

**REPORT P44**

**PLANNING COMMITTEE**

**05.12.2006**

**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**

**PLANNING COMMITTEE AGENDA - 5th December 2006 - NUMERIC INDEX**

<b>REF. NO.</b>	<b>APPLICANT</b>	<b>SITE</b>	<b>ITEM</b>	<b>PAGE</b>
06/00980/OUT	Swip Ltd	Nailstone Colliery Wood Road Nailstone	1	01
05/00971/COU	Burbage Taekwon-Do Club	Unit 3 Carr House Hawley Road Hinckley	2	19
06/00638/FUL	Crest Nicholson (Midlands) Ltd	Greyhound Stadium Nutts Lane Hinckley	3	22
06/00919/FUL	Kendrick Homes	Stretton Croft Wolvey Road Burbage Hinckley	4	34
06/00926/FUL	David Wilson Homes East Midlands	Land Adj To 72 Montgomery Road Earl Shilton	5	43
06/00953/FUL	Bagworth And Thornton Parish Council	Bagworth Community Centre Station Road Bagworth	6	50
06/00955/FUL	Mr J Fox	61 Station Road Ratby Leicester	7	55
06/01063/FUL	Mr And Mrs S Boam	63 Barons Close Kirby Muxloe	8	61
06/01069/FUL	Mr J Silcock	54 Coventry Road Burbage	9	65
06/01080/FUL	Mr J And Mrs N Stilgoe	42 Main Road Twycross	10	74
06/01137/FUL	C J Marketing CMED LTD	C J Marketing Hawley Road Hinckley	11	77
06/01160/FUL	J A Ball New Homes	1 Drayton Lane Fenny Drayton	12	83
06/01243/FUL	Mr S Martin	17 Abbots Green Burbage	13	91

**Item:** 1

**Reference:** 06/00980/OUT

**Applicant:** Swip Ltd

**Location:** Nailstone Colliery Wood Road Nailstone Leicestershire CV13 1GE

**Proposal:** REDEVELOPMENT OF FORMER COLLIERY SITE TO INCLUDE STORAGE AND DISTRIBUTION USES (CLASS B8), SMALL BUSINESS UNITS (CLASSES B1(C), B2 AND B8), A COUNTRY PARK, LANDSCAPING OPEN SPACE AND THE FORMATION OF A NEW ACCESS

**Introduction:-**

The application seeks outline planning permission for the remediation and redevelopment of the former Nailstone Colliery site to provide a mix of uses including storage and distribution uses, small business units, the creation of a country park, landscaping, open space, new access arrangements and associated parking arrangements. All matters are reserved except access, however under the new procedures the planning application confirms the location, scale and massing of the development proposed

The application site comprises the former Nailstone Colliery site where coal-mining operations ceased some years ago. The site is approximately 143 hectares and sits within both Hinckley and Bosworth's Borough and the district of North West Leicestershire. The site lies to the south of Battrum village and is located either side of Wood Road, with the majority of the site to the west of Wood Road. The western site comprises a central plateau that is made up of disturbed ground and hardstanding with a crescent of large spoil banks and capped lagoons on its north western, northern and northeastern margins. The spoil banks have been partially restored. To the south and south west of the central plateau are the remains of Nailstone Wiggs Wood and settlement ponds. The remaining areas including the eastern side of Wood Road comprise farmland, mainly arable. The levels across the site vary considerably with a difference of 33 metres, the lowest area being to the south, and the highest the northeastern spoil banks.

The application submitted was accompanied by an Environmental Assessment, which included a Planning Support Statement, Design and Access Statement and indicative Masterplans, Transportation Assessment, Ecological Assessment, Landscape Assessment, Noise and Vibration Assessment, Air Quality Assessment, Hydrology, Hydrogeology and Drainage Assessment, Employment Land Study, Archaeology and Cultural Heritage Assessment and a Non-Technical Summary. Due to the size and nature of the proposed development the Environmental Assessment was required to accord with the Town and Country (Assessment of Environmental Effects) Regulations 1988 as amended by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

The illustrative masterplans submitted with the application demonstrate 3 options, all of which include the same proposals for the country park but have alternative proposals for the central employment area. The proposals indicate that the site can be split into 4 zones with different aims for each of them. These can be summarised as:

- 1) Northern Park Area  
Planted up with the densest woodland to link Battrum Wood and the existing Nailstone Wiggs Woods. Main access to the site is proposed from the northeastern corner off Battrum Road, a new car park and cycle route is also proposed. The area closest to

Battrum Village will be a more formal area with a sensory garden and small sitting areas. Meadowland will protect the open views from the dwellings in Battrum. Further away from the village more active uses are proposed with adventure play equipment, picnic areas around the northern lake and an outdoor classroom for education activities. This will be linked to the warden and educational facilities building. All facilities are to be set within woodland that would comprise a variety of species; these could include some more ornamental species that could provide opportunities for demonstration of woodland skills such as coppicing and greenwood working as part of the educational strategy. A new bridle and cycle path along with footpaths are proposed in this area, these are linked to off site routes, and the footpaths would be suitable for both disabled and able-bodied users.

The higher areas within this zone will provide a greater sense of enclosure. A viewing platform is proposed on the highest northeastern point of the mounds. Here there are orienteering trails and mountain bike routes proposed. Aerial ropeways and other woodland activities can also be incorporated once the woodland has matured.

2) Southern Park Area

The focus here will be the large new fishing lake, a small car park for anglers and disabled access is proposed alongside it. This zone also proposes footpath and bridleway links to existing routes. The planting in this area will comprise dense woodland, open areas with scrub planting and grassland. Two small ponds are also proposed to provide an improved habitat for the local amphibian population. Existing hedgerows will be reinforced to create additional wildlife corridors.

3) Eastern Conservation Area

Located to the east of Wood Road, this zone is proposed to be planted up to create native woodland with nature conservation as the main focus. There will be extensive areas of wetland with marshland, reed beds and shallow water surrounded by wet grassland. Existing hedgerows will again be reinforced. Once the area has matured nature trails and a hide could be included. Although this zone would be partly restricted, the proposed Wood Lane cycle and footway will have unrestricted access and will be segregated from the remainder of the area by a dense tree belt.

4) Employment Area

Located in the central core of the site. Whilst there are various options shown they all have common elements that would form the basic strategy for whichever option is chosen. The employment area would be entirely enclosed by woodland and it is intended that this will link into the employment area itself. Access to the area will be gained via the existing entrance off Wood Road. However there is potential for cyclists and pedestrians to enter from the west. The natural topography of the site would limit the visual impact any new development would have. The 3 options are:

- Option 1 - 3 units ranging from 13,970 sq metres to 46,550 sq metres with a small 1,862 sq metre unit adjacent to the main access point.
- Option 2 - 2 units, one at 51,210 sq metres and one at 37,250 sq metres with a 1,862 sq metre unit to the western side of the site.
- Option 3 - a single unit of 93,109 sq metres with a smaller 1,862 sq metre unit along the western side of the site

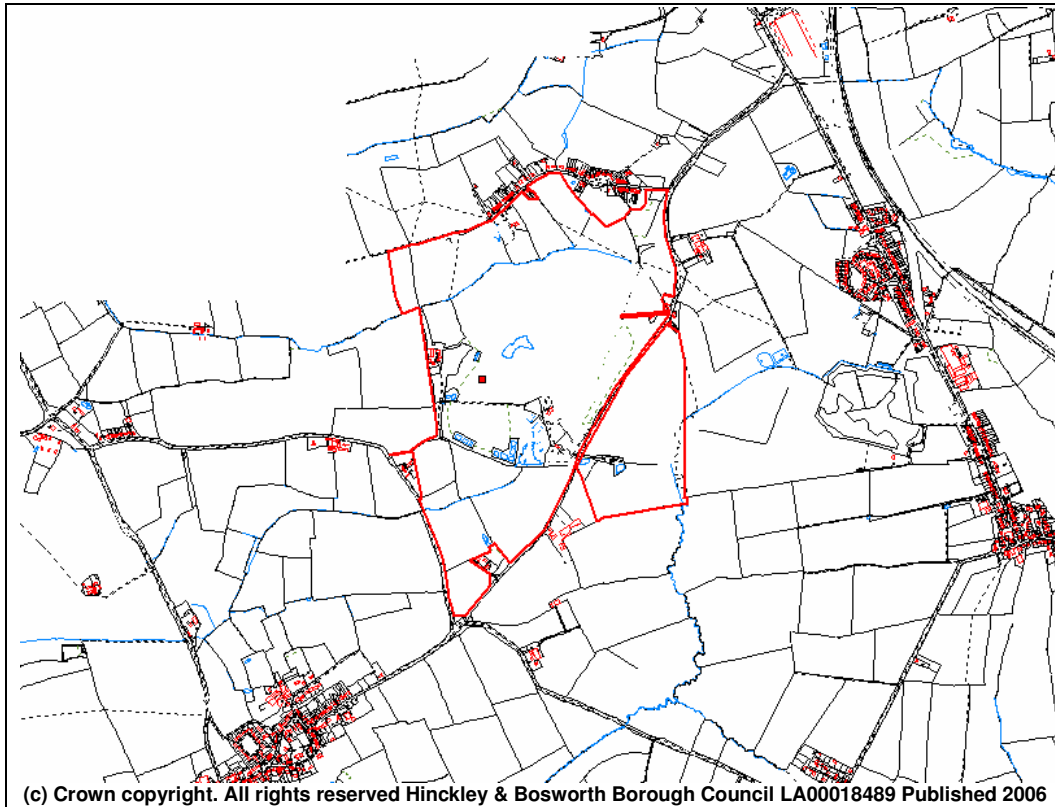
Building heights would be typically 18 to 19 metres to the ridge, with the small unit of 1,862 sq metres having a ridge height of 12 metres.

The proposals could also provide opportunity to improve local public transport with the provision of a bus stop close to the site and the operation of a local community bus.

## History:-

Application submitted to Leicestershire County Council for amendments to previously approved restoration plan for tip washing. Borough Council raised no objections, application approved on 25.10.96.

Application submitted to Leicestershire County Council for proposed reclamation of colliery site to public amenity woodlands and grasslands. Borough Council raised concerns regarding the suitability of the proposal; traffic generation and considers the Waste Local Plan be allowed to complete its process towards adoption before a decision is made on this application.



## Consultations:-

No objection raised by:  
Nailstone Parish Council  
Ibstock Parish Council  
The Coal Authority.

No objection subject to conditions has been raised by:  
Severn Trent Water  
Head of Health and Environment.

Director of Environment and Heritage Services (Archaeology) comment that whilst the core of the development site has been significantly damaged by its use as a colliery the remaining areas forming the peripheries of the development site appear to have been minimally affected by the coal mining. Aspects of the scheme, notably tree planting and creation of lakes could impact upon buried archaeology. Additional archaeological assessment of the proposal is required. This should commence with field walking and/or geophysical survey. Subject to the results of this initial phase a further stage of trial

trenching is recommended and the results of each should be submitted for consideration with the current application. This information should be submitted prior to the planning authority making any decision on the application. However if the planning authority is minded to refuse the application the lack of archaeological information should be an additional reason for refusal to ensure the archaeological potential is given future consideration.

Director of Community Services (Rights of Way) considers that the additional public access proposed will considerably enhance the rights of way network in this area. Full support is given to the creation of two bridleways, however it is considered appropriate that the bridleways are formally dedicated as public rights of way so that they may be added to the definitive map, their surface should also be constructed to the standard of a cycleway so they can form a continuation of the route that passes through Battram Wood. It is considered appropriate that the other routes intended to be provided within the country park comprise a mix of dedicated footpaths and permissive access.

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

- Department of Highways, Transportation and Waste Management (Civic Amenity) require no contribution as there is no residential included within the proposals.
- Director of Community Services (Natural Life) comments that there are a number of sites that have previously been evaluated as being of Parish level ecological significance. Nailstone Wiggs has also previously been evaluated as being of Parish level ecological significance, and this part of the site is to be lost as a result of this development. It is therefore recommended that these sites are identified and incorporated into the design of the development. A buffer zone should be created around each site to ensure that its importance is retained. Environment Policy 3A of the Structure Plan protects habitats of local importance. The proposal results in the loss of two small areas of ancient woodland. Ancient woodland is part of the Leicester, Leicestershire and Rutland Biodiversity Action Plan priority habitat H18 Broad-leaved Woodland. Nailstone Wiggs is also recorded on the English Nature Ancient Woodland Inventory. The current Local Wildlife Site selection criteria allow any woodland listed on the Leicestershire Inventory of Ancient Woodland to qualify as a Local Wildlife Site, giving this site a proposed Local Wildlife Site status. Environment Policy 3A should therefore be applied. Natural England should be consulted if this development is to go ahead with the loss of the ancient woodland. With regards to protected species, the ecological report submitted with the application identifies a number of protected species on the site. Further surveys should be completed as suggested in the report before planning permission is given. The development should be required to provide a planning agreement requiring full mitigation plans for the loss of habitat; full mitigation plans for the protected species on site; further recommended ecological surveys should be completed; a full management plan should be provided to conserve and maximise the ecological potential of the site.
- Head of Commercial and Support Services (Libraries) have requested no financial contribution.
- Head of Community and Support Services (Country Parks) have stated that if the County is approached to take on the future management of the proposed Country Park an endowment would be requested to cover costs.
- Director of Children and Young People's Service (Education) require no contribution, as there is no residential development proposed.

The National Forest considers that it would be preferable for the whole of this site to be reclaimed for forest-related uses. However, it is acknowledged that this proposal would provide a high landscaping to development ratio (118 ha to 25 ha). The country park element of the application would make an important contribution towards meeting the National Forests objectives in the area. It would also link well with other Forest sites in the Battram/Bagworth area. However, there are concerns about the potential habitat losses

that could occur as a result of the development. In particular the loss of areas of Ancient Woodland, pond habitat for great crested newts, a badger sett and lengths of hedgerow. Natural England and the Leicestershire Ecological Record Centre should be consulted to assess the significance of these potential losses. The 1 metre of soil proposed to be imported onto site to spread over the contaminated tip would be a minimum that is required but further advice should be sought about this from the Forestry Commissions Forest Research Agency. It is considered that translocation of topsoil from the woodland areas to areas for new planting could have negative ecological impacts on the areas of existing woodland and is therefore not recommended. Further details are required regarding the management strategy to guide the future use and operation of the park, in particular who the long-term owner/manager may be and what financial provision will be made towards future management. With regards to the employment use the option that proves to be the least ecologically damaging and the most easily integrated into the landscape setting would be preferred. The height of any proposed building should be considered carefully as it can for example take around 100 years for an Oak Tree to reach around 20m in height therefore landscaping to lessen the visual impact could take a significant time to have any major effect. As the site is located within the National Forest any buildings should be of high design that reflects its setting within the forest, for example, incorporating more timber in the design and using sustainable materials and methods where possible.

The Land Drainage Engineer considers it essential that sustainable drainage systems are incorporated into the detailed proposals, preferably also including rainwater harvesting.

The Campaign to Protect Rural England (CPRE) considers this site lies outside the settlement boundary and therefore to permit such a development would be contrary to both local and national policy. The Local Plan identifies the former colliery site for decontamination, and restoration as a country park, which would be the preferred option. The local community is opposed to the site being used for any type of waste disposal, recycling or incinerator plant and there are concerns about illegal gypsy encampments. However, concern is also raised that 25 hectares of employment land would generate greater traffic movements resulting in increased noise and light pollution. Whilst there are many environmental issues that would need to be resolved it is considered that the feasibility of building affordable residential dwellings on the site along with some small business units (Use Class B1) should be explored. The construction of storage and distribution depots (Use Class B8) should be resisted as this would be detrimental to the community, the environment and could possibly create a precedent for further industrial development in the surrounding countryside. There is adequate provision of B8 uses in the locality and the area already has major HGV movements along Wood Road. Further development would attract more pedestrians, cyclists, horse riders and highway safety would need to be improved. The Country Park element of the proposal has merits but would be significantly enhanced if additional fields were developed which link the site with Bagworth. This would provide opportunity to create a wildlife corridor and footpath/cycle trail linking Bagworth Heath Woodlands, the former Bagworth Colliery site, with the former Nailstone Colliery site to connect with Battram Woodland. If approved any landscaping, planting of trees, wildflowers and reed beds must be completed at the first available season with agreement secured to completion dates.

The Borough Council's Ecological Consultant comments that the ecological report submitted is accurate and very thorough. There is a presence of protected and rare species on the site. Great Crested Newts are protected by law along with Badgers and Little Ringed Plover, however Palmate Newts are much rarer within Leicestershire, there being only a couple of other known sites, therefore special management advice should be sought for the pools where these are found. The loss of ancient woodland is not considered necessary. It would take many years to replace even a small area of ancient woodland and therefore it would be better to alter the proposals rather than remove the woodland. Any works affecting Badgers, Great Crested Newts or Bats would need to be carried out with the necessary licences from Natural England. The Little Ringed Plover is a

summer migrant therefore any work involving them will need to be completed prior to them arriving back in this country. It is suggested that the area that is currently open land should be left to naturally succeed into grass/heath rather than planting trees. This is an important and scarce habitat, which is lacking in the National Forest. Skylarks, Hares and Pipits are also present on the site all of which would benefit from retaining this open area on the top of the hill. By allowing natural succession to take place, this would provide an educational resource for staff based in the education centre. It isn't clear who will be responsible for the long-term management of the site or education centre, such considerations should be thought about at an early stage as such ventures can be very costly and need a long term financial commitment.

The Environment Agency have raised no objections subject to planning conditions but suggest that further work be undertaken to characterise the contamination present on the site.

The Ramblers Association supports the proposals for the Country Park and welcome the proposed mixture of footpaths, cycleways, picnic areas and places for the quiet enjoyment of the countryside. However they consider the industrial development is out of character and the buildings will overpower the surrounding landscape. Concerns are raised regarding high security fences, lighting, and additional traffic on local roads and commercial vehicles on unsuitable roads.

