

REPORT P39

PLANNING COMMITTEE

07.11.2006

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: 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:-

Consideration of this application was deferred by Committee at its meeting in October to enable the applicant to consider amending the scheme in the following ways:-

- a) introduce a stagger in the building line to break the massing of the current design.
- b) incorporate greater detailing to respect the design features found in the Conservation Area and create individual properties.
- c) provide comprehensive landscape screening to the rear boundary.
- d) Consider reducing the scheme to three units to create adequate private amenity space for each dwelling.

At the time of writing this report negotiations were ongoing with the agent and applicant in respect of these changes and will be reported as a late item when the full details are submitted.

With regards to reducing the scheme from four to three units (to increase the private amenity space of each dwelling to an acceptable level) the applicant has indicated this is non negotiable. On this basis the recommendation remains for refusal. For members information the previous report to Committee is repeated below and modified to include the late items from October's agenda and more up to date information regarding the development.

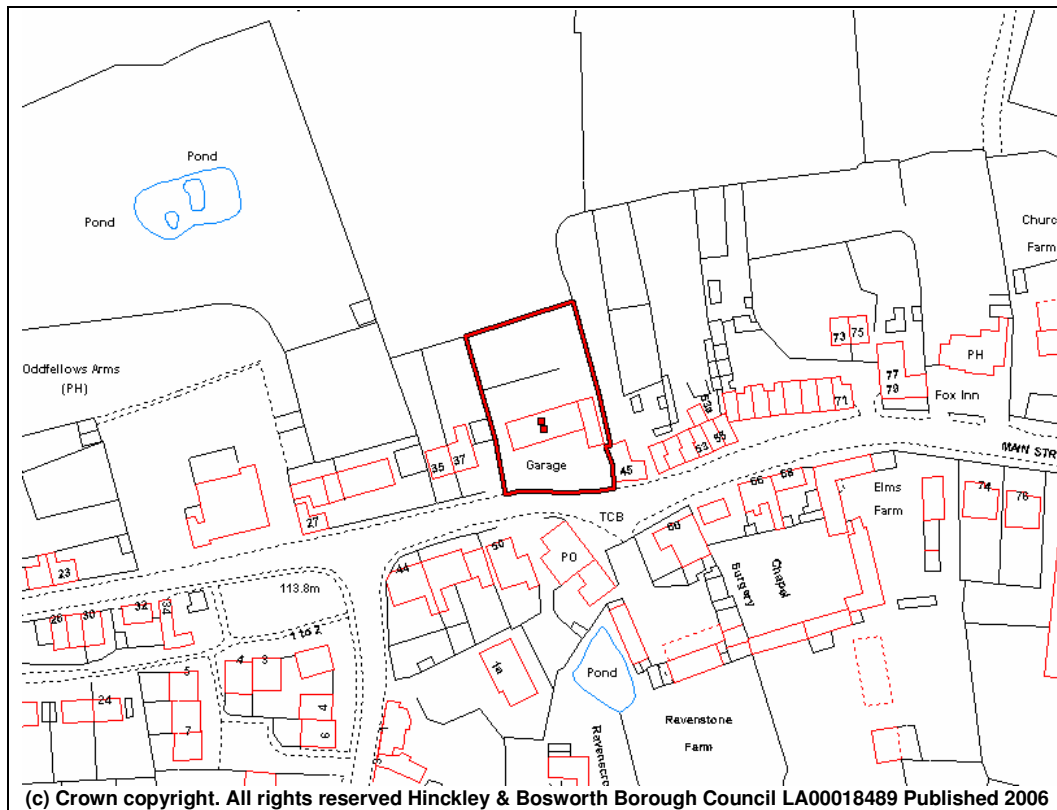
This is a full application for the demolition of the existing Old Forge Garage and the erection of a block of 4 new terraced dwellings and associated car parking. The site is within Higham-on-the-Hill close to the village centre, there are residential properties to the east, south and west and open countryside 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 Highways, Transportation and Waste Management (Highways)
Borough Council's Land Drainage Consultant.

Director of Environment and Heritage Services (Rights of Way) comments that the line of footpath T49F that crosses the site should not be obstructed by any operations associated with the development, and that free access by pedestrians is maintained at all times.

Higham on-the-Hill Parish Council have no objections but make the following comments:-

- a) the development should compliment the existing buildings in the village and special attention should be paid to the quality and texture of the brickwork using matching materials.
- b) planting along the rear boundary should feature a natural hedgerow to preserve the views in and out of the site.
- c) block paving to match the existing traffic calming scheme should be used on areas of hard standing.
- d) access to the public footpath should be clearly marked and made safe, perhaps even a footway considered.

Leicestershire County Council (Developer Contributions) request contributions towards library services.

The Borough Council's Green Space Manager requires developer contributions of £1900 per dwelling to improve the existing formal and informal open space in the village at the King George V playing fields and Nuneaton Lane recreation ground as identified in the Council's Green Space Strategy.

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.

Neighbours notified, Site and Press Notice issued, one letter received raising the following issues.

- a) the revised scheme that includes four properties is not in keeping with, and would spoil the aesthetics of the village.
- b) would lead to increased on street parking in an area that is already restricted.
- c) failing to respect the existing building line will lead to a detrimental impact on the neighbouring property in terms of overshadowing.

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 on the 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 initial 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 limits of 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 hard standing 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.

Negotiations between the applicant and your officers are continuing and although improvements to the design and layout may be forthcoming the number of dwellings remains at four with the consequence that the private amenity space for each dwelling is wholly inadequate. Members will be updated on the late item agenda with regard to the amended scheme.

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: 02

Reference: 06/00822/FUL

Applicant: Ian Neale Homes Ltd

Location: 60 Main Street Higham On The Hill Leicestershire CV13 6AH

Proposal: CONVERSION OF FARMHOUSE AND OUTBUILDINGS INTO FOUR DWELLINGS AND ERECTION OF GARAGE BLOCK

Introduction:-

This is a full application for the renovation and conversion of a former farmhouse and its associated barns to form four dwellings. The farmhouse, No.60 Main Street, is a Grade II listed building and the barns are within its curtilage. A separate garage block is proposed to the rear of the barns.

The farmhouse is located within the centre of the village and fronts directly onto Main Street, whilst the barns form a courtyard to the rear and side. The site is surrounded by other residential properties, although open countryside lies to the rear, beyond the barns. The site would be accessed off Main Street, using the existing/former farm access.

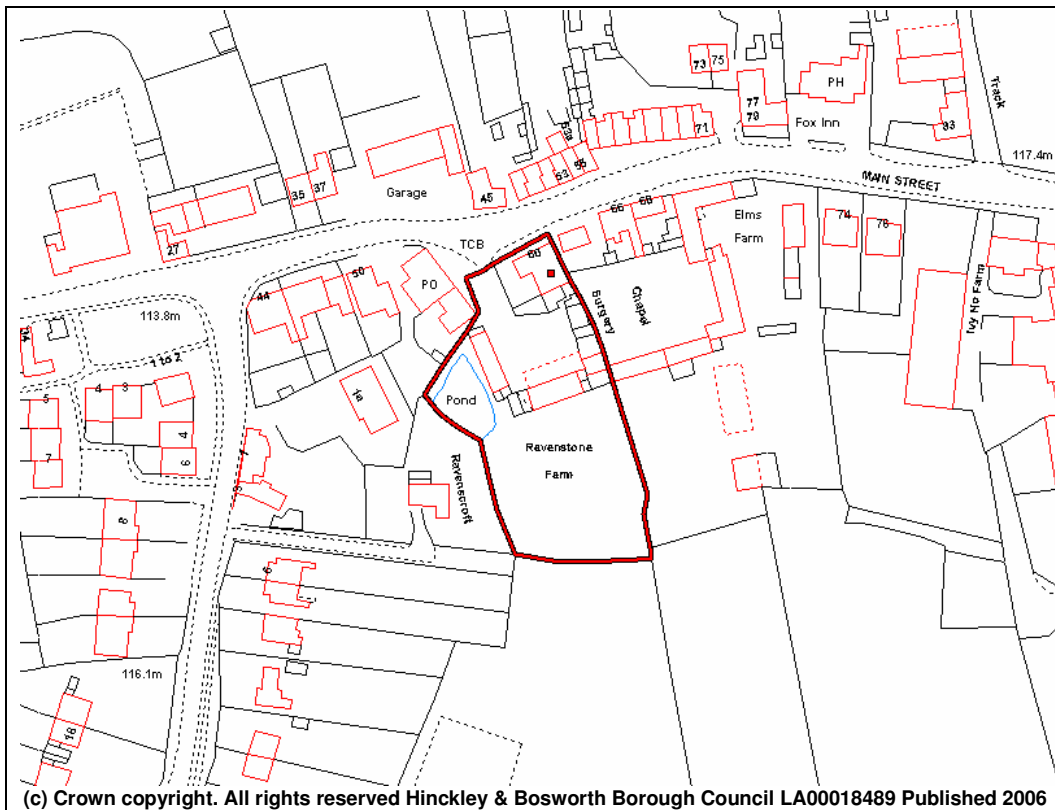
A Historic Building and Archaeological Impact Assessment and a structural survey have been submitted with the application, which concludes that the barns are generally robust and could be adapted to residential units without wholesale demolition or extensive rebuilding.

The current application is to be amended following extensive discussions between officers and the agent, which will show a further reduction in the number and type of openings in the barns, the retention of a number of historic features, a reduction in the size of the garage block to the rear of the site and additional landscaping.

For Members information, an application for Listed Building consent for the proposed alterations was submitted at the same time as the current application, but is currently invalid.

History:-

- 05/01081/LBC Conversion of farmhouse to two dwellings, withdrawn 28.11.05
conversion of barns to three dwellings
and erection of new dwelling and garage
block with ancillary accommodation.
- 05/01082/FUL Conversion of farmhouse to two dwellings, withdrawn 28.11.05
conversion of barns to three dwellings
and erection of new dwelling and garage
block with ancillary accommodation.



Consultations:-

No objection has been received from:-

Borough Council's Land Drainage Engineer
Borough Council's arboricultural consultant
Site Notice
Press Notice.

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

The Head of Health and Environmental Services
Director of Community Services (Archaeology)
Environment Agency.

Director of Highways, Transportation and Waste Management objects on the grounds that the applicant has failed to demonstrate that the proposal would not result in an unacceptable increase in traffic using an access with poor visibility.

Higham on the Hill Parish Council requested a site visit for the development.

Neighbours notified, one letter received from the owner of adjoining land, who operates a horse riding establishment. The owner is concerned about the impact of the use of the new garages and private garden areas at the rear of the site, on the safe use of a nearby manege. The neighbour also expresses concern about any development beyond the designated settlement boundary for the village and that he was not formally notified of the proposal.

