principle of the development is considered acceptable.

Design and Layout

The layout of the proposed building and a number of the design features remain unchanged from the application approved in 2004. As such this report will focus on the differences between this application and that approved in 2004.

The exposed beam above the front and rear vehicular access has been extended in both width and height from that approved in 2004, creating an overly dominant feature within the street scene. The application proposes to retain the increased width but to reduce the depth by approximately one third. It is considered that this reduction in depth will sufficiently reduce the dominance of this element of the scheme. The loss of the brickwork between the arches above the 1st floor windows creates a continuous line of 9 arched sections above the windows fronting Melton Street resulting in a strong horizontal emphasis. This is further emphasised by the addition of brickwork above these arches between them and the eaves, which gives a further horizontal emphasis. Whilst it is considered that the brick piers and lower eaves height in the 2004 application resulted in a better elevation to Melton Street, it is not considered that the changes in these architectural features would warrant refusal of the application. The windows in the southwest elevation of the rear projection have been slightly reduced in size and are considered acceptable.

The increase in height of the building and change in shape of the roof will make the building more prominent in the streetscene. When viewed from Melton Street facing southeast, looking towards the junction with Byron Street, only a small section of the roof is visible above that of no. 46 Melton Street and it is not considered that this is an unacceptable relationship. When viewed in the other direction, looking away from the junction with Byron Street, the building is far more dominant. However, this section of the building will be reduced to that approved in 2004. There will be a greater 'step up' between the amended section of roof and remainder of the roof. It is considered that this element will remain a dominant feature when viewed from this section of Melton Street, but does not warrant refusal on this basis.

Impact on Neighbours Amenities

As the roof differs in shape from that approved in 2004, there is a greater potential for overlooking of the dwellings opposite, namely no.'s 29 to 39 Melton Street. However, this application proposes alterations to the windows within the roof fronting Melton Street to remove the sections of the windows which may give rise to overlooking and replace them with roof light windows in the upper plane of the roof. It is considered that these amendments will significantly reduce, if not eliminate, the potential for overlooking of the dwellings opposite and as such are considered both acceptable and an improvement on the 2004 approved scheme.

Concerns have been raised regarding the increase in size of the balconies and the lack of details specifying the location of the refuse areas. It is considered that the increase in size of the balcony would cause an unacceptable degree of overlooking to the adjacent dwelling private amenity space. As such amended plans have been requested reducing the size of the balconies and ensuring that they are set back from the rear elevation. In addition details have been requested of the refuse areas, which must be located within the site away from the adjacent dwellings.

Highways

Concerns have been raised regarding number of car parking spaces provided. There are 30 parking spaces provided which is inline with our adopted standard of 1.5 spaces per flat and the same as that approved in the 2004 application. The Highway Authority has, subject to conditions, not raised objections to the application. The application complies with the adopted standards and the highway details are considered acceptable.

Financial Contributions

The Borough Councils Green Spaces Manager has confirmed that off site provision of public open space should be sought in this instance towards Wood Street Community Park to improve both informal, equipped children's play and formal recreation areas.

The contributions towards the provision of infrastructure and facilities for the 20 apartments are £1,900 per dwelling (£38,000) towards Play and Open Space; £1,040 towards Library Facilities; £823 towards civil amenity and £4,592 towards Health. The above contributions will be secured by a Section 106 agreement.

Other Considerations

The majority of the objections received related solely to the change in title of the proposal to 20 'residential units'. A letter was sent out confirming that the term 'Residential Units' is no different to the term 'apartments'. However, for clarity, the description has been amended to use the term 'apartments'. Whilst concerns have been expressed regarding disruption and damage caused during the construction process this is not a planning consideration.

Conclusion

Officers have clearly had serious concerns regarding the development not being built in accordance with the approved plans and have dealt with this through the use of its enforcement powers. However, Officers and Members need to now consider whether the changes to the scheme carried out and those proposed, are detrimental to a degree do warrant refusal of the application. Balancing the impact in the street scene of the change in the roof and elevations and impact on the immediate neighbour, against the relationship of the windows on the front being altered to improve the relationship to those residents opposite, it is considered that the scheme does not warrant a recommendation of refusal.