Natural England supports the creation of habitat as part of the scheme and state that it is important that this area is planned properly with funds to create and maintain it. Their comments are then broken down and relate to specific areas:

- Loss of Ancient Woodland Inventory Site - object to the scheme on the basis of the loss of the area of Ancient Woodland. PPS9 specifically identifies Ancient Woodland and states that local authorities should not grant planning permission for any development that would result in the loss or deterioration unless the need for and benefits of the development in that location outweigh the loss of woodland habitats. Policy NE7 of the Local Plan echoes this advice. It must therefore be demonstrated that there is sufficient need to justify the loss of an area of woodland that has existed since before 1600 and cannot be recreated. The scheme should be redesigned to accommodate the ancient woodland.
- Bats - It appears there are no buildings on site to be demolished. If this is not the case there will need to be a survey of the buildings by a qualified ecologist at an appropriate time of the year. This should be undertaken prior to planning permission being granted.
- Great Crested Newts - The planned loss of water body, which is known to support great crested newts, will require a licence from Natural England. There were insufficient survey visits for great crested newts to confirm their absence from any of the water bodies on site. These areas will require further surveys to establish presence/absence and population size for the great crested newts. These surveys should be undertaken prior to the determination of the application as they may have implications on the design of the scheme.
- Creation of ponds - Any ponds to be created on site for great crested newts should not be stocked with fish and there must be mechanisms in place to stop fish entering the newt ponds if the area flooded. This should be covered in a mitigation scheme and ensured via the conditions or agreement on the implementation of the strategy.
- Other species - Further surveys for reptiles should be undertaken before work on site commences. There is a need for replacement habitat for brown hares and Little Ringed Plover if the areas currently used by these species are to be lost.

The Leicestershire Footpath Association supports the application and in particular the increased access to this site. They have suggested that there is a definitive footpath link to



public right of way S85 provided. They have also suggested that cyclists and pedestrians should be kept separate.

The Strategy and Regeneration Manager comments that Policy REC12 of the Local Plan seeks to allocate the site for recreational pursuits and that proposals for other forms of development will be resisted. Within the Structure plan there is provision for employment land within the Borough up to 2016 of 122ha. Separate policy applies in respect of strategic employment sites, which are viewed as being reserved for prestige developments, and multi-occupation, primarily in the B1 and B2 Use Classes. This proposal is not viewed to fall within the context of this type of development. Storage and Distribution Employment Policy 6 of the Structure Plan applies a criterion-based policy for development subject to environmental impact and good access. Further in respect of this policy it is regarded as a matter for Local Development Frameworks to define circumstances where development may cause unacceptable environmental consequences. Given the nature of the change it is considered the proposal will have a significant impact on the immediate environment. Furthermore and importantly, provision should be limited to the sequential approach to the location of and suitability of land for development, which is echoed in Regional Spatial Strategy 8. The aim being to not only pursue sustainable development but also to direct development outside the Central Leicestershire Policy Area towards the main towns, to provide a balance of housing and employment provision. The location of Nailstone Colliery is not considered to provide a favourable location for such development as proposed. The emerging Core Strategy although undergoing work as a result of Government Office for the East Midlands requirements for the Borough Council to provide more justification for areas of growth did propose a policy to carefully manage the regeneration of the site, which considers uses related to its strategic location within the National Forest. This includes suitable woodland based employment, tourism, recreation and leisure or renewable energy including the creation of woodland to reflect the context of the National Forest. The revised Regional Spatial Strategy, currently out to consultation, indicates that priorities for regeneration are to be focused on areas of greatest need, particularly those in Principal Urban Areas and Sub Regional Centres that show high levels of deprivation. Economic prosperity will be improved through the improvement of access to labour and markets. In light of the above it is difficult to see how this proposal relates favourably to either existing adopted policies or emerging policy guidance. The Borough Council requires quality employment provision to assist in regeneration and to address issues of local deprivation around Sub Regional Centres as outlined in the Regional Spatial Strategy. The proposal and its location are questioned in terms of addressing employment requirements, justification and sustainability. It is also not clear where or how travel to work patterns will develop in the Nailstone areas, particularly in relation to the uses proposed, which would appear to offer low paid employment opportunities.

The Director of Highways, Transportation and Waste Management comment as follows:

- Sustainability - Although a brownfield site, the location does not appear to be fully sustainable, the applicants have sought to improve the sustainability of the site by attending to walking, cycling and public transport requirements, and a draft travel plan.
- Transport Assessment and Travel Plan - The traffic generation figures in the Transport Assessment are robust and unlikely to be significantly exceeded. Further information provided indicates it is unlikely to exceed a 2-way flow of 4700 vehicles per day (7am - 7pm) at the site entrance; this is immediately split into two directions. Larger warehouses tend to generate less traffic per unit of floor space than smaller warehouses; therefore the applicant is prepared to accept a minimum floor space of 10,000 square metres in respect of any subdivision. Whilst the draft travel plan is helpful and has some potential to reduce the car traffic generated by the site there could be an overarching travel plan into which individual travel plans of the possibly separate operators and the country park would fit. It is estimated that there would be 500 employees, with provision of 809 car parking spaces. The site should therefore be designed with a permanent potential to accommodate 809 spaces, the number actually

provided at any time reflecting employee numbers tempered by the provisions of the Travel Plan to be approved.

- Main Site Access - Improvement will be required to provide satisfactory vehicular access, illustrated in the Traffic Assessment. This will require the hedge to be set back and some advance warning and directional signage.
- Possible Pedestrian, Cycle and Equestrian Access from Grange Lane to the Employment and the Country Park - requirement still being considered and depend on position of bus stops. A Grampian Condition is recommended.
- Possible Access linking to Footpath Q85 serving the Country Park and potentially linking the Employment to Bagworth - requirements will need to be considered. There have already been some improvements and an alternative route in the vicinity of Bagworth. Footpath Q85 could be upgraded to a cycleway or bridleway, and the question of alternative routing east of Wood Road subject to the consent of the relevant landowners. A Grampian Condition is recommended.
- Country Park access off Battram Road (NW Leics District) - Satisfactory access can be achieved. Although the junction of Battram Road with Wood Road is substandard the proposal is unlikely to generate traffic levels that would exacerbate the situation detrimentally.
- Other Accesses to accommodate Public Rights of Way into the Country Park - these will need to be accommodated as demonstrated on the illustrative masterplans. A Grampian Condition is recommended.
- Lorry Routing - The A511, A447, B585 and B582 are already designated lorry routes, including Victoria Road, Station Road, Wood Road, Grange Lane and Bagworth Road. A HGV routing strategy is proposed directing southbound traffic to A447 via Grange Lane. The site will however require advance direction signing and will need to be designated by a suitable name such that it is not mistaken for Nailstone Village.
- Junction Improvements - The junction of Wood Road with Grange Lane and Bagworth Road is required to be converted into a roundabout, which is feasible. This would improve safety and accommodate an increase in right turning vehicles. The junction of Victoria Road with Ellistown Terrace Road and Station Road is within North West Leicestershire District but the requirement relates to the employment proposed within Hinckley and Bosworth Borough. Traffic signals are required, as illustrated in the Traffic Assessment. It will also be necessary to remove one bus stop and move another. The junction of Station Road with Wood Road is within North West Leicestershire District but the requirement relates to the proposed employment within Hinckley and Bosworth Borough. The Traffic Assessment demonstrates that the capacity of the junction with the proposed development traffic would be approached in 2011 and exceeded by 2026. Therefore the provision of traffic signals is required at this junction as illustrated in the Traffic Assessment. The applicants are currently examining the improvement to the M1 junction 22 slip roads. If improvements are required, potentially the county road forming the roundabout may be affected.
- Bus/Public Transport - this matter is still being considered. The current focus is on serving potential employees from the Coalville area and if possible the Hinckley area. There is the question of a shuttle linking the development with settlements in the vicinity of Coalville. There is also the possibility of improving and diverting the existing service. Provision will need to be made in the Section 106 agreement and provision to fit a 6 day 18 hour shift pattern is currently understood to be envisaged by the applicant. Bus stops will need to be provided and paved and lit connections for walking from the bus stops to the employment.
- Routes for pedestrians, cyclists and equestrians - The Park is not going to have significant warden or ranger control and therefore the routes through the park will not be necessarily sufficiently secure for regular commuting purposes. However the proposed trails are understood to have good recreational value.
- Site frontage route - In principle, a footway / cycleway alongside the carriageway of Wood Road along the site frontage should be provided. This should connect with and improve the existing length of footway in NW Leicestershire south of Battram Road. Additional footway / cycleway may be required to connect with any bus stop in Grange

Lane. There is an existing hedge, which may require setting back; ground levels may require making up; and there appears to be intervening properties. A Grampian condition is recommended.

- Route into Nailstone - A joint use footway / cycleway within the highway from the south of the site connection with footway at Nailstone should be provided. This would serve Nailstone residents wishing to walk or cycle to the employment area or country park. A Grampian Condition is recommended.
- Connection with Bridleway R67 - The bridleway should be connected to crossing facilities at the roundabout by a suitable verge treatment in Bagworth Road. A Grampian Condition is recommended.

It is recommended that if permission is granted a Section 106 Agreement be drawn up and conditions imposed relating to the highway issues set out above.

Leicestershire County Council, Strategic Planning advise that the Cabinet notes the recommendation of the Development Control and Regulatory Board, and accepts its view that the proposal has merit by bring back into beneficial use an area of land which is in need of remediation and recognises the public benefit that will result from the country park element of the application. However the Cabinet also recognises that these advantages must be balanced against other considerations and given that the application conflicts with current strategic and local plan policies and the potential impact that approving the proposal would have on the proper consideration of the County Council's Waste Development Framework and Hinckley and Bosworth Borough Council's own Local Development Framework, the Borough Council will need to be satisfied that this is the best or indeed the only way of achieving these acknowledged public benefits; and that North West Leicester District Council be advised of this decision.

North West Leicestershire District Council raises no objections to the proposals. They consider the Hinckley and Bosworth Local Development Framework is the appropriate vehicle to assess the future use of the former Nailstone Colliery site. However, as work on this is at an early stage Hinckley and Bosworth Borough Councils should take its own view on the acceptability (or otherwise) of the scheme in principle in light of existing and emerging planning policies. In doing so, it is considered that sustainability aims and the need to ensure that highway safety and residential amenities are considered. Furthermore, in overall terms the District of North West Leicestershire currently has a healthy supply of serviced employment land, this supply is largely made up by the Castle Donnington Power Station site. Within the Coalville area the supply is much more limited in respect of employment land and premises particularly in relation to the smaller units. In terms of larger units there are only two remaining plots at Bardon so in the near future the south of the District will find it difficult to meet continued demand. Whilst the Nailstone site is within the Borough of Hinckley and Bosworth the site would provide employment opportunities for the population of the District of North West Leicestershire. Therefore the development should be considered acceptable in principle in policy terms, and it is recommended that a scheme should combine a mix of large and small units with the concept of "affordable" employment provision considered.

88 letters of support have been received from local residents, of these letters 52 also strongly object to the proposals within the County Council's draft LDF for the site to be allocated for landfill. Comments of support include:

- i) Will clean the site up and address existing water contamination problems
- ii) Provide a country park with nature trails, educational facilities and quieter recreational pursuits
- iii) New business and job opportunities
- iv) Provision of public transport
- v) This would provide a fitting memorial to all those that worked in the coal mine
- vi) Provide a wealth of opportunity to local residents and visitors
- vii) Preferable to County Council proposals as a incineration/landfill site

- viii) An environmentally friendly scheme
- ix) Would meet local need for recreational facilities
- x) Would be in keeping with the character of the area
- xi) Enhancement and protection of wildlife habitat and species
- xii) Provide educational opportunities and linking communities
- xiii) The significant woodland planting will outweigh the loss of the centre of the site to employment uses.

12 letters of objection have been received from local residents, the comments include:

- i) Traffic should be directed towards the motorways and not local roads as traffic volume since the Bardon Business Park is unbelievable
- ii) Lack of certainty within the proposals regarding the provision of facilities such as fishing lake; cycle/pedestrian access; ridge trail; bridle path redevelopment.
- iii) Impact of increased traffic on the local population
- iv) Hours of operation of commercial uses
- v) Measures to reduce light pollution
- vi) Creation of wetland area will affect the adjoining land, which is currently a working arable/beef farm.
- vii) Potential for travellers to use the site once opened up
- viii) Site is currently contaminated, development could lead to water pollution
- ix) The proposal for landscaping/country park is just a smoke screen and sweetener to get the industrial development approved.
- x) Industrial development on this site is contrary to policy
- xi) Already vacant commercial premises in area, these are not needed.
- xii) There is more need for a landfill site within the area than a country park and storage and distribution units.
- xiii) The land could be better used to grow cereals, which will feed humans and animals, and crops to be manufactured into bio-fuels are more environmental friendly than what is proposed.
- xiv) Who will finance, maintain and police the country park?
- xv) Affect the livelihood of local farmers.
- xvi) Increase traffic will adversely affect safety and quality of life.

One further letter of objection has been received from a tenant of the land included within the application. Their concerns include the generation of significant traffic movement in the rural location; and the adverse impact the proposal will have upon their farm business.

At the time of writing the report comments are still awaited from:  
Leicestershire and Rutland Trust  
Highways Agency.

### **Development Plan Policies:-**

#### National Planning Policy

Planning Policy Statement 1 sets out the overarching principles for sustainable development. It provides that a high level of protection should be afforded to the most valued townscapes and landscapes, wildlife habitats and natural resources. Development proposals should be in sustainable locations and should seek to enhance the environment and significant adverse impacts should be avoided.

Planning Policy Statement 7 promotes sustainable development in rural areas. It provides that new development in the countryside should be strictly controlled. The Government's aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it

may be enjoyed by all. New development in rural areas should be of good quality design, in scale with the surroundings and accessible.

Planning Policy Statement 9 sets out planning policies for the protection of biodiversity and geological conservation through the planning system. It promotes sustainable development, seeks to conserve, enhance and restore the diversity of England's wildlife and geology; and seeks to contribute to rural renewal and urban renaissance. In particular it states that local wildlife sites have a fundamental role to play in meeting the overall national biodiversity targets contributing to the quality of life and the well being of the community and in supporting research and education. Furthermore it states ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. It suggests that Local Planning Authorities should identify areas of ancient woodland that do not have statutory protection, and that Local Planning Authorities should not grant planning permission for development that would result in its loss or deterioration unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat.

Planning Policy Guidance Note 4 suggests that economic growth and a high quality environment have to be pursued together. It seeks to help businesses through the planning system and encourages new development in sustainable locations.

Planning Policy Guidance Note 13 seeks to integrate planning and transport at national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and moving freight.

Planning Policy Guidance Note 16 provides guidance for the preservation and recording of archaeological remains on land.

Planning Policy Guidance Note 17 promotes recreational uses to improve people's quality of life. It suggests Local Planning Authorities should seek opportunities to provide better facilities for walkers, cyclists and horse riders.

### Regional Planning Policy

Regional Spatial Strategy 8 provides a broad development strategy for the East Midlands up to 2021. It identifies the scale and distribution of provision for new development and priorities for the environment, transport, infrastructure, economic development, agriculture, energy, minerals and waste treatment and disposal. Policy 2 provides a priority order for development to ensure the most sustainable locations are developed. Policy 3 lays out the sustainability criteria for assessment of the suitability of land for development. Policy 22 addresses the regional priorities for employment land emphasising the need for this to be in sustainable locations.

### Strategic Planning Policy

Policy at County level is provided by the Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016. The relevant policies are:

Strategy Policy 2A seeks to prioritise the order for land to come forward for development. It prioritises brownfield land in urban areas for development moving onto land within or adjoining rural centres, the last priority is other locations subject, where relevant, to the considerations in other policies.

Strategy Policy 2B sets out criteria to be applied when considering the suitability of land for development. These include accessibility of sites; impact on natural resources and environmental and cultural assets.

Strategy Policy 8 provides protection for the countryside and sets out specific criteria for development to meet, these include small scale development for employment or leisure; land extensive outdoor recreation uses that do not include substantial built development; agriculture or forestry buildings.

Strategy Policy 10 lays down the criteria to be applied for good design.

Strategy Policy 11 sets out the requirement for developers meeting the costs of and infrastructure improvements.

Strategy Policy 13 makes provision for development within the National Forest and lays down criteria to be met.

Environment Policy 1 states that measures should be taken to identify, protect, preserve and enhance areas, sites, buildings and settings of historic or architectural interest or archaeological importance.

Environment Policy 3A provides protection of important species and habitats. It categorises levels of habitat and Policy 3A(iii) specifically protects habitats of local importance.

Environment Policy 5 provides the impetus for encouraging an improved management of woodlands and to increase the total woodland cover of the Plan Area. It also provides that development will only be acceptable where it will not result in the loss of, or damage to ancient woodland.

Resource Management Policy 5 protects the best and most versatile agricultural land except where a need for the development can be demonstrated.

Accessibility and Transport Policy 1 requires developers to maximise the potential for access to and from new development by walking, cycling and public transport.

Accessibility and Transport Policy 2 promotes the provision for walking and to take other measures to reduce number of traffic movements.

Accessibility and Transport Policy 3 promotes the provision for cycling.

Accessibility and Transport Policy 7 lays down the parking requirements for new developments and provides that the maximum limit will only be permitted where the applicant can demonstrate that a higher level is required.

Employment Policy 1 makes provision for the development of land for employment in the industrial, office, warehousing and distribution sectors.

Employment Policy 6 provides for the use of land for storage and distribution purposes and states that the development should not cause unacceptable environmental consequences and any potential for the development to be served by rail or water freight should be maximised.

Employment Policy 7 provides that the provision for employment development within and adjoining rural centres should be made, and will be permitted in other rural settlements either in the form of new development or from the conversion of existing buildings, subject to the development individually or cumulatively with other development being of a scale and type that is appropriate to the form, character and setting of the settlement, and not having an unacceptable impact in terms of traffic generated, access or parking arrangements.