The Borough Council's Green Spaces Manager advises that the property is located within 159 metres of King George V playing fields which provides informal and formal open space. A requirement of £1,900 for each of the three additional dwellings is, therefore, sought in accordance with the Council's play and open space policies and Supplementary Planning Guidance on Play and Open Space and its Green Space Strategy. The applicant has agreed to the requirement.

Development Plan Policies:-

The site lies mostly within the settlement boundary for Higham on the Hill, as designated in the adopted Hinckley and Bosworth Local Plan, and within the Higham on the Hill Conservation Area, which exactly follows the settlement boundary in this location. However, a proposed garden area associated with one of the converted barns, and part of the access to the rear garage block lie beyond this and, therefore in the countryside.

Policy BE1 of the adopted Hinckley and Bosworth Local Plan requires a high standard of design amongst other criteria, whilst policy T5 of the adopted Hinckley and Bosworth Local Plan seeks to apply the County Council highway standards and parking targets when considering new development.

Policy BE4 of the adopted Hinckley and Bosworth Local Plan refers to alterations to listed buildings in that they will only be permitted providing they do not detract from the architectural or historical character of the listed building.

Policy BE5 of the adopted Hinckley and Bosworth Local Plan advises that the setting of listed buildings will be preserved and enhanced by appropriate control of new development.

Policy BE7 of the adopted Hinckley and Bosworth Local Plan advises that in Conservation Areas, the primary planning policy will be the preservation or enhancement of their special character.

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

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

Appraisal:-

The main part of the site lies within the settlement boundary of the village. As amended, the scheme will generally utilise existing openings rather than creating fresh openings in the fabric of the buildings and these alterations are, therefore, considered acceptable. The barns and the main listed farmhouse are in need of renovation and the proposal to bring them back into use is welcomed in that it will help to secure the future of the buildings. The proposals will also enhance the character and appearance of the Conservation Area. Due to its location within the village, it is unlikely that the site will now be considered as appropriate for future agricultural uses, if it were, there would be likely to be considerable detrimental impacts on the residents of the village caused by traffic movements, noise, disturbance and odours.

Although officers would prefer to see all garaging contained within the existing buildings, this has to be balanced against the potentially extensive alterations that would be necessary to create such accommodation. However, parking is to be provided within the existing buildings for the use of the occupiers of the two dwellings within the converted farmhouse. With regard to the converted barns, officers accept that the location of a garage block to the rear of the site to serve these dwellings probably represents the best solution in those cases. The garage block itself is to be located within the settlement boundary, although part of the access and turning area falls within open countryside, as does a private rear garden area for one of the barns. However, it is considered that these elements would not result in a significantly detrimental impact on the existing character and appearance of the surrounding landscape and countryside. On balance, therefore, the proposals are considered acceptable.

Improvements to the landscaping along the south-east boundary should ensure that any visual disturbance caused to neighbours is minimised. It is felt that it would not be reasonable to refuse the application merely on the grounds that uncontrolled noise or disturbance may be caused to the use of the adjoining riding establishment land. This is essentially a village location where a certain level of noise would be expected. Furthermore, the level of noise would be much more disruptive if the farm, including the land to the rear, was returned to agricultural use.

The proposed works to the mature trees on the site are considered to be sensible and essential maintenance; endorsed by the Borough Council's arboriculturalist consultant.

In conclusion, officers are of the opinion that the conversion of the listed building to two separate units, and the existing barns to an additional two residential units will respect the character and appearance of the barns and the surrounding rural landscape and would be in accordance with the Development Plan.

At the time of writing this report, the applicant is intending to clarify and resolve the Highway Authority's concerns about the development. The outcome of those discussions will be reported to Members at the meeting.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, BE4, BE5, BE7, BE20, NE5, NE14 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 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed alterations, extensions and conversions shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A-H and Part 2, classes A and C shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - i) proposed finished levels or contours
 - ii) means of enclosure
 - iii) hard surfacing materials
 - iv) planting plans
 - v) written specifications
 - vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - vii) implementation programme.
- 6 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 7 All new windows and doors shall be recessed and constructed in painted timber. Full details, including cross sections of the window transoms, mullions/glazing bars, cills and adjacent brick work and doorframes, together with the BS colour codes to be used on all external faces, and details of all rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be implemented in accordance with the approved details.
- 8 The insertion of all rooflights shall be of a conservation style and shall not protrude above the plane of the roof slope. No additional breaches other than those depicted on the approved plans to the external fabric of the building, including extraction ducts, vents or flues shall be implemented without prior written consent of the Local Planning Authority.
- 9 Details of the surfacing of the courtyard area shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with approved details.
- 10 There shall be no subdivision of the courtyard area in front of the dwellings.
- 11 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.

- 12 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 13 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.
- 14 Notification of the commencement of development should be given in writing not less than 14 days before development commences.
- 15 No development shall take place within the application area until the applicant has secured the implementation of a programme of historic building recording and 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.
- 16 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.
- 17 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE4 and BE20 of the adopted Hinckley & Bosworth Local Plan.
- 4 To safeguard amenities of neighbouring properties and in the interests of the character and appearance of the buildings to accord with policy BE1, BE5 and BE20 of the adopted Hinckley & Bosworth Local Plan.
- 5 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE20 of the adopted Hinckley and Bosworth Local Plan.

- 7-10 To ensure that the development has a satisfactory external appearance to accord with policy BE7 of the adopted Hinckley & Bosworth Local Plan.
- 11-14 In the interests of the residential amenities and safe environment of the future occupiers to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 15 To ensure satisfactory historic building recording and archaeological investigation and recording to accord with Policy of BE16 of the adopted Hinckley and Bosworth Local Plan
- 16 To ensure the provision of public open space to accord with policies REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan
- 17 To prevent pollution of the water environment, to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of English Nature contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 It should be noted that when permission is granted for proposals to convert barns to residential it is based on the barn being structurally sound and therefore no need for substantial demolition or rebuilding. Should it become apparent during conversion works that demolition works are required you should contact the Local Planning Authority immediately on 01455 238141. Where demolition works take place without the permission of the Local Planning Authority, planning permission will be required for the rebuild, and as this would essentially constitute a new dwelling in the open countryside
- 4 In relation to condition 12 advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
- 5 The suitability of the ground for soakaways should be ascertained by using the test in BRE Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. the soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.

Contact Officer:- Mr N Wright Ext 5605

Item: 03
Reference: 06/00944/FUL
Applicant: FE Downes
Location: 44 Westfield Road Hinckley Leicestershire LE10 0QW
Proposal: DEMOLITION OF EXISTING HOUSE AND ERECTION OF FOUR HOUSES AND SIX APARTMENTS (REVISED SCHEME)

Introduction:-

This is a revised full application for the erection of four new houses and a block of six apartments on land at 44 Westfield Road. Members will recall a previous scheme for the demolition of the existing house and erection of four houses and six apartments, reported to and approved at Planning Committee, in July of this year. The scheme has now been revised to incorporate an additional dormer window to the rear elevation of the proposed apartment building. The amendment has been proposed in order to provide the additional headroom required following the submission of a Building Regulations application. The additional dormer window replaces a roof light window sited between two further dormer windows. No alteration to the overall ridge height has been proposed. The dwelling previously occupying the site was demolished following the receipt of planning permission earlier this year.

An operational railway track runs along the rear of the site. The site is otherwise surrounded by residential properties; a detached bungalow to the west and two storey semi-detached houses to the east and opposite.

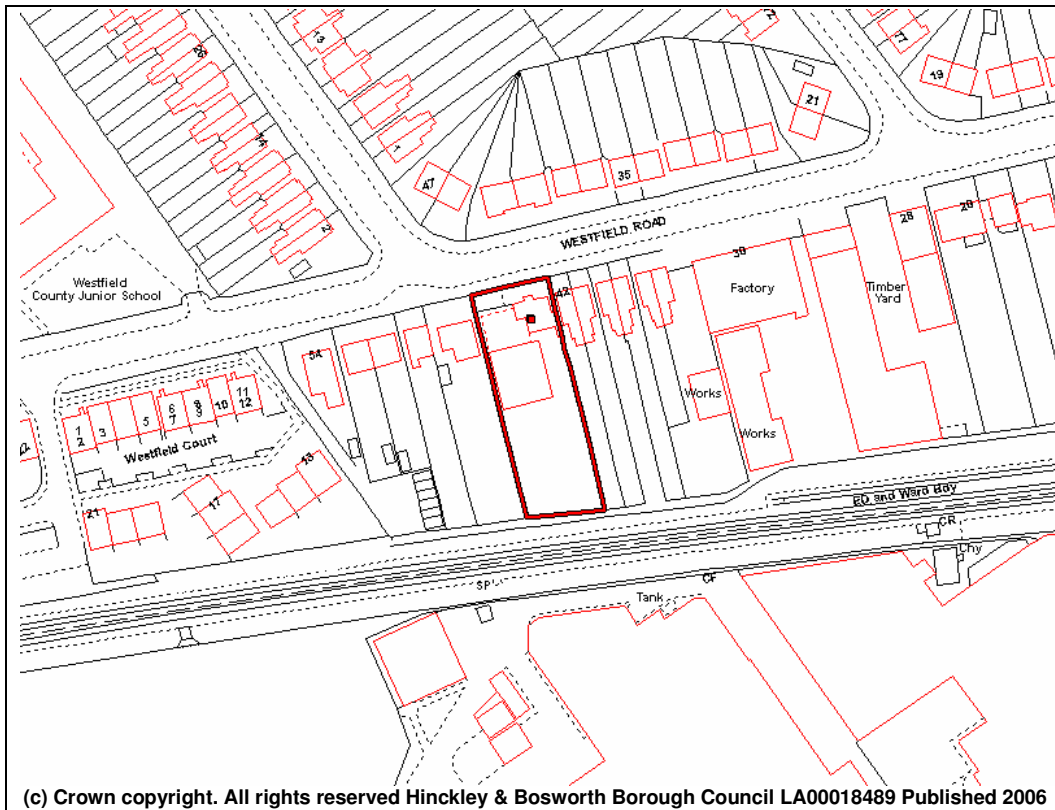
The scheme shows a single apartment block at the front of the site and a terrace of four two-storey houses to the rear, with rear-facing dormer windows. The apartment building is three-storey in height incorporating dormer windows to both the front and rear elevations.

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

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

History:-

06/00352/FUL	Demolition of existing house and erection of four houses and six apartments	Approved	31.08.06
05/00059/FUL	Demolition of existing house and erection of four houses and seven flats	Refused	18.05.05
04/01057/FUL	Demolition of existing house and erection of four houses and eight apartments	Withdrawn	29.11.04
02/01435/FUL	Erection of three dwellings and garaging	Approved	07.11.03
00/00865/OUT	Demolition of existing greenhouse and erection of two dwellings	Approved	15.02.01



Consultations:-

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

Severn Trent Water
 Primary Care Trust.

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

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

Director of Highways, Transportation and Waste Management
 Environment Agency
 Leicestershire Constabulary Crime Reduction Officer
 Network Rail.

Neighbours notified no letters of objection have been received.