RECOMMENDATION :- That following the execution of an Agreement under Section 106 of

the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide financial contributions towards play and open space, libraries, civic amenity and health the Head of Culture and Development be granted powers to issue Planning Permission subject to the conditions below. Failure to complete the agreement by 24 November 2006 may result in the application being refused. :-

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 This permission relates to the application as revised by amended plan **** received by the Local Planning Authority on ****.
- 3 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the Highway boundary and shall be hung so as to open inwards only.
- 4 Notwithstanding the submitted details, no walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.
- 5 The car parking and any turning facilities shown within the curtilage of the site shall be provided before any dwelling is occupied and shall thereafter permanently remain available for such use.
- 6 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 6 metre control radii on both sides of the access.
- 7 Before first use of the development hereby permitted the access drive, turning space and car parking areas shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate), marked out in accordance with the approved plan and once provided shall be so maintained at all times.
- 8 Notwithstanding the submitted details, before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.
- 9 The full width of the access displayed on the approved plan shall be provided and so maintained at all times.
- 10 The gradient(s) of the access drive(s) shall not exceed 1:10 for the first 5 metres behind the highway boundary.
- 11 No further development shall commence on site a landscaping scheme shall be submitted to and approved by the Local Planning Authority. This scheme shall indicate the treatment proposed for all ground surfaces together with the species and materials proposed and their disposition.
- 12 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.

- 13 No further development hereby permitted shall 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.
- 14 Details of all boundary treatment to the site including retaining walls shall be submitted to and approved in writing before any further development commences, and implementation in accordance with the approved scheme before any of the flats are first occupied.
- 15 A landscape management plan, including long term objectives, management, responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development, whichever is sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 16 Prior to the occupation of the first residential unit, full details of security lighting and other forms of external illumination shall be submitted to and approved in writing by the Local Planning Authority. The scheme of illumination shall be implemented in accordance with the approved details and no other security lighting shall be permitted without the written consent of the Local Planning Authority.
- 17 Prior to the occupation of the first residential unit, full details of the position of satellite antennae shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and no antennae shall be permitted without the written consent of the Local Planning Authority.
- 18 No further development shall commence until the recommendations of the Saier Geotechnical Limited Desktop Study and Site Investigation report dated April 2005 have been carried out to the satisfaction of the Local Planning Authority and this has been confirmed in writing by the same.
- 19 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 4 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 6 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free

and safe passage of traffic in the public highway, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 7 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 In the interests of pedestrian safety, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 11 To enhance the appearance of the development to accord with policy BE1 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 12 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 13 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.
- 14 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property.
- 15 To ensure that all communal areas are satisfactorily maintained at all times.
- 16 To provide sufficient security measures as well as preventing unnecessary light pollution to accord with policies BE1 and BE26 of the adopted Hinckley and Bosworth Local Plan.
- 17 To safeguard amenities of neighbouring properties to accord with policy BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.
- 18&19 To ensure that the site is not contaminated and to safeguard the health of future occupiers to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 3 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager - (telephone 01530 262380).

Contact Officer:- Mr D Warden Ext 5691

Item: 15
Reference: 06/00934/FUL
Applicant: A C Shropshire
Location: 125 The Park Market Bosworth Nuneaton Leicestershire CV13 0LP
Proposal: EXTENSIONS AND ALTERATIONS TO DWELLING