Leisure Policy 4 protects existing public rights of way and promotes improved access into the countryside and encourages the creation of new routes for leisure cycling, walking or horse riding.

The Leicestershire and Leicester Waste Development Framework Site Allocations Preferred Options July 2006 proposes the former Nailstone Colliery site as an allocated site for Waste Recycling, Compositing, Waste Recovery and Landfill for non-inert Waste.

#### Local Planning Policy

Policy at Local level is provided by the Hinckley and Bosworth Local Plan.

Strategic Objective 5 seeks to reduce growth in energy use through the promotion of sustainable development that seeks to reduce transport movements.

Policy IMP1 recognises that new development impacts on infrastructure and provides the mechanism to require the developer to make contributions towards either new or improved infrastructure and facilities.

Policy EMP4 provides criteria to be applied to proposals for employment development on sites other than those allocated for employment uses. It provides that these should be small-scale employment uses within settlement boundaries, and in rural areas which meet demonstrable local employment needs immediately adjacent to settlement boundaries. The development should then meet the criteria laid out within the policy.

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Proposals are to be assessed against the criteria within the policy.

Policies BE13, BE14, BE15 and BE16 provide guidance for development proposals that affect archaeological sites. These policies provide guidance for the initial assessment of sites; the field evaluation of sites; the preservation of archaeological remains in situ; and archaeological investigation and recording.

Policy BE26 seeks to protect the environment and visual amenity through the reduction of light pollution.

Policy NE1 requires that proposals, which may require environmental assessment, should be accompanied by sufficient information to demonstrate their effects upon the environment. Such proposals will not be permitted where their effects are likely to be significantly damaging to the environment.

Policy NE2 requires that development should not cause material harm through pollution of the air or soil nor suffer from either existing or potential sources of air or soil pollution.

Policy NE5 protects the countryside for its own sake and categorises types of development that are considered acceptable in the countryside. These should be important to the local economy and cannot be provided within or adjacent to an existing settlement; or for the change of use or reuse of existing buildings; or for sport or recreation purposes. It should also not have an adverse effect on the appearance or character of the landscape; it should be in keeping with the scale and character of existing buildings and the general surroundings; should where necessary be effectively screened by landscaping or other methods; and should not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy NE7 affords protection to sites of county and local nature conservation significance. It provides that permission will not be granted where these sites are affected unless an

overriding national or local need is identified for which no alternative site is available. It also provides that where development on such sites is permitted conditions or the use of Section 106 agreements shall ensure minimum disturbance.

Policy NE8 affords protection to protected species and does not allow development that would be likely to result in harm to them. It also provides that where development that affects such species is permitted the use of conditions or a S106 agreement shall ensure minimum disturbance.

Policy NE10 provides that any permitted development within local landscape improvement areas shall include comprehensive landscaping proposals to enhance the landscape of these areas.

Policies NE21, NE22, NE23 and NE24 set out the principles of new development within the National Forest along with the criteria for consideration of proposals, implementation of planting and landscaping schemes and the future maintenance and management of planted areas. It seeks all new development to be of a high quality, the design and materials, the layout and planting of open spaces should reflect the local architecture and the setting of the proposal in the forest. Particular emphasis should be placed on integrated open spaces with footpaths and other routes through the forest.

Policy NE27 affords protection to the best and most versatile agricultural land.

Policy T3 requires new major developments to make provision for bus access and the appropriate supporting infrastructure.

Policy T5 requires new development to meet the current highway standards in terms of highway design and parking.

Policy T9 requires new development to make provision for cyclists and pedestrians and encourage these methods as safe and convenient means of transport.

Policy T11 requires the submission of a traffic impact assessment for proposals likely to generate significant traffic flows, especially heavy goods vehicles, where there may be a detrimental effect on the local traffic situation.

Policy REC4 specifies criteria to be applied to proposals for recreational facilities, relevant criteria to this proposal include: the facilities should not have a detrimental effect upon adjacent land uses, or upon the amenities of adjacent residents; the form, scale and design is in keeping with the area and does not detract from the character of the landscape; adequate parking and access arrangements are provided, and there is capacity in the local road network to accommodate the development; landscaping is provided as an integral part of the proposal; it is not detrimental to the rights of way network; and it would not adversely affect sites of ecological, geological or archaeological significance.

Policy REC9 requires proposals for development in the countryside to have regard to improving access to the countryside; promoting walking, cycling, horse riding; safeguarding existing rights of way; ensuring new development does not adversely affect the safety and convenience of existing off road routes; and improve, and where possible extend, the existing public footpath and bridleway network.

Policy REC12 is a specific recreation policy for Nailstone Colliery. It allocates an area of 55 hectares for recreational activities, forest planting and landscaping including fishing and informal pursuits subject to the environmental and highway considerations laid out in Policy REC4. It states that proposals for other forms of development will be resisted.



## **Appraisal:-**

### Principle

The application proposes two distinct forms of development, (i) the country park and (ii) employment development.

### Country Park

The Country Park proposals include a variety of recreational uses with a network of footpaths and cycleways. Significant planting is also proposed within the country park to contribute towards the woodland, and this also contributes towards some screening of the proposed employment development. Planning Policy Guidance Note 17 supports recreational uses and supports improved facilities for walkers, cyclists and horse riders. Strategic County Policy also makes provision for such uses promoting improved access into the countryside and encouraging new routes for leisure cycling, walking or horse riding. Strategy Policy 8 allows land extensive outdoor recreation uses that do not include substantial built form. The Hinckley and Bosworth Local Plan supports the proposal of the country park through Policy REC12, which allocates the site for recreational activities, forest planting and landscaping including fishing, and informal pursuits providing there is no adverse impact on the environment and highway network. This policy does state that other forms of development will be resisted. It is therefore considered that the principle of a country park in this location could not be resisted.

### Employment Development

Throughout all National Policy Guidance the theme of sustainable development is most prominent. Planning Policy Statement 7 specifically refers to sustainable development in rural areas; this seeks to protect the countryside for its own sake and provides that new development should be strictly controlled. Strategic County Policy seeks to prioritise the order in which land comes forward for development. Regional Spatial Strategy 8 supports this sequential approach to development. It prioritises brownfield land in urban area moving onto land within or adjoining rural centres. The application site is brownfield land but within the countryside. This would therefore fall within the last priority of other locations subject, where relevant, to the consideration in other policies. Employment Policies provide that development should not cause unacceptable environmental consequences and the use of rail or water freight should be maximised. There is no opportunity to use rail or water freight and the impact on the environment will be considered later. The Hinckley and Bosworth Local Plan supports employment development of a small scale within settlement boundaries and in rural areas immediately adjacent to settlement boundaries if it meets demonstrable local employment needs. Policy NE5 seeks to protect the countryside for its own sake and does not support large scale employment development unless it is important to the local economy and cannot be provided within or adjacent to an existing settlement. Finally, Policy REC12 supports the development of the site into a country park but does specifically state that proposals for other forms of development will be resisted. It is therefore considered that in principle the development of the site with large-scale employment land is not supported by policy.

The Emerging Leicestershire and Leicester Waste Development Framework

The Nailstone Colliery site is allocated as a preferred waste site in the emerging Waste Development Framework. The Framework is currently at preferred options stage, the consultation period ended in October 2006. There have been representations received regarding the Nailstone Colliery site, which have to now be considered. The Framework therefore has some weight but it is limited at this stage in the process. However, it should be noted that as the plan is strategic, any alterations to preferred options would have a wider strategic impact across the region.

## Environmental Assessment

The Town and Country (Assessment of Environmental Effects) Regulations 1988 as amended by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 provides the mechanism for requiring an Environmental Assessment for development where it is considered there will a considerable impact upon the environment. Where a development is considered to be an Environmental Impact Assessment development it is necessary for an environmental assessment to be submitted with the application. If when assessed it is apparent that there are environmental issues that still require consideration these details should be sought prior to determination of the application. It is not acceptable to determine the application requiring the further information by condition. Any grant of planning permission that does not take this environmental information into consideration is invalid.

## Ecology and Landscape

The development proposals result in the loss of areas of Ancient Woodland, pond habitat for Great Crested Newts, a Badger sett and lengths of hedgerow. Concerns have been raised regarding these losses by the National Forest, the Borough Council's Ecological Consultant, the Director of Community Services, and Natural England. National Policy specifically identifies Ancient Woodland and states that local authorities should not grant planning permission for any development that would result in the loss or deterioration unless the need for and benefits of the development in that location outweigh the loss of woodland habitats. An area of ancient woodland is proposed to be lost through the siting of the employment development. This the Applicant's submit is required to enable the development of the country park. However, it is considered that this is not sufficient to justify its loss; the site is extremely large and it is considered that the employment development could be redesigned to retain the ancient woodland.

The site also contains sites of parish level ecological significance; Policy Environment 3A(iii) of the Structure Plan protects these sites and states that development will only be acceptable where it would not adversely affect habitats of local importance. Part of the site of parish level ecological significance is proposed to be lost. Again these should be identified and incorporated into the design of the development with a buffer zone around each site to ensure that its importance is retained.

The ecological report submitted with the application recommended that further surveys be completed in the area of protected species. Leicestershire County Council's Director of Community Services (Natural Life) recommends these further surveys before planning permission is granted. Natural England considers that insufficient survey visits were undertaken for great crested newts to confirm their absence from any of the water bodies on site. They have therefore also recommended that further surveys are undertaken prior to the determination of the application as they may have implications of the design of the scheme. Natural England further considers that surveys for reptiles need to be undertaken before work on site commences and that replacement habitat for brown hares and Little Ringed Plover if the areas currently used are lost.

The National Forest raise concerns regarding the translocation of topsoil from the woodland areas to areas of new planting as this could have negative ecological impacts on the areas of existing woodland. They also require further details regarding the management strategy of the park. Comments were also made that the building heights should be carefully considered as landscaping can take a significant time to become effective. They use the example that on average it can take 100 years for an Oak Tree to reach 20 metres in height.

CPRE considers the country park element of the scheme has its merits but feels there would be opportunity to encompass more land within the site to enable the creation of a wildlife corridor and footpath/cycle trail to link existing woodlands.

It is considered that there are still outstanding concerns regarding the ecology of the site and that the scheme could, if there was no objection in principle, be redesigned to accommodate these areas of concern.

### Highways

The Director of Highways, Transportation and Waste Management comments that although this is a brownfield site the location does not appear fully sustainable. However they have not recommended refusal of the application. Whilst concerns have been raised by a number of consultees and residents that this proposal will lead to unacceptable levels of traffic movement on the local road network, the applicants have submitted a traffic assessment and travel plan that the Highway Authority appears supportive of. Several Grampian conditions have been suggested to overcome deficiencies within the road network and to make the development acceptable. If approved it will be necessary to secure a section 106 agreement for highway improvement works both within Hinckley and Bosworth Borough and North West Leicestershire District. The concerns of residents that HGV traffic will adversely impact on the area has been considered and a routing strategy has been proposed so that only the designated lorry routes are used.

### Archaeology

The core of the site has been significantly damaged by its use as a colliery, however it is considered that the periphery areas appear to have been minimally affected. Works such as tree planting and creation of lakes could impact upon buried archaeology and therefore further survey work is required prior to determination of the application.

### Contamination

The Environment Agency whilst not objecting to the proposal have commented that further work be undertaken to characterise the contamination present on the site as the reports submitted does not take all aspects in to account.

### Noise and Air Quality

Reports submitted with the application appear to be adequate, the Head of Health and Environment recommend conditions.

### Drainage

Reports submitted suggest that sustainable drainage systems are to be used. The Land Drainage Engineer considers this essential and suggests the inclusion of rainwater harvesting.

### Rights of Way

The addition to the existing network is welcomed by the majority of consultees and residents. It is considered that the proposals will considerably enhance the rights of way network in the area and increase access to the countryside in line with policy requirements.

### Other Issues

Concern has been raised that the commercial operation will be open 24 hours, 7 days a week. If approved the operating hours can be conditioned to ensure there is no adverse

impact on neighbours. Likewise, delivery vehicles can be conditioned to only make deliveries during certain hours. As with the majority of commercial developments the concern of light pollution is raised, and this again can be conditioned to reduce the impact on the surrounding land uses.

The loss of agricultural land has been raised due to impact on the livelihood of local farmers. Furthermore the creation of the wetland area is likely to affect an existing working arable/beef farm. Policy does protect the loss of the best and most versatile land (Grade 1, 2 and 3a). The agricultural land in question is Grade 3, however at the time of writing the report it is unclear whether it falls within Grade 3a, an update will be reported on late items agenda.

### Conclusion

In conclusion it is considered that the proposed development provides a valuable recreational facility to the local area. However, the scheme includes large-scale employment development in a location that is considered unsustainable by virtue of its remote location to sustainable settlements. Furthermore, the development is considered to have an adverse impact environmentally by affecting areas of ancient woodland and locally protected ecological sites. The lack of information to address adequately the environmental impacts does not meet the requirements of The Town and Country (Assessment of Environmental Effects) Regulations 1988 as amended by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. It is therefore considered that the proposed development, for the reasons above, conflicts with National, Regional, Strategic and Local Planning Policies.

### **RECOMMENDATION :- REFUSE, for the following reasons :-**

- 1 In the opinion of the Local Planning Authority the proposed development is considered contrary to Policy REC12 of the adopted Hinckley and Bosworth Local Plan by virtue of the inclusion of employment development within the proposal. This does not meet the aims of the policy, which are to provide recreational activities, forest planting and landscaping including fishing and informal pursuits.
- 2 In the opinion of the Local Planning Authority the proposed development is considered contrary to the emerging Leicestershire and Leicester Waste Development Framework by virtue of Nailstone Colliery being allocated as a preferred option for a recycling facility; composting; waste recovery facility; and landfill for non-inert waste.
- 3 In the opinion of the Local Planning Authority the proposed development results in employment development in a location which is unsustainable by virtue of its remote location in the countryside and is therefore contrary to Planning Policy Statement 1, Planning Policy Statement 7, Planning Policy Guidance Note 4 and Planning Policy Guidance Note 13, Regional Spatial Strategy 8, Policies 2, 3 and 22; the Leicestershire, Leicester and Rutland Structure Plan, Strategy Policy 2A and 2B; and Hinckley and Bosworth Local Plan, Strategy Objective 5.
- 4 In the opinion of the Local Planning Authority the loss of the ancient woodland would result in a detrimental affect on a valuable biodiversity resource which has historical importance, and if lost cannot be recreated. This therefore conflicts with Planning Policy Statement 9, the Leicestershire, Leicester and Rutland Structure Plan, Environment Policy 3A and 5; and Hinckley and Bosworth Local Plan, Policy NE7.
- 5 In the opinion of the Local Planning Authority, the proposed development is likely to have a significant adverse affect on the wildlife habitat in Nailstone Wiggs, which is a Parish Level Ecologically Significant site. This is therefore contrary to the Leicestershire, Leicester and Rutland Structure Plan Policy 3A and Hinckley and Bosworth Local Plan, Policy NE7.

- 6 In the absence of sufficient information to the contrary the Local Planning Authority is unable to assess the full impact of the proposed development on protected species. The proposed development is therefore contrary to The Town and Country (Assessment of Environmental Effects) Regulations 1988 as amended by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999; Planning Policy Statement 9; the Leicestershire, Leicester and Rutland Structure Plan, Environment Policy 3A; and the Hinckley and Bosworth Local Plan, Policy NE1 and NE8.
- 7 In the absence of sufficient information to the contrary the Local Planning Authority is unable to assess the full impact of the proposed development upon buried archaeology. The proposed development is therefore contrary to The Town and Country (Assessment of Environmental Effects) Regulations 1988 as amended by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999; Leicestershire, Leicester and Rutland Structure Plan, Environment Policy 1; and Hinckley and Bosworth Local Plan, Policy BE13, BE14, BE15 and BE16.

**Contact Officer:- Miss T Miller Ext 5809**

**Item: 2**

**Reference: 05/00971/COU**

**Applicant: Burbage Taekwon-Do Club**

**Location: Unit 3 Carr House Hawley Road Hinckley Leicestershire**

**Proposal: CHANGE OF USE TO TAE-KWON-DO CLUB**

**Introduction:-**

Members will recall that at their meetings on 10 January 2006 and 25 April 2006 they resolved to grant planning permission for this proposal, subject to the execution of a legal agreement to secure and ensure the availability of additional car parking spaces at Carr House during the proposed hours of use. The applicant's agent had originally confirmed to officers that the use of the entire Carr House car park (55 spaces) would be included within such an agreement, although this was later revised to 33 spaces, which Members still considered acceptable at its subsequent meeting April.

However, since the resolution in April, no acceptable unilateral agreement has been submitted, and in light of this and in view of the length of time that has now elapsed, officers consider that the application should be reconsidered.

The previous report and recommendation are repeated below, with appropriate amendments, for Members' information.