Development Plan Policies:-

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

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

Policy BE1 of the Local Plan states that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area, where they comply with appropriate design, layout, highways and parking standards to

ensure that it does not detract from the general character of the area or the amenities of the adjoining residents and incorporate landscaping to a high standard.

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

Appraisal:-

Principle

Residential development has already been established on the site with the grant of previous planning permissions.

Design

The nature of the site and its surrounding properties presents limitations for the design implications of the proposal. The mix of properties adjacent to the site means that the proposal needs to be carefully designed in order to ensure the development sits comfortably within the street scene. As previously negotiated, the current proposal has attempted to incorporate features of the surrounding properties and proposes a ridge height reflective of the height of the neighbouring semi-detached dwellings. However, the reduced ridge height has resulted in difficulties with regard to achieving the required headroom, above the stairs to the second floor. Accordingly, a further dormer window is now proposed. By virtue of the windows siting, in between two existing dormer windows, the addition has little impact on the overall design of the proposal and is not considered to present any additional impact on the neighbouring dwellings.

Highway Considerations

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

As the scheme does not alter the number of dwellings from that previously approved, the Director of Highways, Transportation and Waste Management raises no objection to the application subject to standard conditions.

Developer Contributions

The application would, if approved, require a contribution towards play and open space provision from three of the dwellings and all six flats. This would equate to £17,100 in line with the objectives of both the adopted Green Space Strategy and recommendations of the Parish Public Open Space Quantity/Accessibility Audit 2005.

The County Council would require a financial contribution of £260 towards library facilities and a contribution of £370 made payable towards civic amenity, if the application receives approval. A request for a financial contribution of £7,316 has been Education contributions.

RECOMMENDATION: That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972 towards play and open space, education, library facilities and waste management, the Head of Culture and Development be granted powers to issue planning permission subject to the following conditions below. Failure to complete the agreement by the 4th December 2006 will result in the application being refused.

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 buildings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 7 metres behind the highway boundary and shall be hung so as to open inwards only.
- 4 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 Before first occupation of any dwelling hereby permitted turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.
- 6 For the period of construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the highway.
- 7 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 8 The car parking facilities shown within the curtilage of the site shall be provided before the first use of the development hereby permitted and shall thereafter remain available for such use.
- 9 Before first use of the development hereby permitted, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 7 metres behind the highway boundary and shall be so maintained at all times.
- 10 The proposed access shall have an effective width of a minimum of 4.8 metres for a distance of at least 5 metres behind the highway boundary. The access drive once provided shall be so maintained at all times.
- 11 Notwithstanding the details shown on the submitted drawings, development shall not begin until a scheme for protecting the proposed dwellings from noise from the adjacent railway has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

- 12 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
- (i) proposed finished levels or contours
 - (ii) hard surfacing materials
 - (iii) planting plans
 - (iv) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - (v) implementation programme.
- 13 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.
- 14 The hedge indicated on the approved plan shall be retained and shall not be cut down, uprooted or destroyed without the prior approval of the Local Planning Authority. If the hedge is to be found dying or diseased within five years from the completion of the development hereby approved it shall be replaced by a hedge of a size and species to be agreed therewith.
- 15 No development shall commence on site until details of the proposed disposal of surface water and foul water, to serve the development hereby permitted, have first been submitted to and approved in writing by the Local Planning Authority.
- 16 All windows along the side elevations of the apartment building hereby approved, shall be glazed with obscure glass and retained as such at all times thereafter.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 To enable a vehicle to stand clear of the highway whilst the gates are opened.
- 4 To ensure that an adequate line of vision is available in the interests of road safety to accord with policy BE1 and T5 of the Hinckley and Bosworth Local Plan.
- 5 To ensure that vehicles may enter and leave the site in a forward direction in the interests of road safety to accord with policy BE1 and T5 of the Hinckley and Bosworth Local Plan.
- 6 To reduce the possibility of deleterious material (mud, stones etc) from being deposited in the highway and becoming a hazard for road users.
- 7 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.
- 8 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

- 9 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
- 10 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.
- 11 In the interests of residential amenity to accord with Policy BE1 of the Hinckley and Bosworth Local Plan.
- 12 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 13 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.
- 14 To ensure that the existing hedge is retained and protected. To safeguard amenities of neighbouring properties to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 15 To ensure that adequate drainage is provided for the development.
- 16 In the interests of residential amenity to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of English Nature contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager - (telephone 01455 283341)
- 4 In regards to Condition 10, if the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is bounded on both sides, additional 0.5 metre strips will be required on both sides.
- 5 In relation to Condition 15 the drainage systems should incorporate SUDS principles.

Contact Officer:- Miss E MacDonald Ext 5682

Item: 04
Reference: 06/00995/FUL
Applicant: HC Wakefield (Builders) Ltd
Location: Land Adjacent 5 Church Walks Stoke Golding Nuneaton
Leicestershire
Proposal: ERECTION OF ONE DWELLING

Introduction:-

This is a full planning application for the development of land situated approximately 40 metres to the south of St Margaret's church which is grade 1 listed and immediately to the west of Church Walks, Stoke Golding. The rear garden of 38 Andrew Close abuts the western boundary, the car park of the George and Dragon public house forms the southern boundary and the northern boundary is no. 5 Church Walks and its rear garden. The site falls approximately 0.75 metre from west to east and the frontage is open to Church Walks. On the eastern side of Church Walks, opposite the application site, is a garage, constructed in the recent past under permitted development rights.

Church Walks is an important route, which is well used by the local community and also links St Margaret's CE Primary School on the High Street and the church with the village centre. Although there is no pavement, it is adopted highway from the High Street to a point, 4 metres to the south of No 5 Church Walks. From there, southwards, it is classified as a public footpath. The properties, which front this part of Church Walks are very close to the edge of the jitty. Pedestrian access to the property at No 5 Church Walks, which is located on the right angle bend in the jitty, is directly off the jitty.

The proposal is for the erection of a single three bedroom detached dwelling on approximately 290 metres square of land. The site was originally occupied by three terraced cottages, which were demolished in the 1960's.

The applicant's agent has submitted a design and access statement in support of the application. The design statement indicates that the residential development has been designed in a simple cottage style incorporating traditional local features such as arched brick lintels, small paned windows and corbelled eaves. A highway appraisal has been included which includes sketches of vehicle swept path plots around the bend in the jitty and into the site. An open frontage proposed along the front of the application site to increase the available space in this section of Church Walks.

Site History:-

Since the demolition of the three cottages on the site a number of applications have been submitted for residential development. These applications include: 71/4831/05, 71/6428/05 and 72/6556/4. All three applications were refused because the additional vehicular traffic would result in danger to pedestrians using Church Walks.

More recently:-

90/0986/4	Detached house and double garage	Refused
90/0746/4	Dwelling and garage The subsequent appeal was dismissed.	Refused
04/01290/FUL	Erection of two dwellings	Refused
05/01150/FUL	Dwelling and garage	Application withdrawn



Consultations:-

No objections have been received from The Head of Health and Environmental Services.

No objections have been received subject to standard conditions from Severn Trent Water

Director of Highways, Transportation and Waste Management has objected to the proposed application. The development could result in an unacceptable increase in traffic using Church Walks, which is narrow, lacks an adequate footway, turning facilities and appropriate visibility splays at the junction with the High Street. Access to the site is over a section of footpath where there is no lawful vehicle right of way demonstrated by the applicant and which would increase dangers to pedestrians especially the young and elderly. The Highway Authority also advises that the applicants Highway appraisal document does not support the application or demonstrate that it is acceptable in Highway safety terms.

Stoke Golding Parish Council do not agree with the applicants highway consultant, HSL's, conclusions concerning vehicular access and recommend that the application should be refused

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 on public safety. Church Walks is very well used by children and parents walking to St Margaret's school and the church.
- b) Further building in this part of the conservation area should be resisted.
- c) The steps to the entrance door to No 5 Church Walks extends into the turning area on the bend which is very restricted
- d) The garage to the bungalow opposite the application site is not used because of the restricted access. The owner parks in the pub car park.
- e) The detrimental impact on the amenity of no 5 and no 6 Church Walks with particular regard to the loss of light and privacy.

Development Plan Policies:-

Government Advice

Planning Policy Guidance Note 3 Housing encourages the use of previously developed land within urban areas in preference to the development of greenfield sites for housing. It promotes more sustainable patterns of development and makes better use of previously developed land.

Structure Plan Policies

Strategy Policy 10 encourages the promotion of good design in development schemes.

Local Plan Policies

The site lies within the settlement boundary and conservation area of Stoke Golding.

Policy BE1 of the adopted Hinckley & Bosworth Local Plan seeks to ensure that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area, and comply with appropriate design, layout, highways and parking standards.

Policy T3 states that Leicestershire County Council's highway design standards need to be met for new residential dwellings.

Policy BE7 seeks to ensure that proposals in conservation areas will preserve and enhance their special character.

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

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

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

Appraisal:-

The principal issues to be considered with this proposal are design, amenity and access.

Design

The design of the proposed building provides a good scheme which draws on the architecture of nearby traditional buildings and follows the principles highlighted in the Stoke Golding Conservation Area Statement. The open site frontage proposed to ease vehicular access, however, will have a detrimental impact on the appearance of the jitty which is a relatively tightly enclosed space bounded by building frontages or walls. If approved, however, the Local Planning Authority will seek to have natural materials used on the development.

Residential Amenity

The layout of the proposed dwelling complies with the guidelines set out in the Council's Supplementary Planning Guidance, regarding satisfactory provision of private amenity space.

The proposed dwelling is set back from the northern boundary and its principal windows face the jitty and garden which avoids loss of privacy to No 5 Church Walks.