Introduction:-

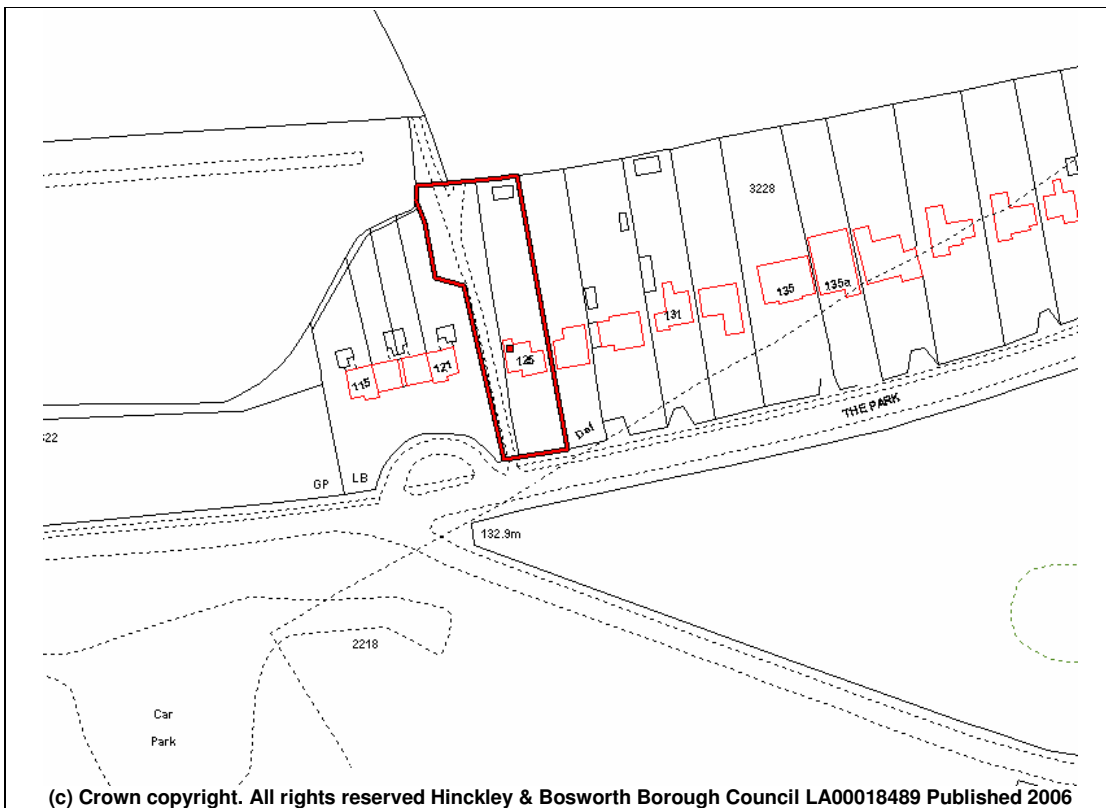
This is full planning application for extensions and alterations to a detached property on The Park, Market Bosworth. It appears that the existing property has been vacant for some time. The scheme includes substantial two storey extensions and alterations to both the side and rear of the property and also the erection of a detached double garage. This scheme follows two previous applications and pre-application consultation. However, the application is a resubmission of a similar proposal previously refused.

The Park is located outside the settlement boundary of Market Bosworth, extending from the village and leading out to the A447 and open countryside. The land surrounding Market Bosworth is designated as an area of particularly attractive countryside. The conservation area boundary is also in close proximity to the site. The Sycamore trees fronting the highway are protected by a County Council Order.

A design statement is included as part of the application suggesting the proposal has been designed to compliment the existing structure and architectural style to create an improved dwelling of commensurate size to its neighbours.

History:-

06/00233/FUL	Extensions and alterations to dwelling	Refused	24.04.06
05/00835/FUL	Demolition of existing dwelling and erection of new dwelling	Withdrawn	



Consultations:-

No objection received from Head of Health and Environment.

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

Director of Highways, Transportation and Waste Management.

Neighbours and Parish Council consulted, no response received at the time of writing the report.

Development Plan Policies:-

The site is within open countryside and an area of particularly attractive countryside in the adopted Hinckley and Bosworth Local Plan. It is outside the Conservation Area. Policy NE5 of the Local Plan relates to development in the countryside, seeking to safeguard the character and appearance of the open countryside.

Policy NE9 of the Local Plan refers to Areas of Particularly Attractive Countryside. Within these areas the protection and conservation of high quality landscape are a primary consideration. Notwithstanding the provision of other policies within the local plan, the Local Planning Authority will resist development which would have a detrimental effect upon the conservation of the landscape.

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

Policy RES7 of the Local Plan seeks to protect the amenity and privacy of existing residents and improve the quality of the built environment by promoting good design. Accordingly,

extensions to existing dwellings should not unduly detract from the amenities enjoyed by the occupiers of adjoining properties, the general environment of the area, or the architectural character of the existing building. Planning permission will only therefore be granted for extensions to dwellings that respect the scale and character of the existing dwelling and street scene.

Policy BE7 states that the primary policy will be the preservation or enhancement of the special character of the conservation area, including the buildings, related spaces, views in and out of the area, topography and vegetation.