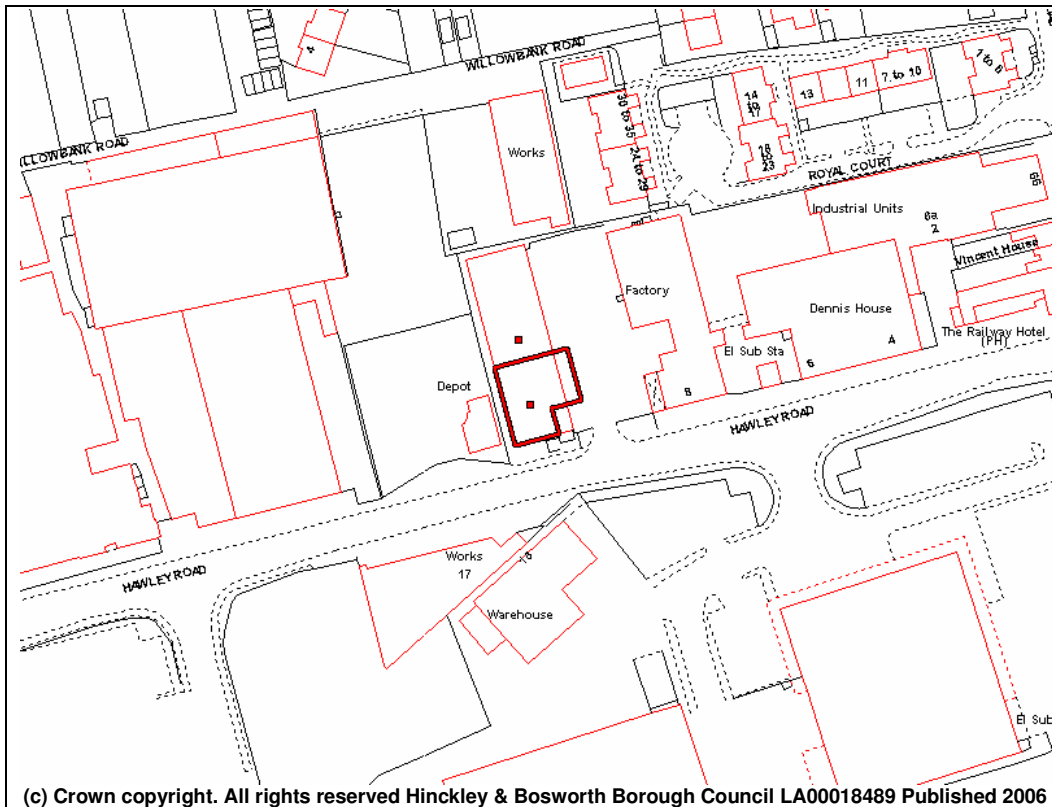
This is an application for the change of use of part of an existing industrial building to use as a TaeKwon-Do Club. The Club would occupy the ground floor of Unit 3, Carr House, which is a two storey purpose-built industrial building constructed approximately eight years ago. Six car parking spaces would be provided within the adjoining car park, which serves the whole of Carr House. Access to the car park is off Hawley Road.

The Club is proposed to be open between 5.00 pm and 9.00 pm Monday to Friday and 10.00 am to 12 noon at weekends. Class size is 20-30 students, with around 80 of a total membership of 120 attending during anyone week. The applicant's agent points out that as the club will operate mainly outside normal working hours, car parking should not be an issue. In addition, most of the young students are dropped off so the six dedicated parking spaces are considered adequate.

The property is surrounded by other industrial land and buildings.

**History:-**

None.



**Consultations:-**

No objections have been received from: -

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

Director of Highways, Transport and Waste Management objects on the grounds that it has not been sufficiently demonstrated that there is an appropriate level of on-site parking provision. However, the Director would be prepared to look favourably on the proposal if a unilateral legal agreement was offered that would provide additional car parking at Carr house, over and above the six allocated spaces.

**Development Plan Policies:-**

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

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

The current adopted Local Plan designates the site as part of the Hawley Road/Southfield Road Industrial Estate. This industrial estate is allocated as an EMP1 (b) - Existing Employment Site, which means the area is generally considered to be an acceptable employment location but where proposal for alternative uses would be considered on their merits. The Local Plan was adopted in 2001 but is currently under review in order to produce the Borough's first Local Development Framework. As part of this process, a review of existing allocations will be made and any new sites for employment use designated. The Employment Development Plan Document is not due for consideration until April 2006 (as part of the Local Development Scheme).

The Employment Land & Premises study published in 2004 assesses the supply and demand for employment land in the Borough and makes recommendations in relation to the Hawley Road/Southfield Road Industrial Estate, specifically that 25-50% of the area should be retained for employment purposes.

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.

#### **Appraisal:-**

The main considerations with regard to the application are the resulting loss of employment land and whether off-street parking arrangements are adequate.

This designated employment site is one where proposals for alternative uses of land and buildings can be considered on their individual merits (Policy EMP1(b)). The Council's Employment Land and Premises Study further clarifies that 25-50% of the whole of the Hawley Road/Southfield Road Industrial Estate should be retained in employment use, and specifically recommends the retention of certain buildings for employment use. The application site is not one of those buildings. However, this is a high quality purpose-built industrial building and is, therefore, a valuable employment building that officers would prefer to see retained for future employment use. Even so, in considering the proposal to change its use, it would appear that the combination of specified retained employment buildings along with recommended employment allocations in the Hinckley Town Centre Masterplan relating to other areas of the Industrial Estate, that the minimum 25% employment use would still be achievable without the retention of the application building in such use. On balance, therefore, the proposal appears to be difficult to resist.

However, the Highway Authority remains concerned that a potential lack of parking facilities could lead to vehicles parking in the Highway. With two full time members of staff and other trainee instructors, it is considered that the six parking spaces could be fully occupied before even considering member parking. Notwithstanding this, the Highway Authority considers that the offer of a unilateral legal undertaking to provide 33 additional car parking spaces would be acceptable. However no unilateral legal agreement has been submitted, and due to the time lapsed, the application now needs to be determined as submitted.

#### **RECOMMENDATION :- REFUSE, for the following reasons :-**

- 1 In the opinion of the local planning authority, the applicant has failed to either demonstrate that an appropriate level of on-site parking provision could be made to cater for the likely demand from the proposed use, or provide a completed legal agreement to ensure that additional parking provision could be secured on land adjoining the site. The lack of provision of such facilities could lead to vehicles parking in the highway, which would not be

in the best interests of highway safety, contrary to Policy T5 of the adopted Hinckley and Bosworth Local Plan.

**Contact Officer:- Mr N Wright Ext 5605**

**Item: 3**

**Reference: 06/00638/FUL**

**Applicant: Crest Nicholson (Midlands) Ltd**

**Location: Greyhound Stadium Nutts Lane Hinckley Leicestershire LE10 ONT**

**Proposal: MAJOR RESIDENTIAL DEVELOPMENT COMPRISING 89 DWELLINGS INCLUDING PROVISION OF PUBLIC OPEN SPACE AND ASSOCIATED WORKS**

**Introduction:-**

This application seeks full planning permission for the erection of 89 dwellings including the provision of public open space and associated works at the Greyhound Stadium, Nutts Lane, Hinckley. The site is roughly triangular in shape, measures approximately 2.6 hectares and is accessed from Paddock Way, off Coventry Road. The site lies on the west side of Nutts Lane and is bounded to the east by industrial units; to the south by the railway line with some residential dwellings to the south-east and fields to the south-west; to the west by the existing Waterside Park residential development; and to the north by a field where outline planning permission was recently refused for residential development.

The site currently consists of a large hardsurfaced car park with an access onto Nutts Lane to the east of the site, a single storey dwelling in the south-east corner of the site, a number of small single storey buildings to the north of the site and the greyhound track itself to the south-west corner of the site which extends across approximately two thirds of the site. The race track itself is enclosed by 1 metre high fencing which runs the full internal and external perimeters of the track. There are existing mature hedges around the boundaries of the site with a collection of trees in the south-west corner of the site.

The application proposes 89 dwellings which consist of 3 one bedroom units, 14 two bedroom units, 60 three bedroom units, 9 four bedroom units and 3 five bedroom units. There are 6 detached dwellings with the remainder semi-detached and terraced properties. There are 6 one and a half storey dwellings, 67 two storey dwellings and 16 two storey dwellings with dormer windows in the front slope of the roof. The application includes 18 affordable dwellings split 75% rented and 25% shared ownership. These are split between 6 locations across the site and consist of 7 two bedroom and 7 three bedroom rented houses and 4 two bedroom shared ownership apartments. The properties are arranged around 3 courtyards and approximately 2000 square metres of public open space, with a further 2700 square metres of open space provided across the remainder of the site. The proposed parking provision will be 1.5 spaces for 1 and 2 bed dwellings, 2 spaces for 3 bedroom dwellings and above and additional spaces for visitors.

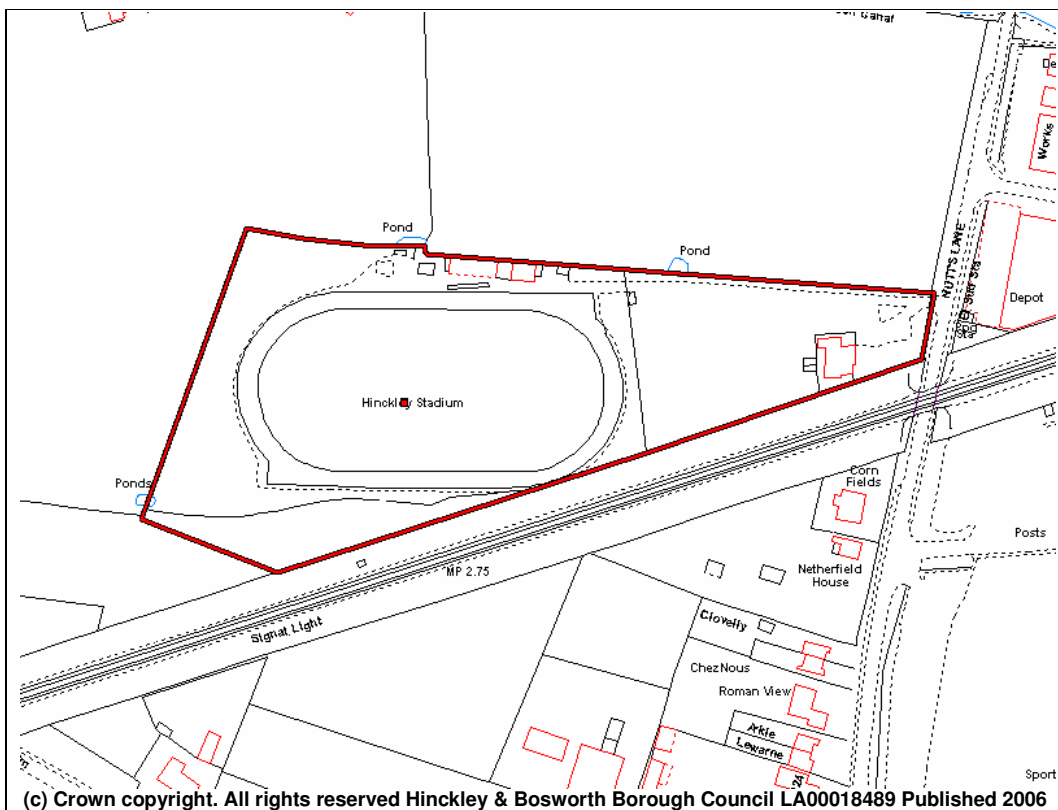
Information submitted in support of the application includes a design & access statement, acoustics report on noise and vibration affecting the site, draft Section 106 heads of terms, streetscenes, ecological assessment, transport statement, landscaping scheme and cross sections of the site. The main development principles are described as 'Places not estates', 'Safe places', 'Build on local character' and 'Building for the future'. The local



features are described as predominantly brick walls with stone sills, lintels and details, with some robust stone and rendered walls also present. The planning statement lists the local, regional and national policies and guidance relevant to the application. The site is described as forming part of the curtilage of the Greyhound Stadium and as being previously developed land adjoining the urban area and consequently strong access to local services. The development is described as meeting criteria 1 and 2 of policy REC1 in relation to the loss of the recreation facility. The facility has seen a 40% downturn in business over the last 6 years, only a limited number of local residents regularly attended meetings and it is likely the facility will be forced to close in the near future. In respect of recreation the site is described as not performing a broad function for the Borough's residents and is clearly beyond the needs of the community given their lack of interest in the site itself. The benefits of the redevelopment of the site with the proposed accessible public open are described as outweighing the loss of the site. In respect of the impact on the countryside the document states that the proposed development would not give rise to a perceived or actual detrimental intrusion into open countryside and that the site is well placed to assist in the delivery of current and emerging housing targets. The document concludes that the proposals draw significant merit from the efficient reuse of vacant previously developed land in a highly sustainable location. The recreation facility, given its circumstances does not form a viable function to the local community and the proposed development itself will adequately compensate, in greater recreational terms, its actual loss.

**History:-**

No relevant history



**Consultations:-**

No objections have been received from:-  
The Ashby Canal Association  
The Director of Community Services (Archaeology).

No objections subject to standard conditions have been received from:-  
Severn Trent Water  
Borough Council's Land Drainage Engineer.

The Borough Council's Green Spaces Manager has concerns regarding the piecemeal development of the area and the lack of any plan for the provision of formal and informal open space within this area and suggests a mini development brief be devised to ensure there are adequate facilities provided to serve the area. Ideally this should include the linking of the open space between this site and the site to the north to create 1 larger more usable open space. Should it prove impractical to link the development of these 2 sites then a financial contribution to improve existing formal open space at Langdale recreation ground would be acceptable under the adopted Supplementary Planning Guidance on Play and Open Space as the site is 727 metres from this open space. In terms of the site layout the open space adjacent to the railway line will not only be noisy and of little benefit but would need securely fencing as Network Rail are only legally required to fence with a post and wire fence. It would clearly not be sensible to design informal play space for children next to a hazard with such little protection. There are also comments regarding the maintenance of the smaller areas of open space, the landscaping scheme, lighting and the provision of litter and dog bins.

Central Networks do not object to the proposed development but comment that there are both high and low voltage networks within the vicinity of the site. There is an electricity substation within close proximity to the development, which is a potential source of noise and a condition is requested requiring the developer to adopt whatever measures are necessary to ensure that the noise remains within acceptable levels.

The Head of Health and Environment states that there is great potential for noise impact from Morris and Sons, a 24 hour fruit and vegetable distribution business, located opposite the eastern end of the site. The noise investigation undertaken for this development measured for only 3 hours 35 minutes in the area of most concern, which was undertaken during school holidays which is understood to be the firms quietest time. Therefore the conclusions reached in the R W Gregory noise investigation report are not based on enough detailed monitoring and may not fully address the potential impact on the development from Morris and Sons. The survey also does not cover the adjacent electricity substation as per the comments of Central Networks. In addition there is a cable stripping business operating from the site. The firm claim and recycle aluminium and copper, so this activity may have led to contamination of the ground and shall therefore require investigation if planning permission is permitted and standard conditions are recommended.

Natural England (formerly English Nature) objects to the application and recommends it be refused as inadequate information has been provided to demonstrate whether or not the development would have an adverse effect on great crested newts. Surveys, assessments and recommendations should be undertaken by a suitably qualified and licensed person and submitted to the Borough Council.

The Environment Agency has concerns regarding surface water runoff and requires a Flood Risk Assessment to be submitted.

The Director of Highways, Transportation and Waste Management provided an initial response raising concerns about the adequacy of the Transport Assessment, discrepancies between the submitted plans, drainage of the site and the lack of a permanent access onto Nutts Lane. The details also state that highway improvements are required to Nutts Lane, public transport infrastructure improvements are required to Paddock Way and Coventry Road and a contribution is required towards the Hinckley Area Cycling Network Plan. The details also state a desire to extend the bus route through the development onto Nutts Lane and that there should only be one access onto Nutts Lane serving both this and the site to the north. Subsequently revised observations have been received objecting to the

application and recommending refusal on the following grounds: the application has failed to demonstrate that an appropriate and safe vehicular access or accesses would be provided; the Transport Assessment does not sufficiently develop Integrated Transport measures, neither does it appear that sufficient measures are proposed by the applicant to connect the site with local facilities; the applicant has failed to demonstrate that adequate improvement works will be carried out to Nutts Lane; and there is doubt as to whether the emergency services will have sufficient access.

The Highways Agency is satisfied that the proposed development will not have an adverse impact on the A5 trunk road. However, they note that the development would appear to be contrary to policy NE5 of the adopted Hinckley and Bosworth Local Plan and that it is not in the Highway Agency's interests to accept traffic impact from a development which is contrary to local plan policy, as the traffic generated by such developments would reduce capacity on the network for other developments which are in line with Local Plan Policy. This problem is particularly acute in this instance due to the congestion problems at Dodwells Island.

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

- Director of Children and Young People's Service - at present there is a surplus capacity in the local primary and high schools so an education contribution will not be requested for these sectors. However, the local upper school is full and forecast to remain so. Consequently an education contribution of £140,353 is required for John Cleveland College.
- Head of Commercial and Support Services - based on the scale of this development in respect of additional users of the existing library facilities a contribution of £5,340 towards the cost of books, materials and other facilities is required. This would be spent over a period of 12 months.
- Director of Highways, Transportation and Waste Management - The nearest civic amenity site is Barwell. Contributions are required at a rate of £41.13 per dwelling, equating to £3,661.
- Natural Life Project Officer - states that the fields to the north of the site have previously been evaluated as being of Parish level ecological significance and therefore recommend that the proposal will have no impact on the quality of this grassland. As the proposal includes the demolition of built structures and works to trees potential bat roost sites may be destroyed. It is recommended that the developer be required to incorporate bat bricks and boxes into the design of the new properties and to plant native trees, common to the area, on site to establish feeding grounds for the bats. Green corridors should be maintained/established particularly along the boundaries of the application site as this furnishes wildlife links between habitats. In built up areas the best method of establishing these links is to plant hedgerow with standard trees with a grass strip alongside. Any such existing habitat should be retained and managed to enhance its wildlife potential.

Hinckley and Bosworth Primary Care Trust have requested a financial contribution of £20,434 towards the provision of appropriate levels of health care which is an essential part of any sustainable community.

Network Rail do not object to the principle of development but has concerns that part of the site is in fact owned by Network Rail. It is also noted that the scale of the development in the longer term will have an impact on the railway station, as such contributions towards improvements should be considered. The details also include a number of technical requirements regarding drainage, building in close proximity to a railway, boundary

treatment, highway safety barriers and lighting. In particular conditions are requested for boundary treatment, soundproofing, and landscaping.