Access

Vehicular access on Church Walks extends in principal from Main Street to Blacksmith's Yard with a short dogleg to the south. The remainder of the jitty is a public footpath. The cottages which were demolished on the application site in the 1960's, had no vehicular access. To achieve a vehicular access, it is proposed to cross a section of the public footpath despite no lawful vehicular right of way having been demonstrated by the applicant. Church Walks is well used by the community, particularly by school children going to school and the elderly attending church services. It is, however, very narrow and the site is close to the right angled bend in the jitty. Furthermore where vehicles use the jitty, there is no pavement and it lacks appropriate visibility splays at its junction with High Street. In the view of the highway authority the additional traffic generated by the development will increase dangers to pedestrians especially the young and the elderly. These serious concerns, raised by the Highway Authority, warrant the application should be refused.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, the proposal if permitted could result in an unacceptable increase in traffic using Church Walks, which is narrow, lacks adequate footway facilities, turning facilities and appropriate visibility splays at its junction with the High Street. The proposed access to the site is also over a section of public footpath which could increase dangers to pedestrians especially the young and the elderly. To permit the development therefore would not be in the interests of Highway safety and contrary to Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 2 In the opinion of the Local Planning Authority, lack of financial contribution to address the increase in pressure placed on Public Open Space facilities of the local area by the proposed development would not accord with Circular 05/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996-2016, Policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Guidance on Play and Open Space (October 2002)

Contact Officer:- Mr B Whirrity Ext 5619

Item: 05

Reference: 06/01050/COU

Applicant: Mrs M Newman

Location: Kings Hotel And Restaurant 13 - 19 Mount Road Hinckley
Leicestershire LE10 1AE

Proposal: CHANGE OF USE FROM HOTEL TO RESIDENTIAL CARE HOME, WITH
EXTENSIONS AND ALTERATIONS

Introduction:-

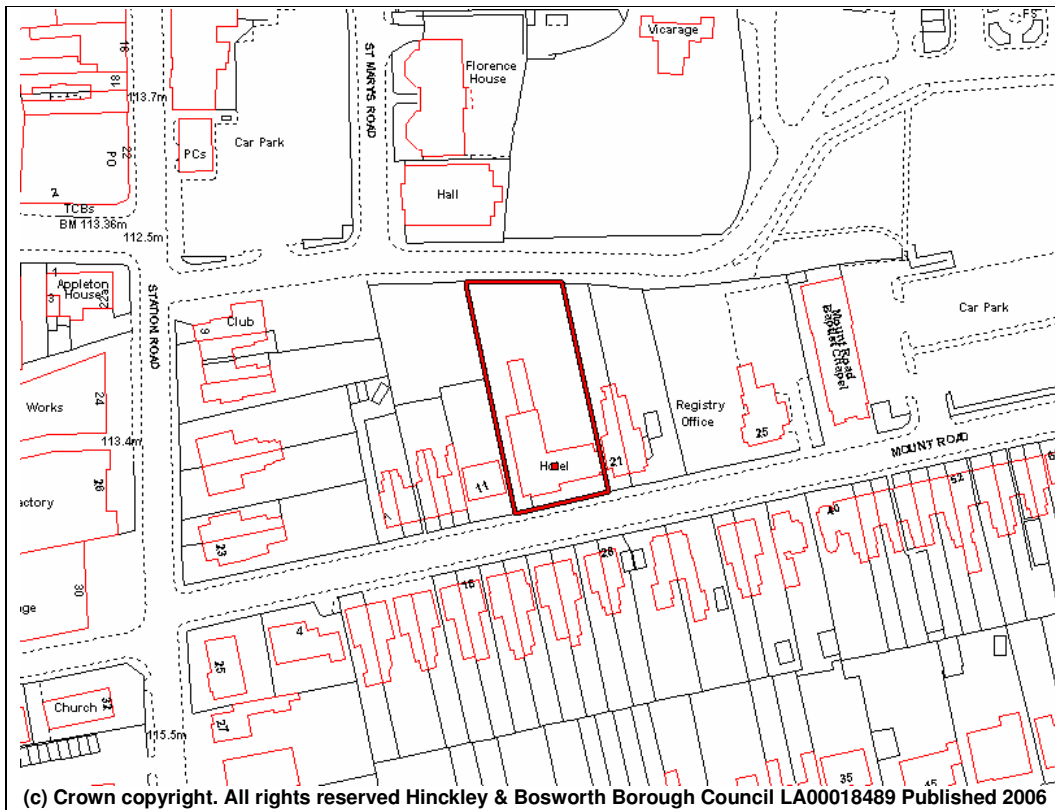
This application is for the change of use of the Kings Hotel, Mount Road, Hinckley to a residential care home with extensions and alterations as granted previously in planning permission 01/01014/FUL. There are to be additional external works to the extension as approved by the previous permission. The site measures 0.14 hectares.

The application proposes to use the existing internal layout of the hotel to provide the relevant living accommodation for residents. The previously approved extension is to be amended; removing the two additional car parking spaces provided by the car port/extension. These additional spaces are not required as the number of staff and visitors to the site is below the capacity required by the hotel, the additional accommodation being provided will allow for an increase in the number of disabled residents.

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

History: -

06/00266/OUT	Residential development comprising of conversion of existing hotel to flats and erection of block of flats	Refused	26.04.06
05/00790/OUT	Residential development comprising of conversion of existing hotel to flats and erection of block of flats	Refused	05.10.05
04/00134/ADV	Erection of flagpole and flag	Approved	16.03.04
01/01014/FUL	Two storey extension to hotel (renewal)	Approved	03.01.02
96/00543/FUL	Two storey extension (renewal)	Approved	16.10.96



Consultations:-

Director of Highways, Transportation and Waste Management (Highways) have asked for a minimum of 12 parking spaces to be provided before development commences and retained at all times thereafter.

No objections have been received from: -

- Site Notices
- Neighbours.

Development Plan Policies:-

The site is located within the settlement area of Hinckley, as identified in the adopted Hinckley and Bosworth Local Plan. It is allocated as RET5 - Town Centre Fringe, which permits development subject to minimal impact on the amenities enjoyed by neighbouring properties, highway standards and safety and does not affect the general character or detract from the visual amenity of the area.

Local Plan Policy CF8 relates to planning permission for residential care homes where the proposal complements and enhances the character of the area with regard to scale, materials and architecture and does not have a detrimental impact on the occupiers of nearby properties. Also, if the premises are of suitable size and type, adequate gardens are provided to protect and enhance the amenity of residents. There would need to be satisfactory car parking and areas for service vehicles, as well as easy access for future residents to shops, public facilities and public transport.

Appraisal:-

The change of use of the existing hotel to a residential care home is considered to be acceptable as there is little works being undertaken to the existing property other than a previously approved extension, and there will be a minimal impact on the visual amenity of the area. The proposal also respects the residential character of the existing area as there is no material change to the existing street scene, the only alteration being the extension to the rear.

There is no proposed change to the parking facilities, as the residential care home will use the existing parking used by the hotel, which is located to the rear of the existing building, with access points onto Mount Road and Argents Mead. Highways have raised no objections but would like to see a minimum of 12 parking spaces made available for off-street parking, so that the development doesn't have an impact on highway safety.

The Supplementary Planning Guidance requires that residential care homes be located in buildings of adequate size, containing more than six bedrooms and be detached properties, as to minimise the impact on adjoining properties. The existing building meets this criteria and is an ideal site for the proposed type of development due to its close relation with the existing transport network and proximity to the town centre.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, T5 and CF8 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 building unless previously agreed in writing with the Local Planning Authority.
- 3 Before development commences, a plan shall be submitted to and approved by the Local Planning Authority showing a minimum number of 12 parking spaces provided within the curtilage of the site. The approved scheme shall be provided before the development is brought into use and shall thereafter permanently remain available for car parking.
- 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) planting plans
 - ii) written specifications
 - iii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - iv) implementation programme
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

- 6 The first floor high level windows on the western elevation of the extension hereby approved and as identified on the submitted plans, shall be fitted with obscure glazing before the extension is first occupied and thereafter maintained.
- 7 The access from Mount Road shall be 'in only' and signposted accordingly before the extension is first occupied and thereafter maintained. The access to/from Vicarage Road/Argents Mead shall be 'out only' except between the hours of 17.30 and 08.30 on weekdays and all day Sunday when it may be used as both entrance and exit. The access shall be signposted accordingly before the extension is first occupied and thereafter maintained.
- 8 The development shall be drained by separate systems with surface water excluded from the foul sewer unless otherwise agreed in writing with the Local Planning Authority.
- 9 The premises shall be used for a nursing home and for no other purpose (including any other purpose in Class C2 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 4 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 6 To safeguard amenities of neighbouring properties to accord with policies BE1, RET5 and REC22 of the Hinckley & Bosworth Local Plan.
- 7 In the interests of road safety to accord with policies BE1, RET5 and REC22 of the Hinckley & Bosworth Local Plan.
- 8 To safeguard the capacity of the foul sewer.
- 9 For the avoidance of doubt.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of English Nature contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

- 3 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of English Nature contacted for advice.
- 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.

Contact Officer:- Mr D Grocock Ext 5898

Item: 06

Reference: 06/01063/FUL

Applicant: Mr And Mrs S Boam

Location: 63 Barons Close Kirby Muxloe Leicester Leicestershire LE9 2BW

Proposal: EXTENSION AND ALTERATIONS TO DWELLING

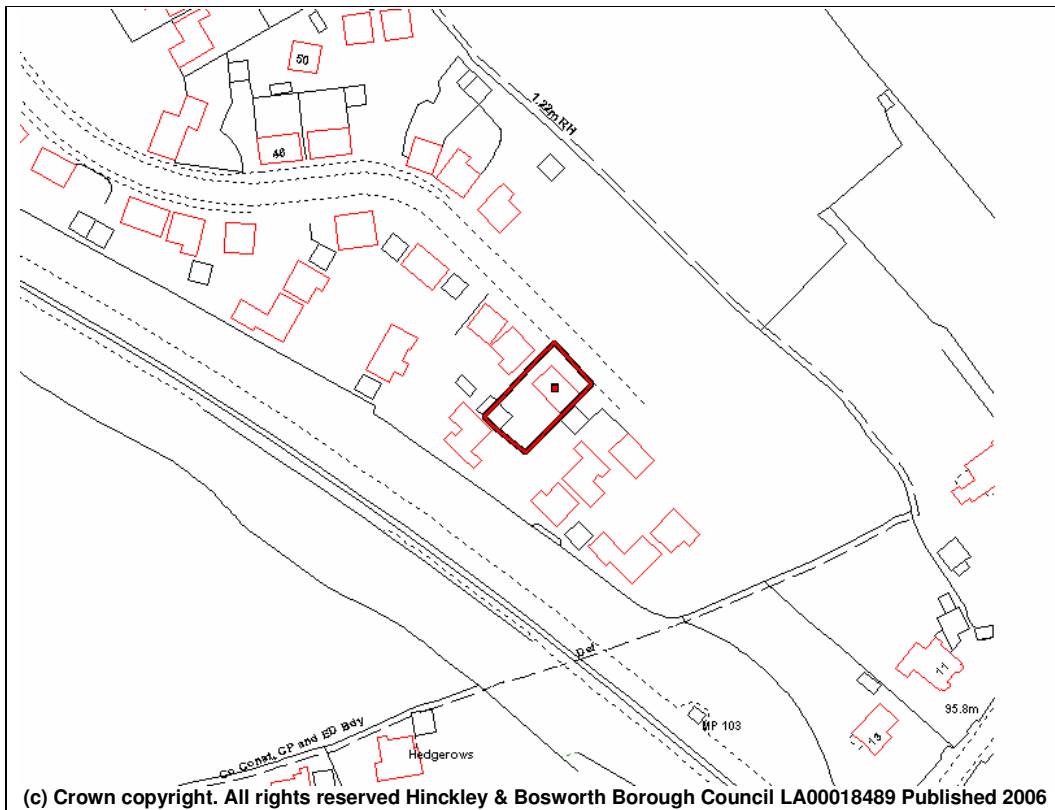
Introduction:-

This is full application for a two storey rear extension to a modern detached dwelling. The application property is located on the south side of Barons Court in Kirby Muxloe and was constructed around 2 years ago as part of a wider residential allocation within the Local Plan. The application proposes a rear extension of 3.75 metres at ground floor and 3 metres at first floor. The application also proposes a new obscured side facing window and gallows bracket for positioning an escape ladder.