Guidance Note 1b of the Borough Council's approved Supplementary Planning Guidance (revised July 1997) also provides further design guidance for house extensions. This guidance reiterates that extensions should respect the scale and character of the existing dwelling and street scene and should not overwhelm the existing house or neighbouring properties.

Appraisal:-

It is apparent that The Park has been developed and extended over a period of time. As such, it comprises of a variety of properties of different styles and scale. The majority of properties along The Park are detached and occupy large plots. It is also apparent that a number of the properties along The Park have been altered and extended. The application site appears to be one of the earlier properties on The Park and despite needing some attention is an attractive building.

Taking into account the size of the plot and the surrounding built form it is considered the principle of extending the property is acceptable. However, this is subject to the relevant plan policies and supplementary planning guidance seeking to ensure that the scale of proposed extensions are subordinate, respecting the size and character of the existing property. In addition to this, as the property lies outside the settlement boundary and within an area of particularly attractive countryside, further consideration needs to be given to the modifications to ensure that the countryside is protected for its own sake.

Whilst it is considered the design of the proposal has incorporated design details from the existing building, the scale of the proposal does not. The application proposes to extend the dwelling on three elevations and increasing the ridge height from approximately 7.3 metres to 8.6 metres, leaving little remaining of the existing property. This proposes to significantly extend the footprint and overall scale and general mass of the building. Accordingly, taking into consideration the scale of the proposal, in addition to the location of the site, the scheme is considered to be tantamount to a new dwelling in the open countryside. Following the withdrawal of an application seeking to demolish the existing building and erect a new dwelling, the Borough Council has consistently advised the applicant that the principle of extending the property is likely to be acceptable but is subject to the requirements of the relevant plan policies. Despite previous advice suggesting a reduction in the scale of the proposal, the applicant has resubmitted an application comparable to that previously refused.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, the proposed extensions and alterations are considered to be out of keeping with the scale and appearance of the existing dwelling resulting in a scheme which is tantamount to a new dwelling in the open countryside, contrary to the intentions of Policy NE5, BE1 and NE9 of the adopted Hinckley and Bosworth Local Plan and Supplementary Planning Guidance relating to house extensions.

Contact Officer:- Miss E MacDonald Ext 5682

Item: 16

Reference: 06/00956/FUL
Applicant: Mr And Mrs B Wright
Location: 12 Bradgate Road Hinckley Leicestershire LE10 1LA
Proposal: FIRST FLOOR EXTENSION TO DWELLING

Introduction:-

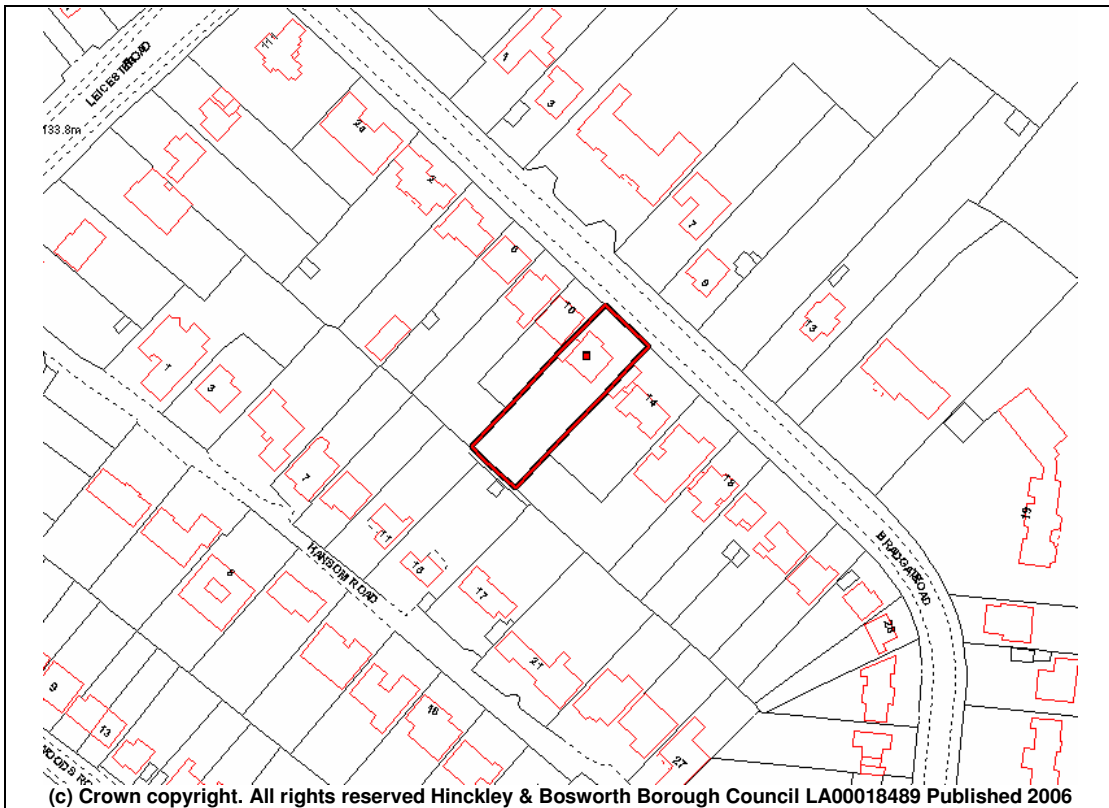
This is a full application for a first floor extension over an existing garage to the side of no.12 Bradgate Road, Hinckley, a detached house. The proposal includes a balcony to the rear. The road is characterised by other detached properties of varying individual designs in spacious grounds.