The Leicestershire Constabulary Crime Reduction Officer objects to the application. The concerns relate to internal alleyways, multi entranced car parking courts and access through the site. The recorded crime in this part of Hinckley is average for the area; the immediate area suffers from anti-social behaviour, damage, burglary and assault. The details include crime reduction advice stating that the car parking courts to the rear of dwellings should be removed and replaced with incurtilage parking. If they are retained, entrances and exits should be reduced to a minimum; all car parking spaces should be clearly identifiable as to which dwelling they relate; if the alleyway between plots 29-30 is required it should be lockable; and the perimeter of the site needs to be well defined and secure, especially on the south perimeter, the A5, as residents report that the criminals use this to aid their movements.

The Inland Waterways Association considers the development to be sufficiently far away from the canal that it would not significantly affect its environment, amenity or recreational value and therefore has no objection.

British Waterways has no objections to the proposed development, subject to the imposition of conditions and the applicant entering into a legal agreement relating to pedestrian and cycle circulation routes, public access points, pollution prevention and waste management.

Borough Council's Strategy and Regeneration Manager states that policies NE5, REC1, RES5, BE1 and T5 are relevant to this application. The Core Strategy Preferred Options document and the emerging Urban Housing Capacity Study are also of relevance. The site is currently a greyhound stadium, therefore the proposal would effectively be a change of use for the site (involving new build). The developer has not provided sufficient evidence that the greyhound stadium is surplus to requirements. If this can be proven, a contribution towards providing new recreational facilities, or enhancing existing facilities would be required. What is required and where, should be determined by the Green Space Strategy. It is critical that any development integrates with the existing housing developments and provides good access by car, walking and cycling. The proposal distributes traffic through the existing Crest development onto Coventry Road. The Transport Assessment submitted as part of the planning application concluded that the highway network can accommodate up to 100 dwellings. Policy T5 refers to the application of appropriate standards for the design and parking provision of the new development, but how this policy will be addressed is not clear in the current application. The impact of noise from the railway and industry has also not been adequately addressed. The Core Strategy Preferred Options indicates the area between Hinckley, Burbage and the A5 as a possible urban extension. This document has been out for public consultation, and the responses from this consultation are currently being analysed. In conclusion the site falls outside the settlement boundary of Hinckley as defined on the proposals map of the adopted Hinckley and Bosworth Local Plan and is therefore designated as countryside. As such, the principle of new residential development outside the settlement boundary is contrary to the relevant plan policies. Any change to the settlement boundary needs to be considered through the preparation of the Local Development Framework. The recently commissioned Urban Housing Capacity Study suggests there is capacity for 3632 dwellings in the urban areas of the Borough up until 2026. Given this, there is no immediate need to consider releasing land outside of settlement boundaries in the Borough. It is therefore suggested that the application be withdrawn and a representation made to the Planning Policy section for the site to be considered in the preparation of the Local Development Framework. This will enable a holistic approach to the area, rather than piecemeal proposals that are currently coming forward.

Eleven letters of objection received from local residents raising the following concerns:-

- a) too many properties within close proximity to each other and the existing dwellings in particular those on Paddock Way
- b) poor social environment from cramped overlooked conditions
- c) highways concerns regarding access onto Nutts Lane
- d) highways concerns regarding access via existing Waterside Park development
- e) loss of parking to 96-104 Paddock Way
- f) insufficient parking for houses already built
- g) inability for large vehicles, including refuse collection, to gain access and manoeuvre
- h) concerns regarding potential for access from Coventry Road to Nutts Lane resulting in a 'rat run' to gain access to the A5
- i) site currently designated as open countryside
- j) loss of Greyhound Stadium car park, which is used by the adjacent industrial estate
- k) lack of recreation ground proposed as existing areas on Waterside Park would not be able to handle such a large development
- l) loss of Greyhound Stadium recreation facility, which is one of only a dozen independent tracks remaining in England and the only track south of the Trent, it may be the oldest one still in existence
- m) loss of employment
- n) site not suitable for residential due to noise from the railway line and both noise and light from adjacent industrial units which operate 24/7 throughout the year
- o) reduction in house prices

#### **Development Plan Policies:-**

The site lies outside the settlement boundary identified in the adopted Hinckley and Bosworth Local Plan.

#### Government Guidance

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

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

#### Regional Spatial Strategy

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

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

#### Structure Plan Policy

Strategy Policy 8 of the adopted Leicestershire, Leicester and Rutland Structure Plan states that the countryside will be protected for its own sake and development in such areas will only be acceptable if the general appearance and character of the landscape is

safeguarded or enhanced. Built development should be well integrated in relation to existing development. Development will be limited to: small scale development for employment or leisure; dwellings essential for agricultural needs; land-extensive outdoor recreation uses that do not include substantial built development; and agricultural buildings.

### Local Plan Policies

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

At the Local Plan Inquiry, the Inspector recommended that this site and the site to the north be allocated for residential development. However, the Planning Committee rejected the Inspector's recommendation based on concerns about the impact of traffic on the local network.

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

Policy RES5 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 NE8 states that development will not be permitted if it would be likely to result in harm to badgers; species protected by the Wildlife and Countryside Act 1981; species listed in schedules 2 and 4 of the Conservation (Natural Habitats) Regulations 1994; or harm to habitats required by those species to complete their life cycle. Where permission is granted conditions will be imposed and legal agreements required to facilitate the survival of individual members of the species, reduce disturbance to a minimum and provide alternative habitats to sustain at least current levels of population.

Policy NE13 states that planning permission will not be granted for development proposals which would inhibit or damage the drainage functions of the natural watercourse system, unless adequate on or off site protection, alleviation or mitigation works are undertaken including giving rise to substantial changes in the characteristics of surface water run off.

Policy REC1 states that permission for alternative uses will not be granted for the development of land and buildings currently used for recreation and open space unless any one of the following criteria is met: the developer provides an equivalent range of replacement facilities in an appropriate location serving the local community; the developer provides adequate proof that there is a surplus of recreational land and/or facilities beyond the needs of the local community; the development of a small part of a larger site in recreational use would result in an enhancement of facilities on the remainder of the site.

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

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

The Core Strategy Preferred Options document has recently been out to consultation and sets out the options for broad planning policies to run through to 2026.

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

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

## **Appraisal:-**

### Principle

The site falls outside the settlement boundary of Hinckley as defined on the proposals map of the adopted Hinckley and Bosworth Local Plan and is therefore designated as countryside. The site is also designated as a recreation facility. As such, the principle of new residential development outside the settlement boundary is considered to be contrary to the relevant plan policies. The redevelopment of recreation facilities is only permitted where replacement facilities are provided, there is proof that there is a surplus or the development is for a small part of the site to enhance the remainder of the site. There is not as the applicant suggests a surplus of facilities within the local area. The proposal does provide more onsite informal open space than would usually be required for a development of 89 dwellings. However, there is no formal open space provided on site and in any event it is considered that the developer has not provided an equivalent range of replacement facilities in an appropriate location serving the local community. As such it is not considered that any of policy REC1 criteria have been met.

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

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

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

### 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 2.6 hectares. To develop this at the lower end of the recommended density would result in a scheme for 78 dwellings and at the higher end would result in a scheme for 130 dwellings. The proposed development of 89 dwellings would result in a density of 34 dwellings per hectare. The proposed density is considered to be inline with national and regional policy and is considered acceptable.

### Design and Layout

In general it is considered that the development does not address good urban design principles creating an unimaginative poorly designed scheme. There is insufficient separation distance between units 46-47 and unit 63 and units 28-33 and units 34-36. Units 79-82, 62-63, 34-36 and 17-20 have a poor outlook essentially fronting onto various sized car parks. Units 70-72 also have a poor outlook fronting onto the railway embankment at a distance of only 9 metres. The shared parking areas need to be treated far more positively to create attractive environments rather than simply parking courts. Leicestershire Constabulary Crime Reduction Officer also has concerns regarding the layout of the site in particular internal alleyways, multi entranced car parking courts and access through the site.

Turning to the design of the dwellings themselves, the scheme proposes that all 89 dwellings will be of gabled roof design, some interest in the roofscape is created by differences in height between adjacent buildings. Further interest is indicated within the submitted streetscenes by the use of differing materials. Overall the dwellings are similar to those on the recently constructed Waterside Park development. However, property type B has a large expanse of brickwork to the rear elevation which is compounded by the inadequate separation distances detailed above. The remaining dwellings are considered acceptable.

The Borough Councils Green Spaces Manager has expressed concerns regarding the layout, in respect of the open space adjacent to the railway and the lack of onsite formal open space. In the event that the principle objections to the scheme can be resolved it is considered that the scheme should be amended to incorporate onsite formal open space in conjunction with the site to the north.

### Highways

Leicestershire County Council, as Highway Authority, have concerns regarding the proposal, as detailed in their consultation response. They recommend that the application be refused on matters relating to the safety of the access, inadequacies of the Transport Assessment and lack of improvement works to Nutts Lane. Local residents have expressed concerns regarding a single access through Paddock Way, a single access from Nutts Lane or linking through the site with one access from each. The Highway Authority wish to see an access from Paddock Way, through the site and then with a single access onto Nutts Lane serving this site and the site to the north and to provide a future bus route. Residents have expressed concerns regarding the creation of 'rat run'. However, the Highway Authority do not consider this will be the case.



The application proposes 1.5 spaces for 1 and 2 bedroom dwellings and 2 spaces for 3 bedrooms and above, the scheme also includes 23 visitors spaces. These levels are below our adopted parking guidelines. However, central government advice indicates that schemes should have an average of 1.5 spaces per dwelling and the Highway Authority do not object to the proposal on these grounds. As such in respect of parking the proposal is considered acceptable. Concerns have been raised regarding the loss of the car park, used by adjacent industrial premises and the loss of parking to no.'s 96 to 104 Paddock Way. It is considered that the use of the car park by the adjacent industrial units could be prevented by the applicant whether or not this development were to go ahead. In respect of the no.'s 96 to 104 Paddock Way, this section of the Waterside Park was redesigned to accommodate an access through this section of the site and as such the requisite parking spaces were relocated.

The Highways Agency do not object to the application but do express concerns regarding the additional burden on the highway network from a development which is contrary to Local Plan policy. However, this is a matter which relates to the principle of the development and not specifically a highways concern.

#### Affordable Housing

The proposal incorporates a sufficient number of affordable housing and in the event that permission were to be granted this would be secured by a section 106 agreement. However the tenure offered does not meet the need of 90% rented properties and is therefore a matter to be resolved. Clarification has been sought from the applicant regarding an error in the plan showing which units are affordable and any response will be reported as a late item.

#### Noise and Contamination

It is considered that the conclusions reached in the R W Gregory noise investigation report are not based on enough detailed monitoring and therefore may not fully address the potential impact on the development from Morris and Sons. In addition Central Networks have concerns regarding noise from a nearby electricity substation. As such in addition to the further monitoring the report should be amended to include any measures necessary to ensure that the noise from the electricity substation remains within acceptable levels.

There is a firm operating a cable striping business on the car park of the site and as such a scheme for the investigation of contaminated land is required. However, it is considered that in this instance it would be acceptable for this to be dealt with by the imposition of a planning condition, in the event that planning permission is granted.

#### Financial Contributions

The application proposes 89 residential units; therefore contributions towards education of £140,353, libraries of £5,340, civic amenity of £3,661 and health of £20,434 are payable. In addition the application includes onsite equipped and informal open space for which maintenance contributions of £54,071 and £18,550, respectively, are required. In the absence of an amended scheme including onsite provision of formal open space a contribution would be required to improve existing formal open space of £27,865 and in either circumstance a contribution of £30,783 would be required for the maintenance of the same. The site lies within 727 metres of Langdale recreation ground where the Green Space Strategy proposes the development of a community park. A total of £131,269 would therefore be required for play and open space, giving a total for all contributions of £301,047.

### Other Considerations

Network Rail has provided a map showing the boundary of their land ownership, which includes approximately 400 square metres of the application site. The application included a Certificate under Article 7. However, this did not include Network Rail and as such an Article 6 notice has not been correctly served on Network Rail. The applicant has been requested to provide proof that either the land is in their ownership or that the requisite notice has been served on Network Rail.

The Environment Agency objects the application due the lack of a Flood Risk Assessment. Natural England objects due to the lack of sufficient evidence that the proposal will not have an adverse impact on great crested newts. As there are outstanding principle objections to this application the applicant has been advised that it is not our procedure to request that these reports be submitted.

British Waterways has requested conditions and contributions towards a number of improvements. However, as the development is over 120 metres from the Ashby Canal it is not considered that it would be reasonable to require these contributions.

The issue of the heritage value of the site has been raised by a resident. However, through consultation with the Borough Council's Conservation Officer the site is considered to be of limited heritage value. Residents have also raised concerns regarding the reduction in property prices. However, this is not a material planning consideration and cannot inform the decision making process.

### Conclusion

This site is outside the settlement boundary and is an allocated recreation facility, there has been no justification for the loss of this facility nor for development in the countryside. The application proposes an unsatisfactory living environment for future occupiers due to the design of the scheme and the potential noise impact from nearby businesses. The applicant has failed to demonstrate that the proposal is acceptable in terms of potential flooding, impact on a protected species and from a highways perspective. As such the application is recommended for refusal.

### **RECOMMENDATION :- REFUSE, for the following reasons :-**

- 1 In the opinion of the Local Planning Authority, the proposal would result in development in the countryside that would be detrimental to the general appearance and character of an area, which should be protected for its own sake. This is contrary to Policy NE5 and BE1 of the adopted Hinckley & Bosworth Local Plan and Strategy Policy 8 'Development in the Countryside' of the Leicestershire, Leicester and Rutland Structure Plan and Policies 2 and 20 of the Regional Spatial Strategy for the East Midlands (RSS8).
- 2 In the opinion of the Local Planning Authority, the use of the site for residential development would result in the loss of a recreation facility that provides an important community facility in an area where there is a shortage of recreation land. The applicant has failed to provide sufficient new or compensatory provision of recreation facilities of equal recreational and amenity value on land conveniently located for the continued use by the community. This is contrary to policy REC1 of the adopted Hinckley and Bosworth Local Plan, Leisure Policy 3 of the Leicestershire, Leicester and Rutland Structure Plan, Policy 1 of the Regional Spatial Strategy for the East Midlands (RSS8), Planning Policy Guidance 17: Planning for open space, sport and recreation and Planning Policy Guidance 3: Housing.

- 3 In the opinion of the Local Planning Authority the proposed layout for the development does not address good urban design principles creating an unimaginative poorly designed scheme which would create an unsatisfactory living environment for the occupiers of the proposed development. It is therefore contrary to Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan and adopted Supplementary Planning Guidance: New Residential Development.
- 4 In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that the proposal would not have an unacceptable adverse impact on the water environment, contrary to Policy NE13 of the adopted Hinckley and Bosworth Local Plan.
- 5 In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that the proposal would not result in an unacceptable adverse impact on protected species contrary to Policy NE8 of the adopted Hinckley and Bosworth Local Plan.
- 6 In the opinion of the Local Planning Authority, insufficient information has been submitted to suggest that the development is unlikely to result in an unsatisfactory living environment for the occupiers of the proposed development by reason of noise, arising from the activities of existing businesses in close proximity to the site, to the detriment of residential amenity, contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 7 In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that an appropriate and safe vehicular access or accesses, including access for emergency services, would be provided to the proposed development and that sufficient improvements works will be provided for Nutts Lane, to the potential detriment of highway safety. In addition, the applicant has insufficiently developed integrated transport measures within the Transport Assessment and does not propose sufficient measures to connect the site with local facilities. Accordingly, it is therefore contrary to Policies BE1 and T5 of the adopted Hinckley and Bosworth Plan.
- 8 In the opinion of the Local Planning Authority, the lack of any financial contribution to address the increase in pressure placed on the play and open space facilities, education facilities, library facilities, health care facilities and civic amenity of the local area by the proposed development would not accord with Government Guidance Circular 5/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996-2016, Policies REC2, 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:** 4

**Reference:** 06/00919/FUL

**Applicant:** Kendrick Homes

**Location:** Stretton Croft Wolvey Road Burbage Hinckley Leicestershire

**Proposal:** DEMOLITION OF EXISTING DWELLINGS AND ERECTION OF FOUR DWELLINGS WITH ASSOCIATED PARKING AND ACCESS

**Introduction:-**

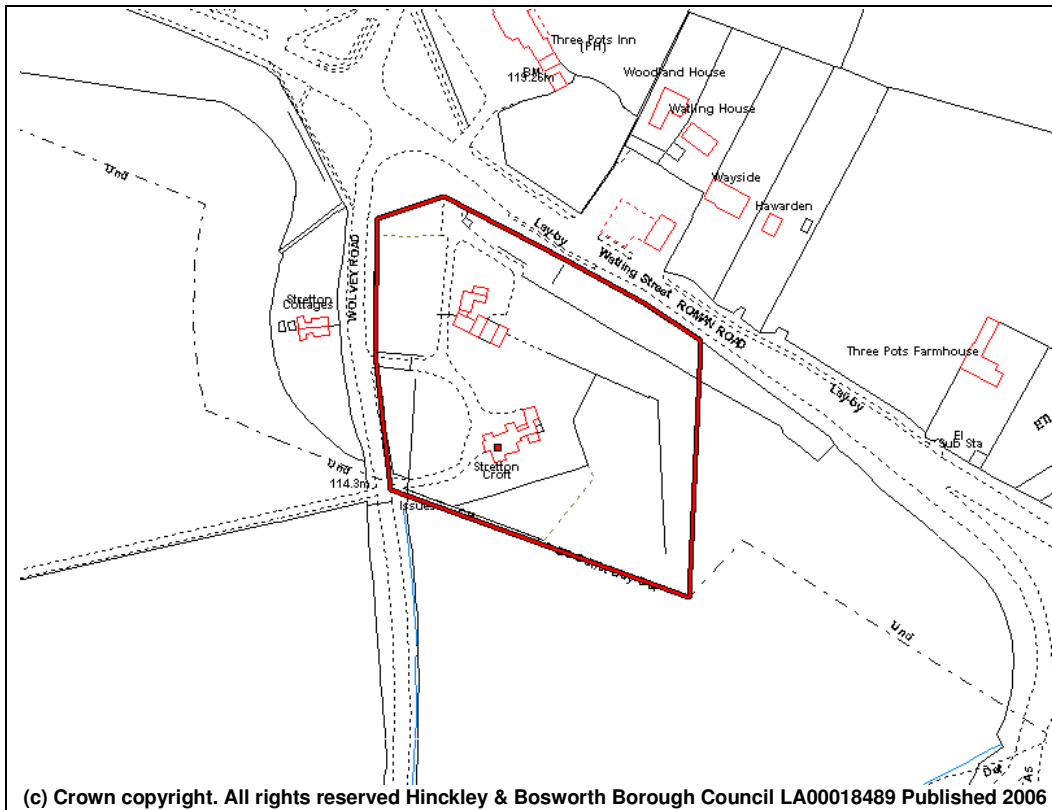
This is a full planning application for the construction of 4 dwellings to replace two dwellings that are in a complete state of disrepair.