The layout of properties on this development is such that the road turns through ninety degrees shortly after the applicants property resulting in the applicants rear garden running along the rear of neighbouring gardens. The proposed extension is set 0.9 metres from the rear boundary of no. 67 Barons Court.

History:-

None



Consultations:-

No objections have been received from the Director of Highways, Transportation and Waste Management

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

Head of Health and Environment
 The Borough Council's Land Drainage Engineer
 Desford Parish Council

Five letters of objection have been received raising the following concerns:

- a) Proposal will make adjacent property claustrophobic as it is on a small plot.
- b) The proposed development will block off direct and in-direct sunlight into the rear of the house.
- c) The view from upstairs windows of adjacent property will be blocked off by the extension. Only a 'cliff face' will be visible.
- d) Adjoining properties and their gardens will be in the shadow of the extension resulting in it being dark, cold, dreary and damp.
- e) View from adjacent property will be a towering brick wall.
- f) Privacy will be affected from overlooking, both from the extension and the proposed window.
- g) A new drain may leak and pour onto adjacent gardens if not maintained.
- h) The proposed extension is next to an adjacent fence.
- i) Impact on house prices.
- j) Proposal does not adhere to design guidance.
- k) Proposal will be oppressive and overpowering.
- l) The extension is far too large for the immediate area and neighbourhood.

Development Plan Policies:-

The application site falls within residential allocation RES1'o' within the adopted Hinckley and Bosworth Local Plan 2001. Policy BE1 seeks a high standard of design in order to secure attractive development and to safeguard and enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

Policy T5 seeks to apply the County Council highway standards to new development.

Adopted Supplementary Planning Guidance on House Extensions states that extensions should respect the scale and character of the dwelling, be subordinate in size to the existing house, be constructed from matching materials and reflect the existing design details. The Guidance also requires extensions not to be unduly detrimental to the amenities of the occupiers of adjoining dwellings in terms of overlooking and loss of daylight and sunlight.

The guidance specifically states that where the window of a habitable room faces a blank wall, the distance between them should not be less than 14 metres for two storey and 12 metres for single storey development.

Appraisal:-

The proposal at 3.75 metres is considered to be an acceptable size on this detached property. The design is considered to be in keeping with the existing property. The proposed ridgeline is subordinate and matching materials can be secured by condition.

The proposed new side facing window is shown as having obscure glass, again this can be secured by condition. It would not be possible to require the window to be fixed as it is required for a means of escape. Any overlooking from the window will be obstructed by the adjacent garage which has a steeply pitched roof.

The other proposed first floor window looks down the applicants garden and therefore will not cause any overlooking. The ground floor extension proposes a glazed end similar to a conservatory, neighbours privacy will be protected by the existing 1.8m fence.

The proposed extension will extend 3 metres at first floor level. This will extend to a position in line with the edge of the first floor bedroom window of no. 67 Barons Close. No. 67 does not have a ground floor window which would be in line with the proposed extension as an integral garage is positioned on this side of the property.

Supplementary Planning Guidance states that the distance between an extension and a principal window should be 12 metres for single storey development. As No. 67 only has first floor windows facing the proposal this equates to the impact of a single storey development on a ground floor window. The proposed extension would be positioned 12 metres from the first floor bedroom window of no. 67 and is therefore considered in accordance with Supplementary Planning Guidance.

The proposed extension is positioned to the north-west of no. 67 and therefore there will be little impact on the garden or property of no.67 in terms of shadow or loss of light.

The application site is served by a double garage and a further two spaces and therefore the proposal meets the parking standards of the Local Plan.

Other objections including concerns with lack of maintenance and impact on house prices are not considered planning considerations.

The application is considered to be in accordance with the adopted Supplementary Planning Guidance on House Extensions.

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 unless previously agreed in writing with the Local Planning Authority.
- 3 The window to be inserted in the eastern elevation shall be obscure glazed and retained as such at all times thereafter.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy RES7 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.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of English Nature contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 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 P Metcalfe Ext 5740

Item: 07
Reference: 06/01079/FUL
Applicant: Mr And Mrs D Howells
Location: Twin Oaks Upton Lane Atterton Leicestershire
Proposal: ERECTION OF NEW STABLE BLOCK AND AMENITY BLOCK

Introduction:-

The application is for the erection of a stable block and amenity block. The stable block is to be an 'L' shape type building adjacent to the northern boundary of the site, measuring approximately 18 metres in length, 3.6 metres deep with a pitched roof that has an overall height of around 5.4metres. There would be 4 stables with a foaling stable. Attached to these stables is overnight accommodation, kitchen/mess room and tack room and this part of the building measures 5.6 metres by 10 metres.

There is an existing stable/barn that was approved on appeal (reference 90/0124/4). This building is approximately 15 metres in length and 8.5 metres in depth being pitched roofed with an overall ridge height of 6.2 metres.

There are various other existing buildings, structures and paraphernalia on the land. The site lies to the north west of Upton Lane, Upton and is known as 'Twin Oaks'. Adjoining the site to its southern boundary is 'Five Acres' which is also currently used for horse grazing with stables. Twin Oaks is isolated and lies within the open countryside. The access is off a narrow country lane.

The applicant's agent states in a supporting letter that the applicant's have 8 acres of land together with grazing rights on 14 acres near Market Bosworth. The agent states that the applicant's are building their 'agricultural business into a viable operation'.

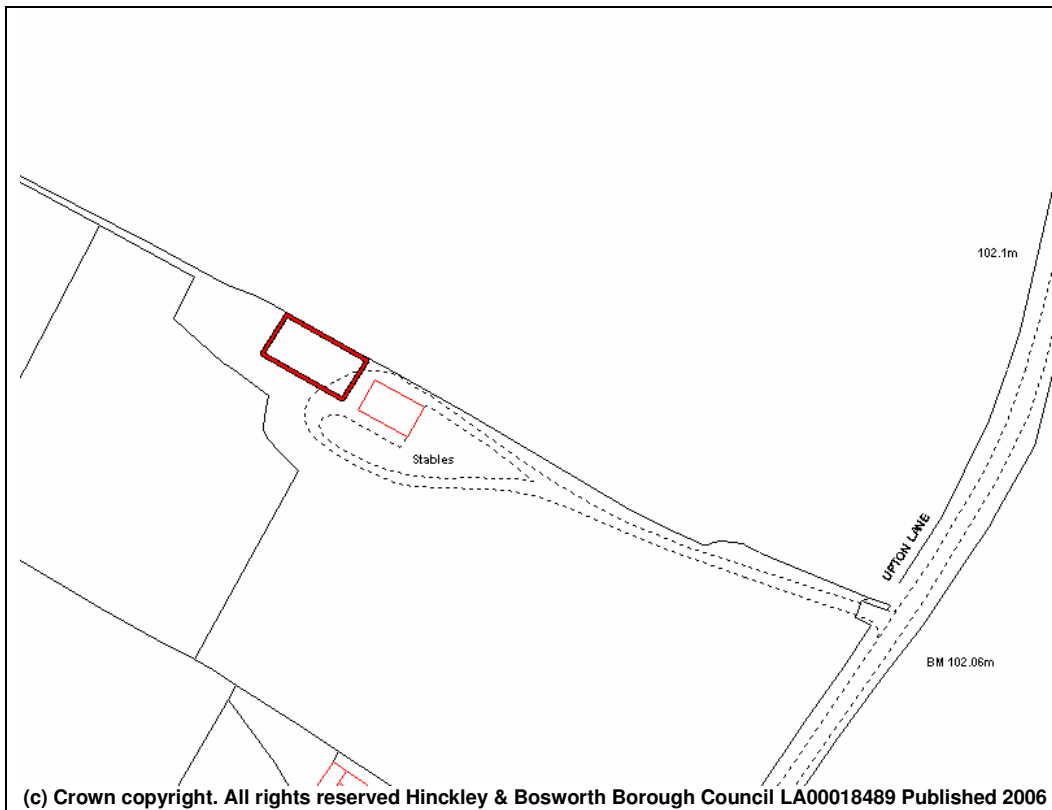
A business plan has been submitted which sets out their objectives over a three year period. The agent states that 'part of this plan is to provide a tourist based business around horses which will give them [the applicants] an additional diverse income stream'.

It is anticipated that the new stable block will provide overnight stay facilities. The agent states that the proposal includes '3 horses being stabled on site for livery and the introduction of overnight stay for horse and riders' The agent also states that visitors will stable their horses and '...either sleep in the horse boxes or find accommodation near by'.

In support of this tourist based activity the agent has included a Department for Environment, Food and Rural Affairs ("DEFRA") information bulletin from the Website illustrating the usefulness of equestrian tourism to the rural economy. The information highlights the role of 'horse bed and breakfast' facilities where 'stabling and/or grazing is provided for horses often alongside accommodation for the riders. Accommodation is provided as a base for day riders or as a stopping off point on a longer trail'. The information further elaborates upon the dimensions of the stable block and what they could be constructed from (for example wood and breezeblock). The information highlights the type of facilities that would be required for such an enterprise.

History:-

88/1284	Club flying of model aircraft	Withdrawn 23/11/88
90/0058/4	Stable block	Refused 20/03/90
90/0124/4	Retention of stables and storage building	Refused & allowed 11/10/90
97/00117/COU	Siting of a mobile home	Refused 29/05/97



Consultations:-

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

Director of Highways, Transportation and Waste Management
Sheepy Parish Council
The Director of Property (Leicestershire County Council)
Neighbours consulted and site notice.

Development Plan Policies:-

Government Guidance

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

Planning Policy Statement 7 (PPS7) states that horse riding and other equestrian activities are popular forms of recreation in the countryside that can help to diversify rural economies. PPS7 also states that 'in some parts of the country, horse training and breeding businesses play an important economic role'. It further states that policies should maintain environmental quality and countryside character. However, PPS7 maintains the need to protect the open countryside from unwarranted development that is unsustainable in the open countryside.

Planning Policy Guidance 13 (PPG13), 'Transport' encourages the use of public transportation and less dependency on the use of the private car. Although it is recognised in PPG13 that the use of private transportation in rural areas is likely to be by car, more general guidance on highway safety and the location of development is also given.

Structure Plan

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

Local Plan Policies

Local Plan

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

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 NE10 applies to sites within designated Local Landscape Improvement Areas. The policy provides a focus for environmental improvement measures such as tree planting, landscaping and screening on land identified as being of poorer landscape quality.

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

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.

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

Appraisal:-

The main issues to consider are the impact of the proposed development upon the character and appearance of the open countryside, the sustainability and viability of the proposed dual equestrian tourism facilities and agricultural business and the size of the smallholding.