This application is being reported to Committee as the applicant is a Member of the Council.

A similar scheme was approved in 1994 but never implemented. The current scheme involves small differences such as in the roof form and the retention of a chimney.

History:-

94/00358/FUL Extension to dwelling Approved 26.05.94



Consultations:-

No objections have been received from:-

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

No response has been received from neighbours.

Development Plan Policies:-

The property lies with the settlement boundary for Hinckley, as identified in the adopted Hinckley and Bosworth Local Plan.

Policy RES7 of the adopted Local Plan stipulates that extensions must respect the scale and character of the existing dwelling and the street scene, retain adequate parking within the curtilage of the dwelling and utilise materials and design details that mirror the existing building thus creating a unified overall appearance. In addition extensions should not adversely affect the occupiers of neighbouring properties and must be carefully sited to avoid the terracing effect.

Policy BE 1 of the adopted Local Plan provides the basis for assessing the design and siting of development and seeks to ensure a high standard of design, to secure attractive development and safeguard and enhance the existing environment.

The Council's adopted Supplementary Planning Guidance on extensions (note 1b) provides further guidance on such proposals.

Appraisal:-

Officers are of the view that the current proposal does not represent a significantly different proposal to that previously approved in 1994.

The existing attached garage is set back approximately 4 metres from the front wall of the property, which, itself, is set back 8 metres from the road. Accordingly, it is not considered that the impact of the proposal on the street scene would be significant. The design of the extension would be in-keeping with the main dwelling, including the hipped roof and eaves level. There is a small minor window in the gable end of the adjacent property. It is not considered that the proposal would cause undue harm to the amenities of the occupiers of that property.

The balcony could potentially cause overlooking of the neighbouring property, although the boundary here is well screened with trees. Nevertheless, a screen wall is proposed along the side of the balcony to further minimise any potential loss of privacy. The previous approval also included a similar designed balcony.

Bearing in mind the above, and that there has been no material change in circumstances since the previous approval, the proposal is considered acceptable subject to the conditions as set out below. Again, these reflect the conditions attached to the previous approval.

RECOMMENDATION :- Permit subject to the following conditions :-

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.
- 3 The trees along the south eastern boundary of the application site, where these are within the control of the applicant or any subsequent owner, shall be retained and maintained at all times and shall not be lopped, topped, pruned or otherwise severely damaged without the prior written consent of the Local Planning Authority. Any trees found dead, dying or diseased within five years from the completion of the development hereby approved shall be replaced by trees of a size and species to be agreed with the Local Planning Authority.
- 4 The balcony screen wall, as shown on the submitted drawings, shall not be removed or altered in any way unless agreed in writing with the Local Planning Authority.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property, to accord with Policy BE1 and RES7 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property, to accord with Policy BE1 and RES7 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer:- Mr N Wright Ext 5605