The site is located to the south of Watling Street and the west of M69 and known as Stretton Croft. It comprises an overgrown and run down area of land measuring approximately 0.4 hectares. Originally the site housed an equestrian centre and two large properties; however the site has been vacant and neglected for a number of years. This has attracted vandalism and anti-social behaviour. The site is accessed from Wolvey Road opposite Stretton Cottages. It is densely covered in trees and is screened completely from Watling Street and Wolvey Road.

The application proposed to construct 4 dwellings that have been designed to emulate a large farmhouse with associated barns. It is proposed to relocate the access drive and the farmhouse will be sited to the left of the access behind a belt of existing trees. This property comprises a two and a half storey detached dwelling with 5 bedrooms. A double garage attached to the range of barn style dwellings provides parking. These are set back from the main dwelling and are subordinate. The three dwellings have a range of heights. Plot 1 comprises a two-storey dwelling with single storey garaging attached. Plot 2 mirrors this plot in massing but has varying design features. Plot 3 is a one and a half storey dwelling with a single attached garage. These three dwellings are arranged in a courtyard, all private amenity space is provided to the rear. The location of all new proposed dwellings is within the vicinity of all existing neglected dwellings. It is proposed to retain almost all of the trees resulting in a well-screened development.

**History**

94/00178/OUT	Erection of industrial buildings and construction of new access	Refused	21.09.94
95/00193/OUT	Erection of industrial buildings (B8 Use Class) and cons. Of New access	Refused	01.06.95
99/00757/OUT	Hotel, Public House, Drive through Restaurant with ancillary parking / deliveries and infrastructure works	Withdrawn	11.01.02
00/00201/FUL	Installation of telecommunications apparatus on existing electricity pylon erected on equipment cabin and formation of pedestrian access	Permitted	19.04.00



**Consultations:-**

No objection has been received from:  
Head of Health and Environment  
Land Drainage Engineer

No objection subject to conditions has been raised by Severn Trent Water.

The Highways Agency is satisfied that this development is acceptable in terms of traffic generation and safety in relation to the A5.

The Director of Highways, Transportation and Waste Management comments that the A5 is a trunk road that is not the responsibility of the County Highway Authority and as such they cannot object to the proposal based on the suitability of a trunk road junction. However they are surprised at the Highway Agency's lack of concern in relation to principle of a potential increase in use of the above mentioned junction which falls some way short of Highway Agency standards in terms of visibility. Conditions are recommended.

Natural England objects to the application due to insufficient information to demonstrate whether or not the development would have an adverse affect on species protected by law, the concern relates to bats and breeding birds.

The Borough Councils Arboricultural Consultant comments that the site is well stocked with trees but the majority are of low quality and are in neglected condition. Of the 180 trees surveyed, 12 are identified as dead, diseased or defective and therefore felling is recommended. A further 81 are of such low quality that removal might be a better option.

69 of the trees have been listed of moderate importance, with only 15 trees coming within the high category. Prior to any development the opportunity should be taken to improve the quality and condition of the tree cover. Whilst this may result in the removal of many trees, such action would allow for the introduction of suitable replacements leading to a sustainable and improved landscape.

The Green Spaces Manager states that the site is located 525 metres from Colts Close Open Space, which acts as both formal and informal space. In this instance the site falls within the required distance to require contribution towards the improvement and maintenance of the formal open space only. Contributions would be put towards improving the pitches and facilities for young people to serve this part of Burbage. The Green Space Strategy also identifies improvements to the children's play area, paths, benches and disabled access. The contributions would be required on the two additional dwellings.

The Strategy and Regeneration Manager comments that the proposal should be assessed against Policy NE5 of the Local Plan which protects the countryside for its own sake and also against Policy RES10 which allows replacement dwellings in the countryside subject to certain criteria. It is therefore considered that the proposal would not accord with the development plan, unless material considerations indicate otherwise. Material considerations could include visual, environmental or highway safety benefits although a judgement will need to be made as to whether these significantly outweigh the planning policy considerations. It is understood that the site is currently misused and an eyesore, causing visual harm.

Burbage Parish Council considers this proposal would tidy up the existing site but 4 properties would not ease problems on the A5/Wolvey Road junction. Road improvements would be required to ease traffic congestion at peak times.

Neighbours notified and site notice displayed, one letter received from neighbours who support the application as the site is currently a target for vandalism, unruly behaviour and in particular a safety risk for those trespassing on the property. The site is used regularly on a weekend for motorbike racing. The present condition of the site has made the road and area attractive to travellers, glue sniffers and fly tippers. Furthermore the site is unsightly and lowers the tone of the area. It is visible by visitors approaching Hinckley by M69.

## **Development Plan Policies:-**

### Structure Plan

Strategy Policy 8 of the Leicestershire, Leicester and Rutland Structure Plan protects the countryside for its own sake and limits development in the countryside which in residential terms is limited to either dwellings essential for agricultural or forestry needs and affordable housing for local needs adjoining villages in accordance with rural exceptions policies in local plans.

Strategy Policy 10 of the Leicestershire, Leicester and Rutland Structure Plan promotes good design for all development.

Housing Policy 5 of the Leicestershire, Leicester and Rutland Structure Plan requires that housing development should be of a type and design to achieve as high a net density as possible taking account of factors such as location, establishing socially mixed communities, good principles of design and layout and green space and landscaping requirements.

## Local Plan

Policy BE1 of the adopted Hinckley and Bosworth Local Plan requires new development to be of a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment.

Policy RES10 of the adopted Hinckley and Bosworth Local Plan requires that replacement dwellings within the countryside will initially be considered against countryside policies but where the Borough Council is satisfied that there is special justification for the development it will be acceptable if it is of a similar size and scale to that of the original dwelling and it is built on a similar footprint, or where appropriate and less detrimental to the character or appearance of the countryside within the curtilage of the original dwelling.

Policy NE2 of the adopted Hinckley and Bosworth Local Plan seeks to ensure new development will not cause harm through pollution of the air or soil or suffer material harm through existing or potential sources of air and soil pollution.

Policy NE5 of the adopted Hinckley and Bosworth Local Plan lays out criteria for development in the countryside and states that it should be important to the local economy; or for change of use, reuse or extension of existing buildings; or for sport or recreation purposes. It goes on to state that it should not adversely effect the appearance or character of the landscape; should be in keeping with the scale and character of existing buildings and general surroundings; where necessary be effectively screened by landscaping; and not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy NE10 of the adopted Hinckley and Bosworth Local Plan provides that development within Local Landscape Improvement Areas should include comprehensive landscaping proposals.

Policy T5 of the adopted Hinckley and Bosworth Local Plan seeks to ensure that new development meets the current highway standards for access and parking arrangements.

## **Appraisal:-**

### Principle

Planning applications should be assessed against development plan policy unless material considerations indicate otherwise. In this instance the application proposes to replace two dwellings with four on a site that is located within the countryside. Policy NE5 of the Hinckley and Bosworth Local Plan indicates that such development is generally unacceptable in principle. Policy RES10 of the Hinckley and Bosworth Local Plan allows for replacement dwellings if the Borough Council is satisfied there is justification for the development, it requires that the built form be of a similar size and scale to the original dwelling and it be built on a similar footprint or where appropriate and less detrimental to the character or appearance of the countryside.

### Other Material Considerations

This site has a history of anti-social behaviour and misuse. Travellers have also previously occupied it. The site currently houses two detached dwellings that visually are unattractive and run down. The site is fenced off to stop trespassers entering and in general access from Wolvey Road is poor. The applicant has suggested that previously there was an equestrian centre on the site. The only evidence of this now on site is the footprint of the building, which incidentally was very large measuring 550 squared metres; the two dwellings with ancillary building measure a further 254 squared metres and 226 squared

metres respectively. There is evidence of further outbuildings on the site; their footprints measure 55 squared metres and 40 squared metres.

The new proposal seeks 4 plots; the measurements of the built form on each plot is: Plot 1 measures 140 squared metres; Plot 2 measures 131 squared metres; Plot 3 measures 97 squared metres and Plot 4 measures 118 squared metres. These total 486 squared metres as opposed to 480 squared metres for the existing two dwellings excluding the outbuildings and equestrian centre. It can therefore be seen that the proposal only seeks a small increase in built form even though dwelling numbers are proposed to increase by two.

The application proposes a high quality well designed development that is likely to have a positive impact on the character of the area. It is considered that the design proposal for a traditional farm house and farm yard complex uses traditional forms and detailing. The buildings would be enhanced if traditional materials were used, such as clay tiles and timber windows. The main dwelling, plot 1, whilst large is sited on the footprint of one of the existing dwellings and is similar in scale. The other 3 plots have been designed to have a low impact on the site and surrounding area. The site is extremely well landscaped and whilst there are trees recommended for removal the site will continue to be well screened. It is thus considered that the proposal meets the criteria laid down in Policy RES10 of the adopted Hinckley and Bosworth Local Plan.

### Highways

The site is accessed via Wolvey Road off the A5 trunk road for which the Highways Agency is responsible. The applicant has been in contact with the Highway Agency throughout pre-application discussions and has ensured the proposal meets their requirements. As such the Highways Agency raises no objections.

The Highway Authority have raised concerns about visibility and the increase of traffic using the Wolvey Road / A5 junction. However they accept they are unable to recommend refusal and therefore recommend conditions.

The application provides adequate parking and turning facilities within the site to meet highway standards.

### Ecology

Natural England have objected to the proposal for reasons that inadequate information has been submitted to demonstrate whether or not the development would have an adverse effect on species especially those protected by law, i.e. bats and breeding birds. A survey has been undertaken by the applicant and forwarded to Natural England for comment; these comments are still awaited at the time of writing the report.

### Noise

The application was supported by a noise assessment that has been considered by the Head of Health and Environment. It is considered that the report adequately addresses the issues around traffic noise and based on the conclusions that standard double-glazing and trickle vents will be provided in the dwellings, noise standards are met.

### Landscaping

The site has heavy tree coverage to such an extent that it is well screened from most public vantage points. The application was supported by a tree assessment, which looked at the quality of each tree and recommended action for each one. The Council's Arboriculturalist has assessed the submitted information and considers that there are several trees that should be removed or at least improved in terms of quality and condition. It is recognised



that the removal of several trees would have an impact on the visual amenity of the area. The site lies within a Local Landscape Improvement Area and as such Policy NE10 seeks proposals to have comprehensive landscape proposals. As this site is already heavily landscaped the applicant proposed to remove few of the trees but in the main to keep the majority. It is considered that should the application be approved a condition should be imposed requiring further landscaping proposals taking on board the Arboriculturalist's comments, this will enable an improved landscape which will also be sustainable.

#### Infrastructure Improvements

The application seeks an increase in dwelling numbers from 2 to 4; therefore financial contributions will be required towards play and open space facilities for 2 dwellings. As the site lies within 1000 metres of formal open space at Colts Close contributions will be required for the improvement of this formal space. There will be no requirement for contributions towards informal open space as the site is more than 400 metres from the nearest informal open space. Contributions made towards the formal open space will go towards the improvements detailed in the Green Space Strategy which includes improvements toward the children's play area, paths, benches disabled access, formal sports pitches and facilities for young people.

#### Conclusion

Whilst the principle when assessed against Policy NE5 is unacceptable other material considerations indicate otherwise and when balanced, in officer's view outweigh this policy objection. It is considered with this justification for the development, Policy RES10 of the Local Plan should be considered and in this instance the criteria within that policy are considered to be met. The proposal is likely to bring about an environmental benefit to the area in removing this problem site from one of the main entrances into Hinckley. It is considered that issues such as highways, landscaping, drainage, infrastructure and noise can be effectively conditioned. Providing ecological concerns can be overcome it is considered this proposal should be permitted.

**RECOMMENDATION:** That subject to Natural England raising no significant objections to the ecological survey, the Head of Culture and Development be granted powers to issue Planning Permission subject to the conditions below.

**SUMMARY OF DECISION** - The proposal is in conformity with Policy/Policies BE1;RES10, NE2; NE10 and T5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Notwithstanding the details submitted with the application, before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification) the buildings hereby approved shall not be extended without the grant of planning permission for such extensions by the Local Planning Authority.

- 4 The development hereby approved shall be constructed in accordance with the conclusions and recommendations of the noise report, ENV/01, unless otherwise agreed in writing by the Local Planning Authority.
- 5 None of the proposed dwellings shall be occupied until works for the disposal of surface water and foul water have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - (i) means of enclosure
  - (ii) hard surfacing materials
  - (iii) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
  - (iv) schedule of trees to be removed or works to be undertaken to improve the condition of existing trees
  - (v) planting plans and written specifications
  - (vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - (vii) implementation programme.
- 7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 8 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.
- 9 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.
- 10 The existing vehicular access shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossings reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.
- 11 Before first occupation of any dwelling hereby permitted, the turning facilities and parking areas shown on the approved plan, drawing no 282-01.01 shall be provided in order to allow vehicles to enter and leave in a forward direction and to ensure adequate parking facilities are available. The turning and parking area so provided shall not be obstructed and shall be available for use at all times.
- 12 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 4 metre control radii on both sides of the access.

- 13 Before first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
- 14 The proposed access shall have an effective width of a minimum of 4.25 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.
- 15 A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

**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 In order that the Local Planning Authority can ensure the development has a satisfactory appearance to accord with Policy BE1 of the Hinckley and Bosworth Local Plan.
- 4 To ensure the future residents of the development are not adversely affected by noise from the nearby major roads to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure 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 minimise the risk of pollution to accord with Policies BE1 and NE2 of the adopted Hinckley and Bosworth Local Plan.
- 6 To enhance the appearance of the development to accord with policy BE1 and NE10 of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 and NE10 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure the provision of adequate play and open space within the vicinity of the site to accord with Policies REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan.
- 9 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 10 In the interests of road safety to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 11 To ensure that vehicles may enter and leave the site in a forward direction in the interests of road safety to accord with policy T5 of the Hinckley and Bosworth Local Plan.
- 12 In the interests of road safety to accord with policy T5 and BE1 of the Hinckley & Bosworth Local Plan.

- 13 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 14 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway to accord with Policy BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 15 In the interests of visual 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 Natural England 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 The applicant should be aware that Condition 8 relates to financial contributions towards the provision of adequate play and open space facilities. In this instance the site is within 1000 metres of a formal open space and therefore a contribution of £1317.94 is required towards the improvement and maintenance of this space in Colts Close.
- 4 The applicant should be aware that the Council's Arboriculturalist considers many of the trees to be in poor condition and therefore the improvement of these trees is necessary to improve the appearance of the site. It may be acceptable to remove several trees and plant suitable replacements this should be indicated on the landscaping details required by Condition 6.
- 5 The proposal is situated in excess of 45 metres from the Highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 1980 and Building Regulations Approved Document B, Fire Safety 2004.
- 6 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager - (telephone 01530 262380).
- 7 The proposed roads do not conform to an acceptable standard for adoption and therefore they will not be considered for adoption and future maintenance by the Highway Authority.