Sustainability and viability

Whilst it is recognised that there are various agricultural activities on the land as well as horse grazing, the size of the smallholding is very limited to justify large-scale agricultural development within this part of the open countryside. This is an 8-acre (or 3.24ha) site of which a significant proportion is to be utilised as paddock land for horse grazing. The outcome of the agricultural appraisal as to the viability of this proposal will be reported as a late item.

The development also raises sustainable development issues. Although equestrian tourism can be suited to locations within the open countryside, every site needs to be appraised on its individual merits. The site's location is very important in relation to existing settlements and the use of private transportation to access such facilities. This site is in an isolated location, which is likely to generate more private vehicle use to access its facilities. It appears from the application that there has been no search for alternative sites that are more sustainable (for example sites that are on the edge of existing settlements) for such an enterprise.

Whilst the proposed development draws upon guidance from DEFRA in relation to the establishment of equestrian tourism facilities, this guidance is designed to aid farm diversification. The proposed dual use of the land is unsustainable as a viable agricultural business and equestrian tourism facility. No market research has been submitted with the application illustrating need of such a dual facility.

Character and appearance

It is considered that the proposal does not satisfy adopted Development Plan policies nor does it conform to national government planning guidance in terms of protecting the open countryside from unwarranted development. The proposed development would lead to intensification of use of the site and a proliferation of buildings and structures within this part of the open countryside where the Borough Council has policies to improve the local landscape.

This development is unacceptable due to the proposed buildings size, appearance, design and overall mass. The stable block, coupled with overnight accommodation uses, introduces a residential element within this part of the open countryside without proving that there is a functional need for such a use to set aside strong countryside restraint policies which resist such uses in isolated rural locations.

To increase the existing provision of stables from four to eight would further overdevelop the site thus having a negative impact upon the character and appearance of this part of the open countryside. Furthermore, the site is insufficient to accommodate this enterprise due to its size. A livery operation would intensify the use of this narrow plot of land.

Other considerations

There are highway concerns regarding the intensification of the use of this site for equestrian tourism facilities in this location. It is considered that the development would give rise to a large amount of traffic generation and activity, and thus harm rural character. Comments from the local highway authority will be reported as a late item.

To permit such a development would set a negative precedent in relation to smallholdings within the open countryside.

Officers have had considerable involvement with this site in the past due to complaints regarding the unauthorised developments (siting of mobile homes and other buildings and structures). The applicants were advised to apply for a certificate of lawfulness of existing use. Members may be aware that previous attempts to station mobile homes on the land for residential purposes have been unsuccessful, because planning permission has been refused for such uses (reference 97/00117/COU). However, this planning application needs to be considered on its individual merits, and on planning grounds alone the proposed development is unacceptable.

If this application is refused the officers consider it expedient to take further enforcement action in relation to the unauthorised development existing on the land by issuing an enforcement notice for the removal of the two caravans, storage containers and other paraphernalia on the land.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, the proposal if approved would, in conjunction with other related adjacent buildings, constitute an unwarranted and undesirable visual intrusion of development in this part of the open countryside, contrary to policy SP8 of the Leicestershire, Leicester and Rutland Structure Plan (adopted March 2005) and policies NE10 and NE5 of the Hinckley and Bosworth Local Plan (adopted February 2001).
- 2 The development would, in conjunction with other related adjacent buildings, constitute an overdevelopment of this site due to the appearance and design of the proposed stable block, contrary to policy BE1 of the Hinckley and Bosworth Local Plan (adopted February 2001).
- 3 The development would, in conjunction with other related adjacent buildings, constitute a proliferation and intensified use of the site in an unsustainable location and having a detrimental impact upon the character and appearance of this part of the countryside, contrary to policies NE5, NE10 and BE22 of the Hinckley and Bosworth Local Plan (adopted February 2001).

Contact Officer:- Mr Ahsan Ghafoor Ext 5775

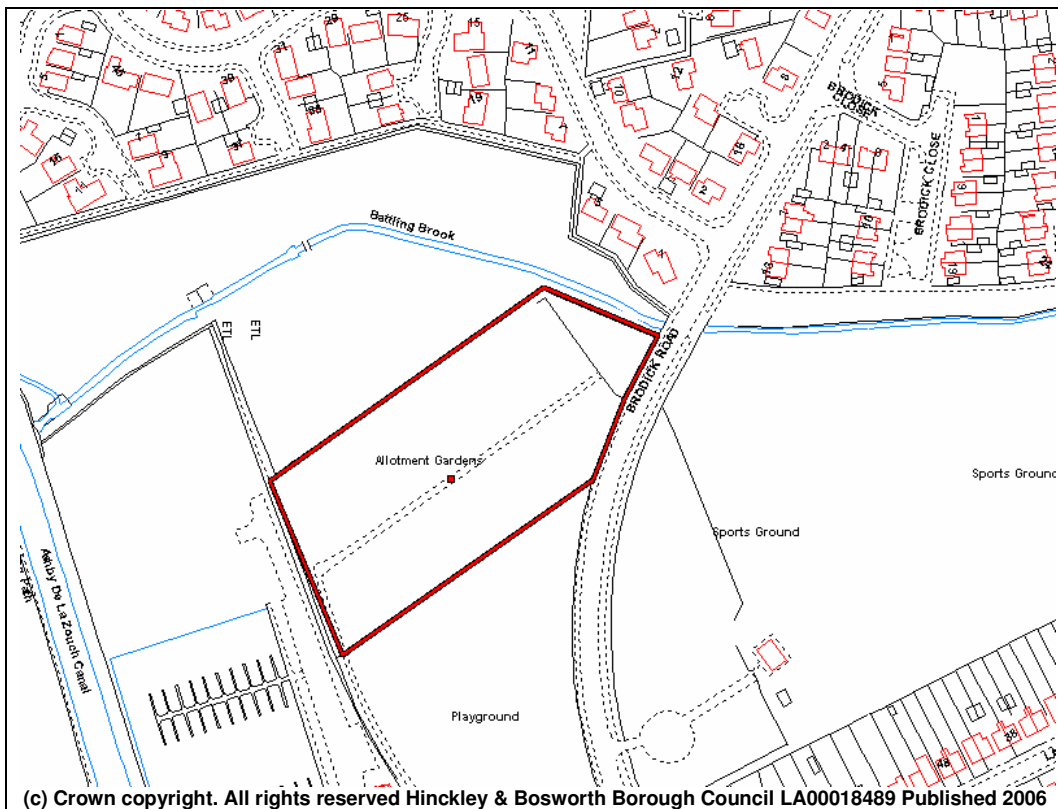
Item: 08
Reference: 06/01095/DEEM
Applicant: Chris Pocock
Location: Allotment Gardens Brodick Road Hinckley Leicestershire
Proposal: ERECTION OF 2.4 METRE HIGH FENCE AND PEDESTRIAN GATE

Introduction:-

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

History:-

06/00614/DEEM Erection of 2.4m high security fencing Consent 31.07.06



Consultations:-

At the time of writing this report no responses had been received from the site notice or neighbour letters.

Development Plan Policies:-

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

Appraisal:-

The allotment gardens have suffered from a history of antisocial behaviour and instances of vandalism and the fencing will provide enhanced security for the site. The fencing will be visible from Brodick Road and the need for enhanced security has to be balanced against the impact on the visual amenity of the site and the surrounding area.

The previous consent allowed for a "bow top" design to match the existing fencing installed around the Langdale Road play area. This type of design however is only available up to a height of 2.0 metres and would be double the cost to install when compared with the palisade option now being proposed.

Conclusion

Given the history of vandalism, the palisade design would give the maximum level of security for the site and when painted dark green in colour would have minimal impact on the visual amenity of the surrounding area.

RECOMMENDATION :- Permit subject to the following conditions :-

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

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

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of English Nature contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

- 3 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 Simon Cheshire Ext 5762

Item: 09

Reference: 06/01098/FUL

Applicant: Caterpillar (UK) Ltd

Location: Caterpillar (uk) Ltd Peckleton Lane Desford Leicester Leicestershire

Proposal: **ERECTION OF TEMPORARY STORES AND RECEIVING OFFICE WITH ASSOCIATED HARDSTANDING AND ACCESS**

Introduction:-

This is a full planning application for the erection of a temporary stores building and the relocation of the existing receiving office building with associated hardstanding and access within the Caterpillar complex at Desford. The proposed development is sited between the main Caterpillar (UK) Ltd building (F) and the phase I extension to Caterpillar Logistics approved in March 1999 (building C). The temporary stores building will provide 5000 square metres of storage space with a further 600 square metre open-sided covered loading area. The building will be constructed from a flame-retardant fabric roof with single skin powder coated steel cladding to the walls, all supported on a lightweight steel or aluminium frame. The building is split into two sections measuring 20 and 29.8 metres wide and both measuring 98 metres long. Both sections have gabled roofs with an 18 degree pitch and an eaves height of 5 metres. The ridges are at 8.2 metres and 9.9 metres, respectively. In addition, the wider of the two sections has a covered loading area measuring 19.8 metres long, with the width, eaves and ridges heights matching that of the building to which it is attached. The receiving office is currently sited on the other side of the main Caterpillar (UK) Ltd building (F) and will be relocated onto a new concrete slab adjacent to the new stores building. The building itself is a 'portakabin style' building with a felted flat roof, textured painted wall panels and aluminium windows. Access will be via the existing internal road system with the construction of a new feeder road approximately 140 metres long and approximately 250 square metres of hardstanding adjacent to the relocated receiving office.

The new stores building will provide all weather protection to unpainted steel components which are currently delivered and stacked in the open, within the area proposed for the store. This area currently has a concrete base with various low level stacking, pallets and a number of HGV trailers, which appear to be being used for storage.

Information submitted in support of the application states that there will be no increase in traffic movements or staff levels within the site, but the quality control of incoming products will be increased. The only permanent works would be the creation of a hard-standing, the supporting slab for the receiving office and a new concrete roadway. As the proposed development is located deep within the curtilage of the site and hidden from view from the site boundaries the proposals are considered to present minimal impact on the visual environment. The details state that in order to deal with the minimal quantities of sewage likely to be generated the proposed new toilets and tea-station will be connected to a new packaged water treatment plant which would be emptied on an annual basis. Surface

water drainage will be via a mix of existing drains and new soakaways. In relation to highways and traffic the details state that the nature and quantity of traffic visiting the site is unlikely to be affected by the new development, since it is effectively replacing a facility which already exists. A full traffic impact assessment was conducted in 1999 and took account of the long-term proposal for the site, but there has also been a significant reduction in production output of the site in recent times and vehicle movements have reduced accordingly. The submitted details confirm that from previous developments there are no ecologically important species or wildlife occupying the site and that areas of the site are of archaeological interest. However, archaeologically this has not been found to be the case in this particular locality and in any event the appointed contractor will be made aware of the possibility of uncovering material during their excavation works and to take appropriate measures accordingly. The details include an Access Statement stating that the relocated receiving office building will be provided with a level access and will be suitable for both able bodied personnel and by personnel with limited mobility or other awareness impairments. The document goes on to state that the proposed stores building is intended to have restricted access and be limited to able bodied personnel to minimise the risk of injury as there will be lorries and fork lift trucks operating within the area.