**Contact Officer:-** Miss T Miller Ext 5809

**Item:** 5

**Reference:** 06/00926/FUL

**Applicant:** David Wilson Homes East Midlands

**Location:** Land Adj To 72 Montgomery Road Earl Shilton Leicestershire

**Proposal:** ERECTION OF 209 DWELLINGS WITH ASSOCIATED PARKING AND ACCESS

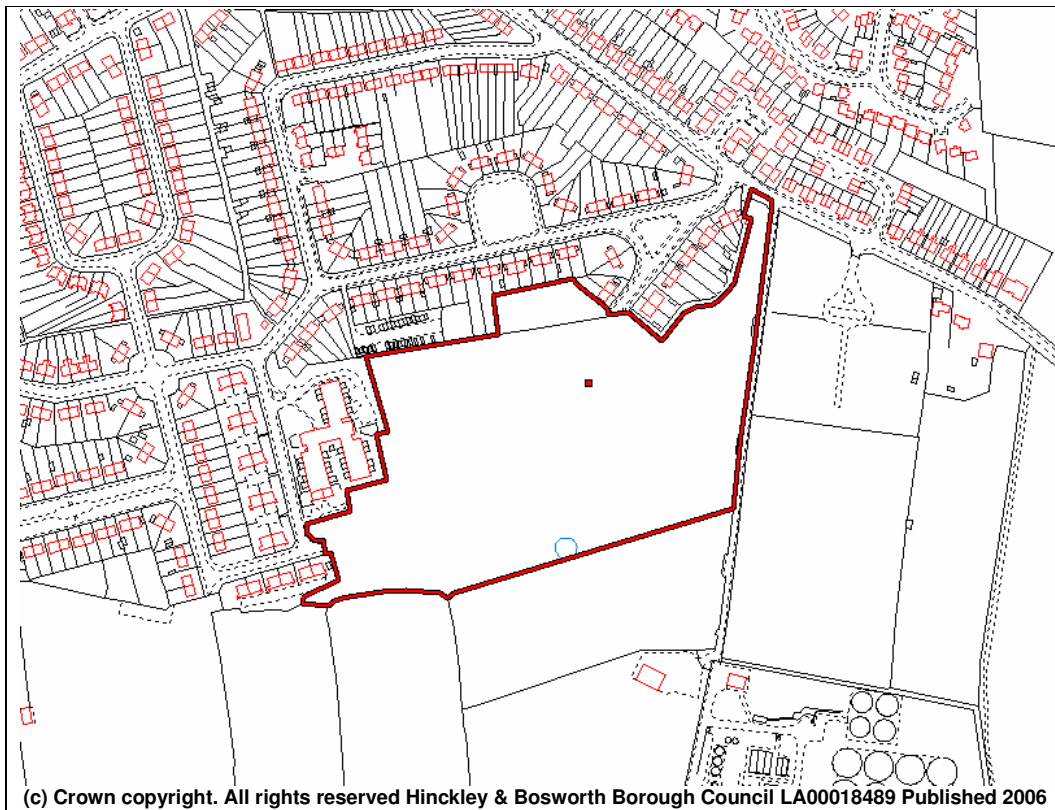
**Introduction:-**

This is an amended full planning application for residential development of a 5.09 hectares site in Earl Shilton that was allocated for residential development in the adopted Hinckley and Bosworth Local Plan. Planning Committee approved a previous application in December 2005. The site is bounded by existing residential development to the north and west, with open countryside to the south and a cemetery to the east. The application has been resubmitted to take into account a number of amendments to the layout and substitution of house types together with approval of amendments to the drainage strategy which involves the creation of a large surface water drainage feature (swale) on land formerly included as informal public play and open space. The proposed number of dwellings, 209, has not changed and the general road layout remains very similar to the previously approved application. At the time of writing this report no amended legal agreement has been received from the applicant regarding developer contributions.

The proposal comprises 209 detached, semi-detached and terraced, two, two and a half and three storey properties arranged around a series of open spaces and small squares with access from both the east and west linking the two parts of Montgomery Road with a "home zone" type development. Apart from the formation of the swale, the principle changes to the previous approval mainly involve amendments to the eastern and southern parts of the site, in particular the introduction of two storey blocks of 1 bedroom "I - Life" house types to the rear of existing dwellings at 70 - 84 Montgomery Road, amendments to the layout of the eastern side of the site, improvements to the street scene around the open space area in the north-western part of the site along with other scattered house type substitutions.

**History:-**

06/00558/FUL	Substitution of House Types to Various Plots	Withdrawn	14/08/06
04/00994/FUL	Residential Development of 209 Dwellings.	Approved	08/12/05



### Consultations:-

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

Environment Agency  
Severn Trent Water Limited  
Director of Environment and Heritage Services (Rights of Way)  
Earl Shilton Town Council  
Head of Health and Environment.

The Council's Land Drainage Consultant points out that although the plans submitted for the swale construction show gradients of 1 in 3 (i.e. 18 degrees) for the slope sides, in reality, on site, the gradients range from between 45 to possibly 60 degrees. He suggests that the slopes should be modified to improve their stability and make them maintainable (for grass cutting etc), that there needs to be easy access to the swale for maintenance plant, easy egress from the swale for pedestrians (especially when water is present) and that a dry invert should be installed to aid land drainage of the swale floor under normal conditions. From a health and safety point of view he also recommends a safety audit for the site from RoSPA that should also include safety of maintenance machinery operations.

Leicestershire County Council (Developer Contributions) require financial contributions towards Civic Amenity Site Infrastructure and Library Facilities,

Director of Highways, Transportation and Waste Management (Highways) requires financial contributions towards Highway Improvements, Bus Stop and Bus Pass provision.

Director of Environment and Heritage Services (Ecology) comments that the site is evaluated as being of Parish level SINC standard of ecological significance. The developer should provide a species rich grassland elsewhere in the parish and manage it to retain and enhance its biodiversity potential, by way of compensating for the loss of this site.

Primary Care Trust require financial contributions towards the provision or improvement of health care facilities.

Leicestershire Constabulary (Crime Reduction Officer) have no objections in principle but comment on crime prevention measures.

Natural England objects to the application as there is insufficient information provided to determine what impact the development will have on protected species

The Ramblers Association require confirmation of the continued use of the footpaths that cross the site.

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

Director of Environment and Heritage Services (Archaeology)  
Green Spaces Manager  
Neighbours  
Site Notice  
Press Notice.

### **Development Plan Policies:-**

#### Government Guidance

Planning Policy Guidance Note 3 'Housing' promotes good design in new housing developments in order to create attractive, high quality living environments in which people will choose to live. One of the key principles of Planning Policy Guidance Note 3 is to maximise the use of urban land and to achieve high density but with imaginative designs and layouts, making efficient use of land without compromising the quality of the environment. It promotes more sustainable patterns of development linked to public transport.

Planning Policy Guidance Note 13 'Transport' encourages new development to be sustainable, located so as to minimise the length and number of motorised trips made by the private car. Alternative modes of transport including walking, cycling, bus and rail should be encouraged.

#### Structure Plan Policies

Earl Shilton is designated as a Main Town within the adopted Leicestershire, Leicester and Rutland Structure Plan 1996-2016. Strategy Policy 2A: A Sequential Approach towards the Location of Development Land states that development will be given the following priority order: (d) land adjoining the Leicester and Leicestershire Urban Area and the Main Towns.

Strategy Policy 2B states that in considering the suitability of land within the context of Strategy Policy 2A, the following criteria will also be taken into account: this includes accessibility to non-car modes of transport; actual and potential capacity for transport, utilities and social infrastructure; physical constraints; impact on natural resources and environmental assets; cost of development; need to secure balance of mixed uses; and contribution towards the local community.

Strategy Policy 3: Greenfield Development states it is necessary to consider new development on Greenfield land, such land should generally be identified as urban extensions and allocated for development in local plans.

Strategy Policy 10 encourages the promotion of good design in development schemes. These require that the environment is conserved or enhanced; that there is realistic choice

of transport or made available; that housing development takes place at a high density; and that development has regard to the implications of traffic generation, parking standards, pedestrians and cyclists.

Strategy Policy 11 states that developers should meet the requirements for, and costs of, relevant infrastructure and facilities and other resources required to support the development. A comprehensive assessment of these requirements will be made.

Housing Policy 5 seeks to achieve a type and design to achieve as high a net density as possible taking account of proximity and accessibility to centres, the provision of a mix of housing types, good principles of design and layout and green space and landscaping requirements. Housing development on sites of 0.3 hectares or more should attain a density of at least 40 dwellings per hectare within local centres and other locations well served by public transport and accessible to services and facilities.

### Local Plan Policies

Policy RES1 (i) identifies the site as allocated for residential development.

Policy RES2 of the Local Plan relates to an appropriate provision of affordable housing on new residential development sites.

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

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

Policy BE1 of the Local Plan states that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area; where they ensure adequate highway visibility and parking standards; where they are not adversely affected by the activities in the vicinity of the site which are likely to cause nuisance to the occupiers of the proposed development; where they do not adversely affect the amenities of neighbouring properties; where they incorporate landscaping to a high standard; where they would not be prejudicial to the comprehensive development of a larger area of land of which the development forms part; and where they are in keeping with the character of the area, and ensure an adequate degree of amenity and privacy.

Policy NE13 of the Local Plan states that planning permission will not be granted for development proposals which would inhibit or damage the drainage functions of the natural watercourse system, unless adequate on or off site protection, alleviation or mitigation works are undertaken. This will include development in areas at risk from flooding, preventing access to watercourses for maintenance, or giving rise to substantial changes in the characteristics of surface water run-off.

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

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



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

Montgomery Road Planning Brief was adopted in January 2004 as Supplementary Planning Guidance. The Brief sets the framework for the development of the application site which aims to achieve a quality development creating a sense of place, providing a range of housing including affordable housing, a safe and secure development, well designed and functional public spaces, provision of housing to meet local needs, a sustainable scheme, a development that protects the best of the natural and cultural resources and the provision of reasonable financial contributions towards new infrastructure to support the development.

Planning applications will also be assessed against guidance contained in the Council's adopted Supplementary Planning Guidance (SPG) on New Residential Development, the Council's adopted SPG on Affordable Housing and on that contained in the adopted Play and Open Space SPG.

## **Appraisal:-**

### The Principle

The site is a formal allocation for residential development in the adopted Hinckley and Bosworth Local Plan and has previous permission for residential development meeting the requirements of the Montgomery Road Planning Brief.

### Density

Government advice in Planning Policy Guidance Note 3 encourages higher densities of between 30-50 per hectare, especially where they are within or adjacent to local centres. As the proposal is reasonably well served by public transport and accessible to services and facilities in Earl Shilton the proposed development of the site would result in an overall net density of 41 dwellings per hectare that is in accordance with the government guidance and Local Plan policy. Bearing in mind the position of the site adjacent to open countryside and the provision of open space on the site it is considered that this density is in accordance with planning guidance. This density can be justified and is without detriment to the character of the area and physical features of the site and the surrounding area.

### Layout and Design

The proposal overall is designed to reflect the traditional built form of Earl Shilton although the use of standard house types has restricted the provision of a distinctive character. The layout achieves a sense of place through the use of squares, focal points and a range of house types of varying heights. The mix, type and design of the layout retain the echoes of the form and detail of the majority of Earl Shilton.

The proposed development generally complies with the Council's space and layout standards, although the amenity areas in some cases are smaller than recommended in the Council's Supplementary Planning Guidance but in terms of achieving an appropriate layout this is not a significant objection. The proposed flats within the development are lacking amenity area to meet the Council's usual standards, however these are positioned in the vicinity of informal open space areas, where there is an over provision.

Whilst the northern part of the site adjacent to existing properties on Alexander Avenue remains similar to the previous approval, the introduction of the "I -Life" units to the rear of existing properties on Montgomery Road has created concerns with regard to overlooking from external balconies, particularly from Plots 220 to 225, which (although at some distance from the rear elevations) are only 4 metres from rear boundaries. Whilst this issue

has been discussed with the applicant they have declined to make any amendment to this part of the site.

### Ecology

A great crested newt survey was carried out as a condition of the previous approval, the results of which were inconclusive. There is no specific policy requiring the retention of parish level SINC sites. It is considered that the retention of the landscape buffer adjacent to the open countryside will provide an opportunity for the retention of elements of the wildlife currently present on the site.

### Drainage

The original scheme included the use of robust retaining structures to deal with changes in levels on the site. The use of such structures has implications for public safety and future maintenance. The originally proposed swale with gentle, easily maintainable grass slopes would appear to be a more acceptable solution to changes in ground levels whilst also providing a more sustainable approach towards surface water drainage. Unfortunately the swale that has already been constructed has much steeper slopes than anticipated and is unacceptable in its current form. The form of the swale has implications for public health and safety, future stability and maintenance of the feature and public highway adoption. The applicants have been advised that it is unlikely that the open space or the swale feature will be considered acceptable for adoption by public bodies and therefore they should seek to set up a private management arrangement for future maintenance. No arrangements have yet been submitted.

### Highway Issues

The Highway Authority do not object in principle to the development however they do have specific concerns in relation to the future adoption of sections of the highway, in particular adjacent to the proposed swale feature. The close proximity of the swale to the highway boundary gives cause for concern for the safety of both vehicular traffic and pedestrians. Whilst it may be possible to address this issue by erection of some form of safety barrier and high kerbing, this would still not address the issue of the steep nature of the slopes to the swale in this location and the concern over its future stability. Because of the constraints of this part of the site it is difficult to see how this issue can be overcome whilst retaining the swale feature in its current form.

The development does provide a positive link from the existing Rights of Way network across the site. A footpath /cycleway link has been provided which circulates the southern boundary providing a link to Mill Lane. The provision of the village street home-zone also provides the opportunity for pedestrian/cycle permeability through the development. Parking standards for the site are considered to be acceptable and comply with standards required to satisfy policy T5 of the adopted Local Plan.

### Affordable Housing

The Section 106 Agreement completed for the previous planning consent provided for 42 affordable dwellings (20 percent), which satisfies policy RES2 of the Local Plan and the Supplementary Guidance on Affordable Housing. Ninety percent (38 units) of these will be rented with the remaining 10% (4 units) shared ownership. As previously stated no legal agreement has been submitted with the current application.

### Financial Contributions

A financial contribution of £285,000 is required by the Highways Authority towards various highway improvements together with £75,240 towards the provision of bus passes to each

household and £10,000 towards improvements to nearby bus stops. It is considered that these will all help to provide a more sustainable development.

A revised financial contribution of £11,100 is required towards the provision of library facilities (increased from £7,870) along with an additional new contribution of £8,596 towards civic amenity site infrastructure works at Barwell (none previously requested).

There is no requirement for financial contributions towards education facilities as all sectors of education locally currently have spare capacity.

A financial contribution of £47,986 is required by the Primary Care Trust towards the provision and improvement of health care facilities.

### Public Play and Open Space

The formation of the current swale feature has significantly reduced the extent of the informal public play and open space provision within the site, however, despite this, the overall provision of informal play and open space still meets policy requirements. The previous Section 106 Agreement provided for financial contributions towards the provision (£80,000) and maintenance (£70,000) of off-site Community facilities, off-site formal open space procurement (£59,190), off-site formal open space maintenance (£65,460) and on-site informal open space maintenance (£12,352). The latter figure was reduced from the original requirement during negotiations with the developer.

As the form and design of the swale feature is unacceptable the applicant is currently considering measures to attempt to improve its acceptability. Although no plans have yet been submitted as part of the application it is understood that such measures may include an extension of the swale feature further into the public play and open space area to the north of it. This in itself may then create issues with regard to the provision of on-site informal public play and open space, amenity of occupants of dwellings fronting onto this area together with the overall visual amenity of this part of the site.

### Conclusion

Whilst the overall residential development remains acceptable, there are elements within the amended scheme that give serious cause for concern. The introduction of "I - Life" units with external first floor balconies has created unacceptable overlooking to existing dwellings on Montgomery Road. The swale feature in its current form is unacceptable in terms of public health and safety, stability and future maintenance. No legal agreement has been submitted to secure the provision of affordable housing or financial contributions should the application be approved. For these three reasons the application is considered to be unacceptable.

As works on site are still continuing on the surface water drainage feature, the Council's Planning Enforcement Team have been instructed to take enforcement action.

### **RECOMMENDATION** :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the proposed surface water drainage feature, which forms a significant part of the infrastructure of the site, can be incorporated into the proposed development layout in a form and design that is functionally operational whilst also being acceptable in terms of public safety, future maintenance and visual amenity. The proposal is therefore contrary to policies BE1, RES1(i), IMP1 and NE13 of the adopted Hinckley and Bosworth Local Plan.

- 2 In the opinion of the Local Planning Authority the lack of any financial contributions to address the increase in pressure placed on local infrastructure and community facilities, including health, libraries, civic amenity, highway improvements, public play and open space and affordable housing would not accord with Circular 5/05, Strategy Policy 11 of the Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016 and policies IMP1, REC2, REC3 and RES2 of the adopted Hinckley and Bosworth Local Plan.
- 3 In the opinion of the Local Planning Authority plots 220 - 225 would have a seriously detrimental effect upon the privacy and amenities of the existing dwellings on Montgomery Road, Earl Shilton by reason of overlooking arising from their design and siting adjacent to the boundary of the site. The proposal is therefore contrary to policy BE1 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Guidance on New Residential Development.

**Contact Officer:- Mr R Wright Ext 5894**

**Item: 6**

**Reference: 06/00953/FUL**

**Applicant: Bagworth And Thornton Parish Council**

**Location: Bagworth Community Centre Station Road Bagworth Coalville  
Leicestershire**

**Proposal: ERECTION OF COMMUNITY CENTRE**

**Introduction:-**

This is a full application for a two storey Community Centre adjacent to the existing Community Centre in Bagworth. The application proposes the building to be positioned on the eastern side of Station Road to the north of the existing building. The building would be positioned on Parish owned land currently used informally for recreation. The existing building is to be retained and will continue to be used by the Parish and as a Post Office.

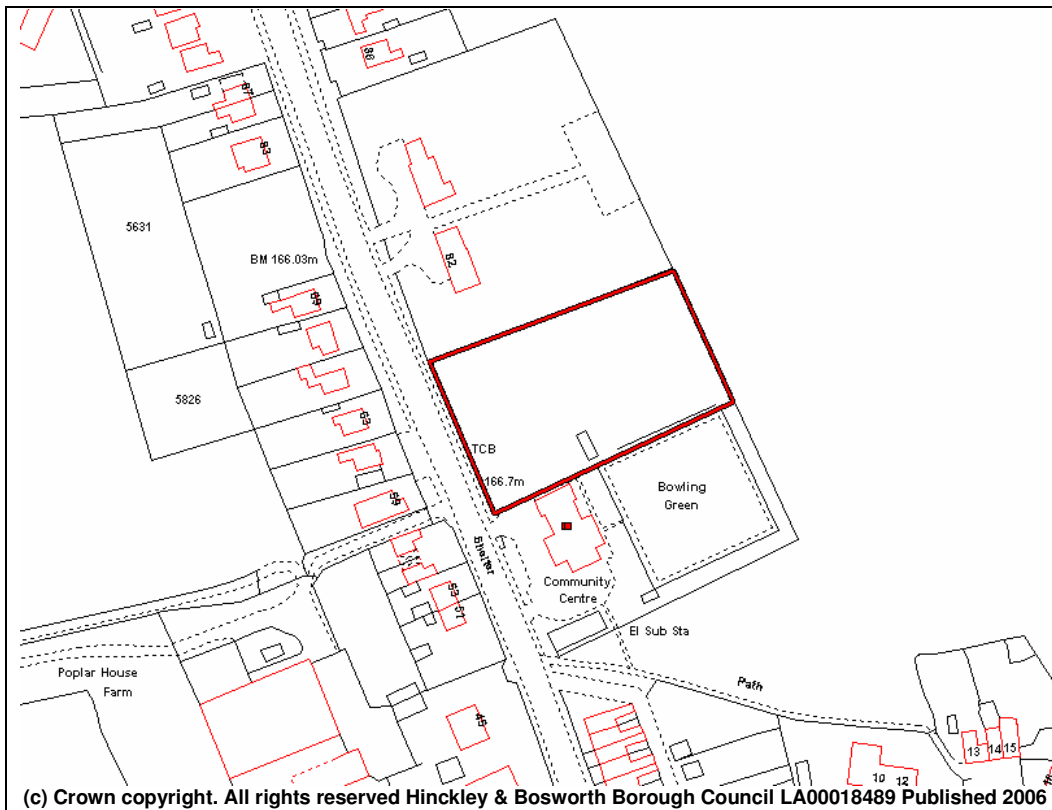
The application proposes a two-storey building at right angles to the existing Centre. The design includes a glazed two storey section and porch facing Station Road. The building will accommodate a Community Centre at ground floor including a large communal space and stage. This is proposed to have extensive glazing to both the south and north elevations in the form of French doors with full length windows.