History:-

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

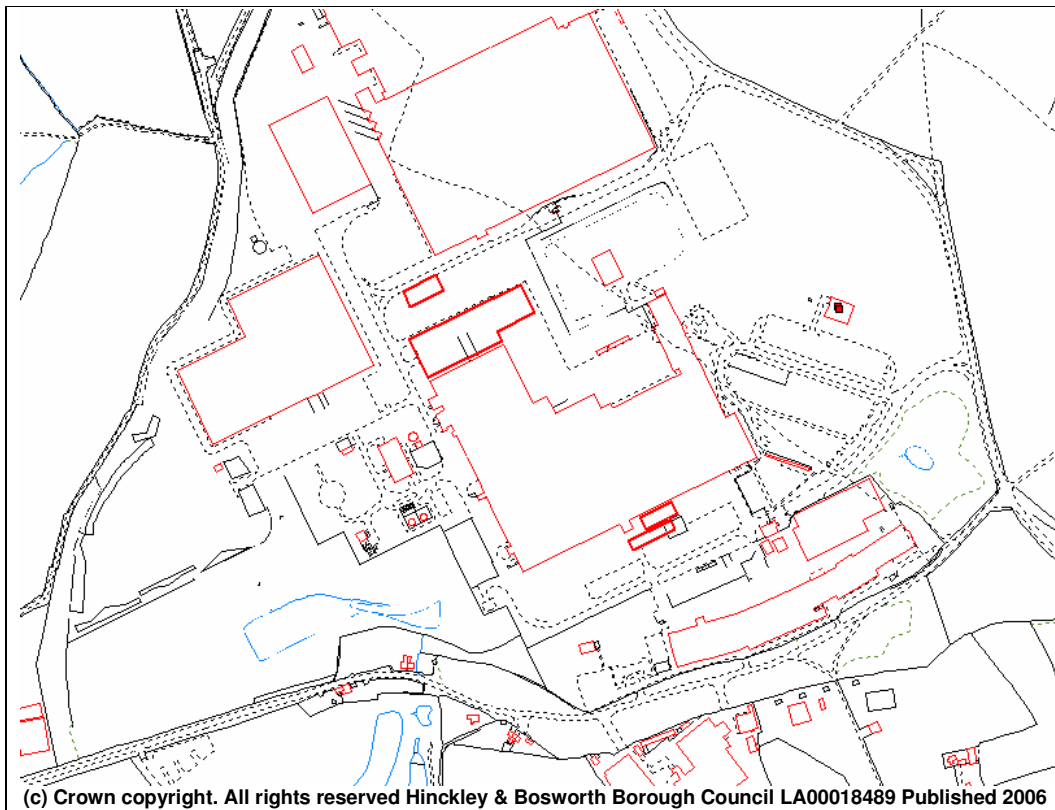
Outline planning permission was granted in March 1982 for the realignment of Old Desford Lane to the perimeter of the site. In March 1999 a Development Brief was approved to enable a comprehensive approach to be taken towards the provision of building, infrastructure (including highways and drainage),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

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

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

Planning permission was recently granted, in September 2006, for the erection of a visitors centre with associated parking and access.

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



Consultations:-

No objections have been received from Head of Health and Environment

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

The Director of Highways, Transportation and Waste Management
Severn Trent Water
Leicestershire Constabulary Crime Reduction Officer
The Borough Council's Land Drainage Engineer
The Borough Council's Green Spaces Manager
Site and Press Notices.

The Environment Agency states that the site is located directly on top of a minor aquifer and the application proposes foul drainage to a Septic Tank. Circular 3/99 Annex A Paragraph 3 states that the first presumption must always be to provide a system of foul drainage discharging in to a public sewer. As such the agency objects to the development in the absence of information to demonstrate to the satisfaction of the Local Planning Authority that the connection to a public foul sewer is not feasible.

Development Plan Policies:-

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

Structure Plan

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

Local Plan

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

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

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

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

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

Appraisal:-

Principle

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

Design and Layout

The proposed stores building resembles a typical single storey warehouse style building, although the fabric roof will make it appear a more lightweight structure. The proposal will have an elevation of approximately 118 metres long, with few openings or features to break up the overly dominant horizontal emphasis. However, the proposal must be considered in light of its surroundings. The proposed building is sited adjacent to an existing warehouse of a similar length that is over 1.5 times greater in height than the highest part of the proposed stores building, has a far greater mass than the proposal and an equally dominant horizontal emphasis. This section of the site is then bounded by two further substantial existing buildings, the larger of which is 3 times the length of the proposed building. The proposed relocated receiving office was, as might be expected, clearly created with function in mind rather than design. However, again this must be considered in the context of the surrounding industrial development. Overall, given the location of the proposed development, the design and layout are considered acceptable.

Highways

At the time of writing this report comments are awaited from the Highway Authority and will be reported as a late item. The proposal will utilise the existing internal road network and access onto Peckleton Lane. As part of the proposal a new internal roadway and hardstanding will be constructed. However, as the application proposes only to improve

upon existing facilities it is considered that any increase in traffic would be extremely limited and given the reduction in activity at the site is certainly unlikely to be problematic.

Other Considerations

Due to the sites remote location and the siting of the proposed development within the site it is not considered that a landscaping scheme is required nor that the proposal will have any adverse impact on the amenities of neighbouring properties or the character, appearance or quality of the environment.

The applicant is currently in discussions with the Environment Agency to resolve their objection to the proposal and progress on this matter will be reported as a late item.

Conclusion

The principle of the retention and expansion of this employment site is considered to comply with adopted Local Plan policy. The proposed temporary buildings are considered to be fit for purpose and given the location within the existing site complex, the scale of the surrounding buildings and lack of visibility of the proposal from outside of the site it are considered to be acceptable. As such, subject to the resolution of the Environment Agency's objection, the application is recommended for approval.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, EMP1(a), EMP2, and T5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 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.
- 3 The external elevations of the proposed building shall be painted a cream, or other recessive, colour to aid its assimilation into its surroundings.

Reasons :-

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

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of English Nature contacted for advice.

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

Contact Officer:- Mr D Warden Ext 5691

Item: 10

Reference: 06/01101/FUL

Applicant: Mr S Brooker

Location: Hillside Main Street Botcheston Leicester Leicestershire

Proposal: DEMOLITION OF EXISTING DWELLING AND ERECTION OF TWO DETACHED DWELLINGS AND GARAGES

Introduction:-

This resubmitted application seeks full planning permission for the demolition of Hillside, Main Street, Botcheston and the erection of two detached dwellings with attached garages. Members may recall, at August planning committee, refusing an application on this site for 1 dwelling sited between the existing dwelling Hillside and the adjacent dwelling Coombe-Leylands.

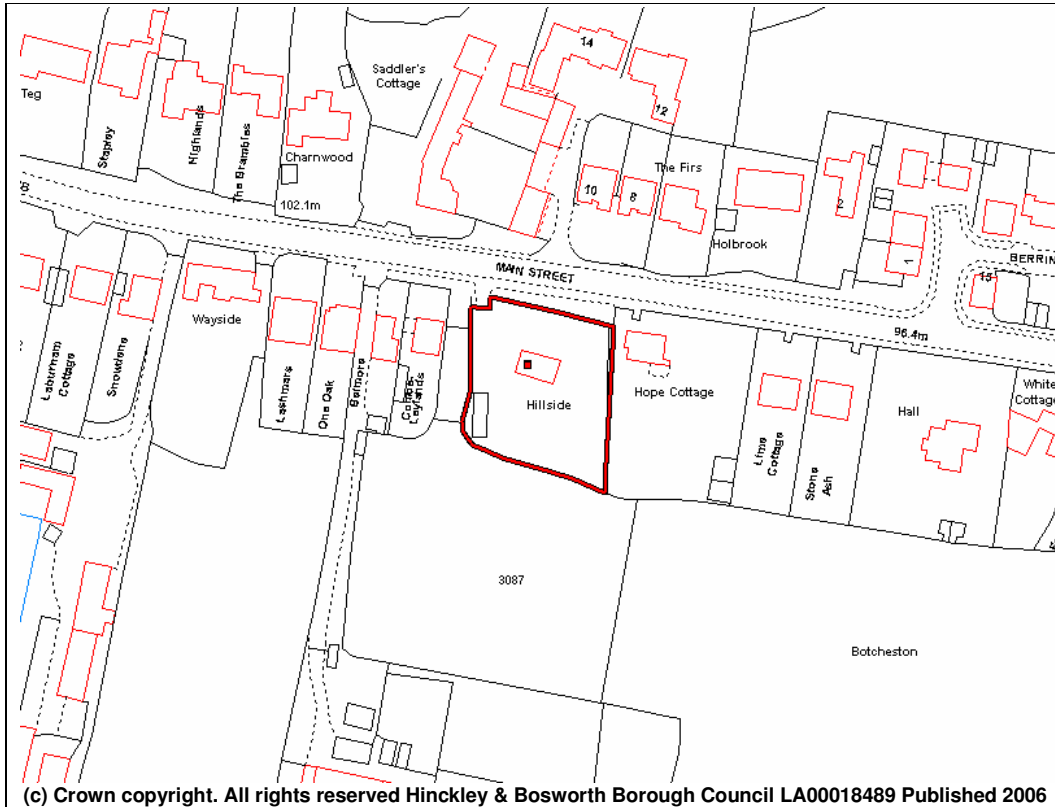
The site measures approximately 1450 square metres and is accessed from Main Street. The site lies on the south side of Main Street approximately 70 metres west of the village hall and is bounded to the north, east and west by residential and to the south by open countryside.

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

Information submitted in support of the application describes the village as a linear settlement and the area surrounding the application site as comprising residential dwellings set within reasonably sized plots fronting Main Street. The details include an assessment of average plot widths which concludes that on the south side of the village the average plot width is 17.34 metres and on the north side the average plot width is 18.17 metres. The details state the site has an area of 1428 square metres resulting in a density of 14 dwellings per hectare. The proposed dwellings are described as having the same materials and style, in order that they complement each other. The details state that the siting of the proposed dwellings respects the form and character of the settlement, location of any mature trees and to protect the amenities of neighbouring dwellings. The proposed development is described as following the advice of paragraph 54 of PPG 3 by achieving an acceptable density for development without compromising the quality of the environment.

History:-

06/00683/FUL	Erection of one dwelling and garage including relocation of access	Refused	17.08.06
06/00335/FUL	Demolition of the existing dwellings and erection of two dwellings with associated parking and access	Withdrawn	



Consultations:-

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

Head of Health and Environment
The Director of Highways, Transportation and Waste Management
The Director of Community Services (Archaeology)
Botcheston Parish Council
Borough Council's Land Drainage Engineer
Borough Council's Green Spaces Manager

One letter has been received from a local resident in support of the application.

Development Plan Policies:-

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

National Guidance

Planning Policy Guidance Note 3 (PPG3) and its successor Planning Policy Statement 3 (PPS3), currently at consultation stage in draft form, seek to make more effective use of

previously developed/underdeveloped land to minimise the amount of greenfield land being taken for development.

Structure Plan

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

Local Plan

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

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

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

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

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

Appraisal:-

Principle

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

Density

National and regional policy seeks a density of between 30 and 50 dwellings per hectare for all new residential developments to promote the better use of land. The application site measures approximately 1440 square metres. To develop this at the lower end of the recommended density would result in a scheme for 5 dwellings. The proposed development of 2 dwellings would result in a density of 14 dwellings per hectare. It is considered that whilst the form and character of the surrounding area should be reflected in any new residential development and there are large spacious development in the vicinity of the site the proposed density of 14 dwellings per hectare is too low and is considered underdevelopment of the site. There are dwellings within the vicinity at a higher density,

notably the adjacent dwellings Coombe-Leylands, Belmore, One Oak and Lashmars are at a density of 24 dwellings per hectare. The dwellings opposite at no.'s 6, 8 and 10 Main Street are at a density of 25 dwellings per hectare and the cul-de-sac Berrington Close is at a density of 34 dwellings per hectare.

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

Design and Layout

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

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

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

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

Highways

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

Financial Contributions

At the time of writing comments have not been received from the Borough Council's Green Spaces Manager. The application proposes 2 residential units, resulting in a net gain of 1 dwelling, therefore a contribution of £1,900 towards Play and Open Space would be required. The site lies within 400 metres of Botcheston Playing Field where there is a recognised need for improvement to facilities. Further comments will be included as a late item.

Conclusion

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

RECOMMENDATION :- REFUSE, for the following reasons :-

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

Contact Officer:- Mr D Warden Ext 5691

Item: 11

Reference: 06/01121/FUL

Applicant: Mrs Boston

Location: The Old Rectory Church Lane Cadeby Nuneaton Leicestershire

Proposal: ERECTION OF REPLACEMENT BUILDING TO HOUSE MODEL RAILWAY AND EQUIPMENT

Introduction:-

This is a full planning application for the erection of a replacement building to house "The Boston Collection" of model railways.

The site occupies a prominent position within the Cadeby Conservation Area at the junction of Church Lane and Sutton Lane directly adjacent to All Saints Church which is a listed building.

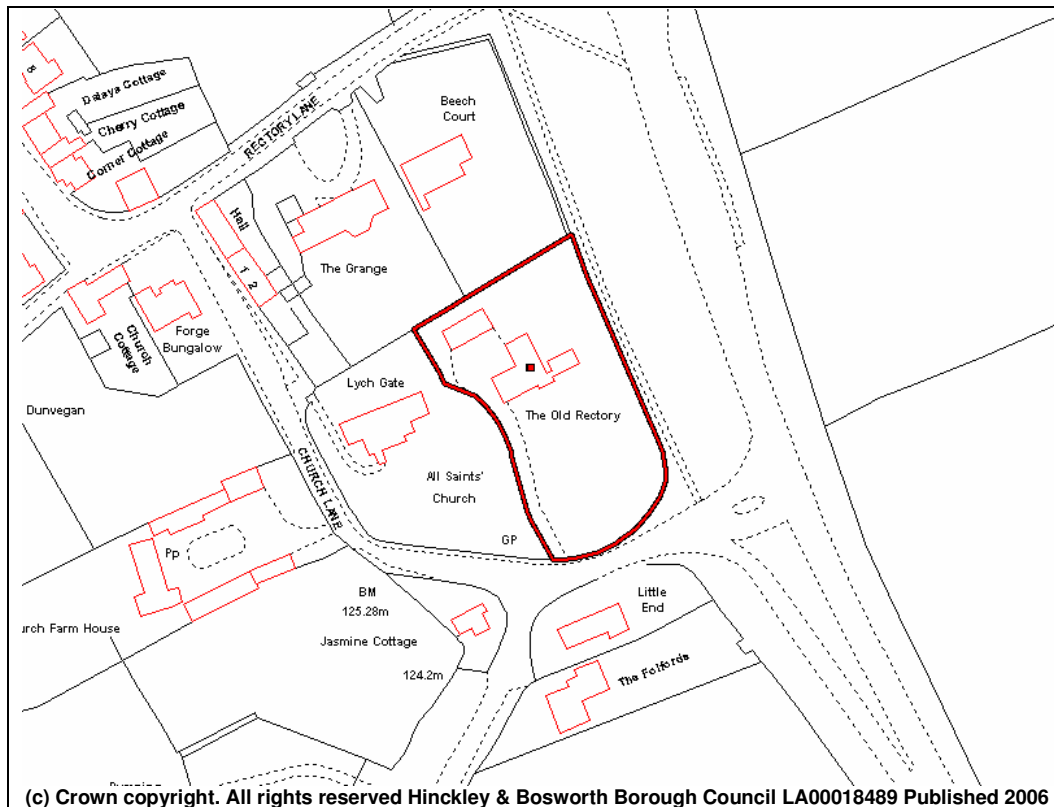
The site comprises the Rectory and the existing building that houses the collection positioned to the north of the site. To the west is the All Saints churchyard, and the eastern and southern areas of the site are characterised by mature trees and planting.

The proposal involves the demolition of the existing dilapidated timber shed and the erection of a purpose built brick building positioned close to the southern boundary and accessed from the existing drive. The intention is to create a separate site for the collection that will allow the Rectory and the majority of the grounds to be sold at a later date. The proposed site will remain in the private ownership of the applicant and will seldom be open to the public. A shared drive will be created with the existing Rectory building each having separate gates. The perimeter of the development will be defined by a 1.8m close-boarded fence along the northern, eastern and western boundaries.

This is a revised scheme following the withdrawal of a previous application for a similar development.

History:-

06/00575/TPOCA	Felling of 18 trees	Approved	09.06.06
06/00574/FUL	Replacement building to house model railway	Withdrawn	12.07.06



Consultations:-

Director of Highways, Transportation and Waste Management has some concerns over the number of occasions the collection will be open to the public considering the limited parking spaces within the site and the poor visibility of the access on to Church Lane. He has no objection subject to a condition limiting the days the collection will be open to the public in any calendar year.

The Director of Environment and Heritage (Archaeology) is concerned that the development may disturb archaeological remains dating back to the 13th and 15th Century associated with All Saints church. There is a likelihood the graveyard may have extended as far as the proposal site at sometime in the past. A lack of modern development on the site means that any archaeological remains present, would likely survive in a good state of preservation. A desk based archaeological assessment should be undertaken followed by a field evaluation including trial trenching before the planning application is determined.

Environment Agency has no objection to the proposed development but points out there is a former landfill site within 250 metres of the site.

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

English Heritage
Borough Council's Land Drainage Consultant
Neighbour letters
Site Notice
Press Notice.

Development Plan Policies:-

Structure Plan Policies

Environment Policy 1 "Historic Environment" of the adopted Structure Plan requires that development in Conservation Areas will be required to preserve or enhance the character and/or appearance of the area. Proposals for development adjacent to historic sites and buildings will be considered against the need to ensure their preservation and setting.

Local Plan Policies

The property lies within the settlement boundary and Conservation Area of Cadeby as identified in the adopted Hinckley & Bosworth Local Plan.

Policy BE1 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 the existing environment.

Policy BE7 of the adopted Local Plan advises that in Conservation Areas the Local Planning authority will require the siting and design of new development to preserve or enhance their special character and appearance in terms of views in and out of the area and to be sympathetic to the characteristic form of the adjacent buildings.

Policy BE5 of the Local Plan aims to preserve and enhance the settings of listed buildings by appropriate control through the design of any new development.

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

Appraisal:-

In principle the sub division of the site to create a separate building to house the railway collection is acceptable.

In June of this year the site was surveyed by the Council's Arboricultural Consultant following an application to fell 18 trees to allow the construction of the new building. No trees in that application were subject to Tree Preservation Orders, the majority of which

were self seeded Sycamore and some immature Holly. A substantial screen of trees will remain adjacent to Church Lane and this will be supplemented with additional planting.

Officers are very conscious to secure a high quality design for the scheme considering the close proximity to the adjacent Listed building and the views into the site from the church yard to the west. The single storey design submitted with the application was considered to be inappropriate as it failed to preserve or enhance the setting of All Saints Church and the Conservation Area in general.

With a floor area of approximately 148 square metres and a ridge height of 5.5 metres the building represents a significant addition to the Conservation Area in terms of mass and scale. In conjunction with the Conservation Officer, amendments were sought to create a bespoke solution that addressed the sensitive nature of the site. Amended designs were requested to incorporate a double pitch to reduce the ridge height and the visual impact of the proposal. It was suggested that by introducing a timber framed building with brick infill with a plain clay tile roof it would achieve a more aesthetically pleasing rural development more closely related to the surrounding buildings.

Amended plans were received which did incorporate some of the suggestions made by Officers and these include plain clay roof tiles and some wood detailing. However, the overall design fails to address the primary concern which is the scale and mass of the building. The amendments represent a modification of the original design as opposed to a comprehensive redesign of the scheme that Officers are seeking to secure.

The development and the railway collection will remain in the private ownership of the applicant and it is indicated in the application the building will not generally be open to the public. Within the site there are two parking spaces for visitors and volunteers that maintain the collection. The Highways Authority have no objections to the proposal providing the collection remains in private ownership and vehicular movements do not significantly increase. The number of occasions the collection is open to the public can be controlled via a condition.

Officers also have concerns over the possible use of the building should the collection be moved to an alternative location at some future date.

Potentially the site is of particular archaeological importance and before the application is determined the Historic and Natural Environment Team require a thorough site investigation including a desk-based archaeological assessment and field evaluation including trial trenching. This has not been carried out.

Conclusion:-

In principle subject to the appropriate design, the development may be acceptable. However given the sensitive nature of the site, the current submission is unacceptable in terms of architectural quality, scale and massing to receive Officer support. In addition the lack of supporting evidence in the form of a thorough archaeological site examination leads Officers to recommend the application for refusal.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the absence of sufficient evidence to the contrary, the Local Planning Authority is unable to assess whether the proposed development will adversely impact any archaeological remains within the site contrary to Policy BE14 of the adopted Hinckley and Bosworth Plan.

- 2 In the opinion of the Local Planning Authority the proposal is out of keeping with the character of the area due to its design, scale and appearance and will have a detrimental impact on the setting of the Listed All Saints Church in particular and the Cadeby Conservation Area in general contrary to Environment Policy 1 of the adopted Leicestershire, Leicester and Rutland Structure Plan and policies BE1, BE5 and BE7 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- Mr Simon Cheshire Ext 5762