The Community Centre is also served by toilets and kitchens accommodated in a single storey flat roofed element facing the bowling green.

The first floor has been designed with the Primary Care Trust to accommodate a range of medical facilities. This includes a dedicated reception, two consulting rooms, a treatment room, a dispensary and ancillary offices. It is proposed that this facility will provide a surgery, occupational therapy a base for district nurses and other services.

**History:-**

97/00139/FUL	Extension to Community Centre	Approved	8/4/1997
99/00815/FUL	Erection of Statute and Colliery Wheel	Approved	11/10/1999
04/00105/COU	Change of use of part of Community Centre to Post Office	Approved	15/03/2004



**Consultations:-**

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

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

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

One letter has been received supporting the application as the proposal would add a valuable amenity to the village.

**Development Plan Policies:-**

The application site falls within the settlement boundary of Bagworth as specified within the adopted Hinckley and Bosworth Local Plan. The application site and the adjacent bowling green are allocated as a recreational facility under Policy REC1. This Policy states that permission for alternative uses will be permitted only where either replacement facilities are

provided, there is surplus recreational land or development of part of the site would allow an enhancement of facilities on the rest of the site.

Proposals for new community uses are covered under Policy CF1. This states that permission for new facilities will be granted unless the proposed development would have a detrimental effect on the amenities enjoyed by the occupiers of neighbouring residential properties in terms of height, mass, design, proximity, noise, disturbance or traffic. The proposal should also not have a detrimental effect on the character of the area and should meet highway standards in terms of parking and access.

The site also falls within the National Forest. Policy NE21 sets out the principles of new development within the National Forest. This Policy states that development should be of a high quality with the design, materials and planting of open spaces reflecting the local architecture and setting.

### **Appraisal:-**

Currently the village of Bagworth is poorly served by amenities. The new developments to the north of the village have added around 250 new dwellings within the last few years. The current Community Centre is a small single storey building that has served the village since the beginning of the 20th Century. The facilities are not sufficient to provide for the larger village.

#### Principle

The application site falls within the settlement boundary of Bagworth therefore there is a presumption that development is acceptable subject to the criteria Policy as set out in the adopted Local Plan. The site is designated for recreational use. The remainder of the site will still be available for this use with approximately 50% remaining. The recreational facilities are currently informal and little used, the existing play equipment is described as poor within the Green Space Quality Assessment. New facilities have also been provided within the recent residential developments. The Green Space Strategy Parish Assessment for Bagworth states that the area is well served by outdoor sports provision at the Old Quarry Playing Fields, the Old Colliery Ground and Maynards Park.

#### Design and Siting

The siting of the building, at right angles to the existing building, is not ideal in the street scene but provides the opportunity of windows overlooking the open space and bowling green. The proposed building is around 45 metres from the next residential property which is screened by trees and hedges. Dwellings opposite the proposal are 35 metres away which is considered an acceptable distance. The proposed siting will have little impact on adjacent properties.

The front elevation has been designed with a glazed two storey feature and glazed porch to highlight the buildings entrance and to provide interest to this elevation which is partially visible through the tree and hedge screen from Station Road. The proposed building incorporates a part hipped roof which allows plant and machinery to be accommodated within the roof space. The gable projections on the front and rear elevations are louvered to allow for ventilation.

While the design of the proposal could be improved upon, it is considered that the benefit of additional community space and the medical facility are urgently required within the village which is currently poorly served by amenities. The proposed hipped aspect is in keeping with the existing building and suitable materials can be secured by condition. Minor amendments to the design have been requested to improve the external elevations. It is not

considered that these are of a fundamental nature which would warrant a refusal of the application.

The existing trees on site are to be retained, a landscaping condition can be imposed in accordance with policy for development in the National Forest.

#### Access and Parking

The application proposes to use the existing access off Station Road, and to provide an additional 12 spaces. The majority of the existing spaces that serve the existing Centre will be retained. The Director of Highways, Transportation and Waste Management raises no objection subject to standard conditions which are considered to be within the applicants control.

The proposal is well served by public transport with a bus stop directly outside the existing centre.

#### Conclusion

The proposal follows considerable pre-application discussions between the Parish Council, the Primary Care Trust and Planning Officers. It is considered that the proposed building will provide a much needed facility for the village.

**RECOMMENDATION** :- Permit subject to the following conditions :-

**SUMMARY OF DECISION** - The proposal is in conformity with Policy/Policies BE1, REC1, CF1 and NE21 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 Community Centre shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 No 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) means of enclosure
  - (ii) hard surfacing materials
  - (iii) planting plans
  - (iv) written specifications
  - (v) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - (vi) implementation programme.
- 4 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

- 5 For the period of the 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.
- 6 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.
- 7 The car parking and turning facilities shown within the curtilage of the site shall be provided before the development is brought into use and shall thereafter permanently remain available for such use.
- 8 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 4 metre control radii on both sides of the access.
- 9 This permission relates to the application as revised by amended plan received by the Local Planning Authority on \*\*\*\*

**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&4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE21 of the adopted Hinckley & Bosworth Local Plan.
- 5 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users in accordance with Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 6 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 in accordance with Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area in accordance with Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 8 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway in accordance with Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 9 To define the permission.

**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 Natural England 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 A more sustainable option should be explored for the disposal of surface water runoff than discharging to the combined sewer in Station Road. The applicants should test the feasibility of draining surface water to soakaways, and the use of permeable paving for all new parking and vehicle manoeuvring areas. Rainwater harvesting could be installed for non-portable uses, i.e. toilet flushing, green watering etc.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (01530 262380)

**Contact Officer:-** Mr P Metcalfe Ext 5740

**Item:** 7  
**Reference:** 06/00955/FUL  
**Applicant:** Mr J Fox  
**Location:** 61 Station Road Ratby Leicester Leicestershire LE6 0JQ  
**Proposal:** DEMOLITION OF EXISTING COMMERCIAL BUILDING AND ERECTION OF BUNGALOW WITH ASSOCIATED PARKING AND ACCESS

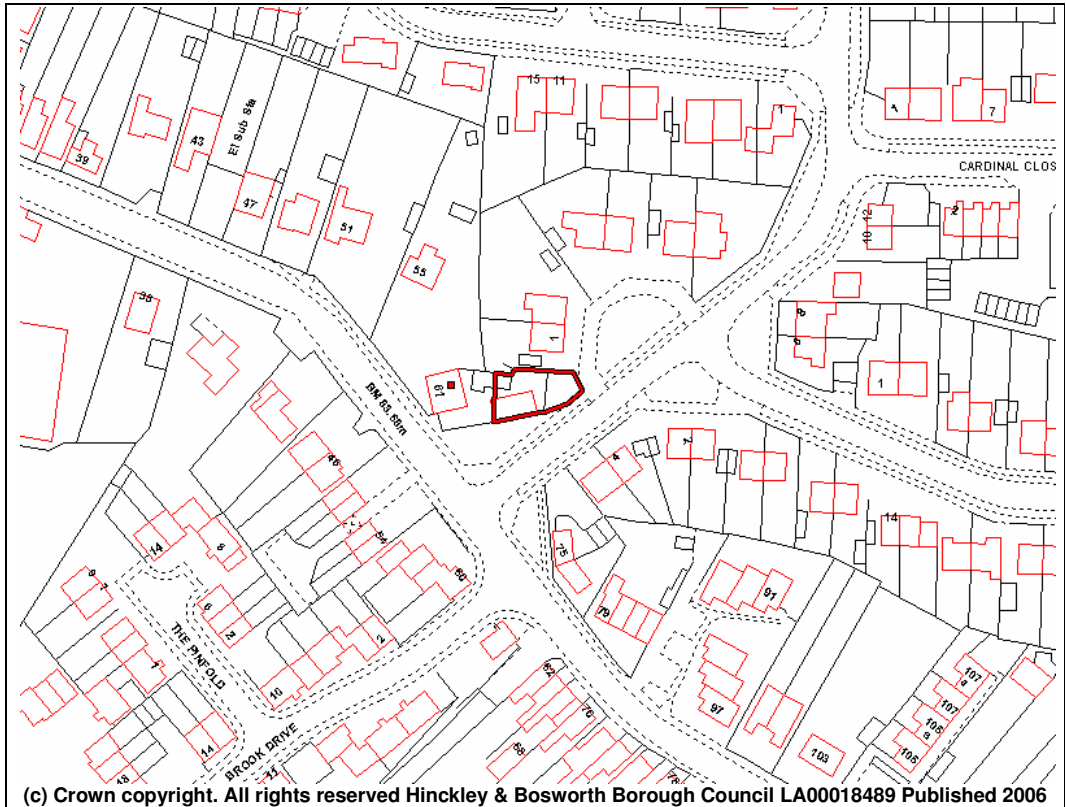
**Introduction:-**

This is a full application for the erection of a two-bedroom bungalow on a plot of land to the rear of 61 Station Road, Ratby that forms part of the rear garden and is currently occupied by an existing commercial garage that would be demolished. The site is within an established residential area and currently bounded by 1.8 metre close board fencing and a tall conifer hedge that helps to screen the existing commercial building. It is proposed that new boundary walls of an appropriate height be constructed around the site adjacent to the public highway on Dane Hill to replace the conifer screen and fencing. The proposed vehicular access is off Dane Hill via a small existing private drive to the rear that serves 6 semi-detached bungalows. Adequate parking and amenity areas are provided for both the existing and proposed dwellings.

**History: -**

03/01419/FUL	Ground Floor Rear Extension	Approved	14/01/04
02/01092/FUL	Two and Single Storey Rear Extension	Refused	12/11/02
02/01053/FUL	Formation of Vehicular Access	Refused	05/12/01
01/00287/CONDIT	Variation of Condition 2 of 84/0570/4 to allow Storage of Commercial Vehicle within Building	Approved	25/04/01
93/0806/4	Erection of Two Metre Fencing	Approved	10/11/93
91/0135/4	Removal of Conditions 2 & 4 of 84/0570/4	Refused	26/03/91

91/0003/4	Alterations to Existing Building	Approved	26/02/91
84/0570/4	Removal of Condition 2 of 74/1005/4 and Alterations to Garage	Approved	31/07//84
74/1005/4	Erection of Double Garage	Approved	26/11/74



**Consultations:-**

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

- Director of Highways, Transportation and Waste Management
- Borough Council's Land Drainage Consultant
- Borough Council's Green Spaces Manager.

Ratby Parish Council is opposed to the proposal on the grounds that it is not clear what will happen to the business vehicles currently associated with the site, the proposed access is off a private drive belonging to other properties on Dane Hill and highway safety issues.

Neighbours notified, 3 letters of objection, including a petition on behalf of 4 neighbouring dwellings, have been received raising the following issues/concerns:

- i) Use of private drive
- ii) Highway safety issues
- iii) Disturbance from construction
- iv) Overlooking.

## **Development Plan Policies:-**

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

Policy BE1 of the adopted Hinckley and Bosworth Local Plan seeks to ensure a high standard of design and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, and materials, not adversely affect the occupiers of neighbouring properties, ensure adequate highway visibility for road users and adequate provision for off-street parking together with manoeuvring facilities and ensure an adequate degree of amenity and privacy is provided.

Policy T5 of the adopted Hinckley and Bosworth Local Plan states that in considering new development proposals the Local Planning Authority will apply current highway design standards and parking targets unless a different level of provision can be justified.

Further guidance is provided within the Borough Council's Supplementary Planning Guidance on New Residential Development that aims to ensure that new development is well integrated into its surroundings, offers a good standard of security and amenity to future residents and protects the amenity of existing occupiers. New residential development should be designed to complement the character of the surrounding built form, materials should reflect the surrounding buildings. The layout should ensure safe and convenient vehicular and pedestrian access together with adequate off-street parking and private amenity space.

Policies REC2 and REC 3 and the Council's Supplementary Planning Guidance for Play and Open Space Guide require a financial contribution towards formal and informal public open space if it cannot be provided within the site.

## **Appraisal:-**

The proposal site is within the settlement boundary of Ratby and is located to the rear of an existing two-storey house fronting Station Road and adjacent to other bungalows arranged in a small crescent around an open grassed area fronting onto Dane Hill. The site measures approximately 200 square metres, is relatively flat and is bounded by existing conifer trees on the southern boundary adjacent to Dane Hill and close-boarded fencing around the remainder of the site. Part of the site is currently occupied by a large, prominent, concrete block and asbestos clad garage which was granted planning permission for the storage of one heavy goods vehicle in 1974 following a history of such use on the site. More recently, commercial activity appears to have intensified on the site and is no longer considered to be in keeping with character of the surrounding residential area. The demolition of this building would improve the visual amenity of this prominent corner plot as well as removing an undesirable commercial use.

The proposed two-bedroom bungalow is sited on a similar building line to the adjacent semi-detached bungalows and as such it appears well integrated into the existing crescent layout. It is set back from the private drive by approximately 6 metres and provides off-street parking for two vehicles within the curtilage. Turning is available on the private drive itself and visibility is achieved either side of the access by the provision of a lower 0.6 metre high wall and fence around this front block paved parking area. A 1.8 metre high wall and fencing will enclose the rear amenity area providing privacy for the existing dwellings to the west and north as well as the proposed bungalow. Whilst the rear garden is only 5.5 metres in depth, it is 13.5 metres wide and therefore provides more than adequate amenity area for

this size of dwelling. An existing bedroom window on 61 Station Road that currently faces east towards the plot is to be repositioned to the southern side elevation to remove any overlooking. The window in the recent rear extension to 61 Station Road has obscure glass.

The proposed bungalow has a simple design in keeping with the existing bungalows on Dane Hill, has a similar roof pitch and profile and is to be built of similar materials. Its siting and design is not considered to have an unduly detrimental impact on the amenities of any neighbouring dwellings. Adequate provision has been made for off-street parking and private amenity space for both the existing and proposed dwelling.

Cawrey Limited have confirmed that as owners of the private drive to the rear they have no objection, in principle, to an additional vehicular access being created subject to there being no impediment or inconvenience to the other dwellings that share the use of the drive. A letter has been received from the applicant confirming that once the commercial garage has been demolished commercial activity would cease on the site should planning permission be granted for the proposed bungalow. This would appear to answer the concerns from neighbours and the Parish Council regarding the parking of commercial vehicles in the future. The amended plans have relocated the side elevation bedroom window to the rear elevation addressing the neighbours concerns regarding overlooking, although this would not have been a valid reason for refusal.

A financial contribution towards the provision and maintenance of formal and informal public open space at Ferndale Community Park in Ratby will be required from the developer to meet Policies REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Guidance on Play and Open Space as this has not been provided on site. A contribution amounting to £1900 will be required in this case towards improving the quality of both the children's play equipment and the sports pitches on the site and can be sought by an appropriately worded condition should permission for the proposed development be granted.

#### Conclusion

The proposed dwelling is considered to meet the criteria of policies BE1, RES5 and T5 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Guidance on New Residential Development. A financial contribution of £1900 towards the provision and maintenance of off-site formal and informal public open space will meet the aims of policies REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Guidance on Play and Open Space.

**RECOMMENDATION** :- Permit subject to the following conditions :-

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 This permission relates to the application as revised by amended plan No. 3546:7R received by the Local Planning Authority on 20th November 2006 and amended plan No. 3546:8 received by the Local Planning Authority on 21st November 2006
- 3 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

- 4 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 Before the development is commenced, full details of the boundary walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A, B, C and E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 7 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.
- 8 Before first occupation of the dwelling hereby approved, two car parking spaces shall be provided within the curtilage of the dwelling and shall remain available for such use at all times thereafter.
- 9 Before first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3-5 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 6 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure the adequate provision of public play and open space within the vicinity of the site to accord with policies REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that adequate off-street parking facilities are available to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 9 To reduce the possibility of deleterious materials (loose stones etc) being deposited in the highway in the interests of highway safety 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 Natural England 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 The applicant is advised that if surface water soak away are viable in this location then they should be used, as should some form of permeable paving for the patio and parking areas, in the interests of sustainable drainage system principles.
- 4 The suitability of the ground for soak away should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soak away design requires the approval of the Building Control Section. The soak away must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.
- 5 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.
- 6 Demolition of the outbuildings requires notification to the Building Control Section of the Local Planning Authority in accordance with Sections 80 and 81 of the Building Act 1984.
- 7 In relation to Condition 7, a financial contribution of £1900 towards the provision and maintenance of public play and open space is required in this case in lieu of on-site provision.
- 8 The applicant is reminded that the planning consent for storage of one commercial vehicle on the site was within the existing building, therefore, once demolished all commercial activity on the site must cease immediately.

**Contact Officer:-** Mr R Wright Ext 5894

**Item:** 8  
**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:-**

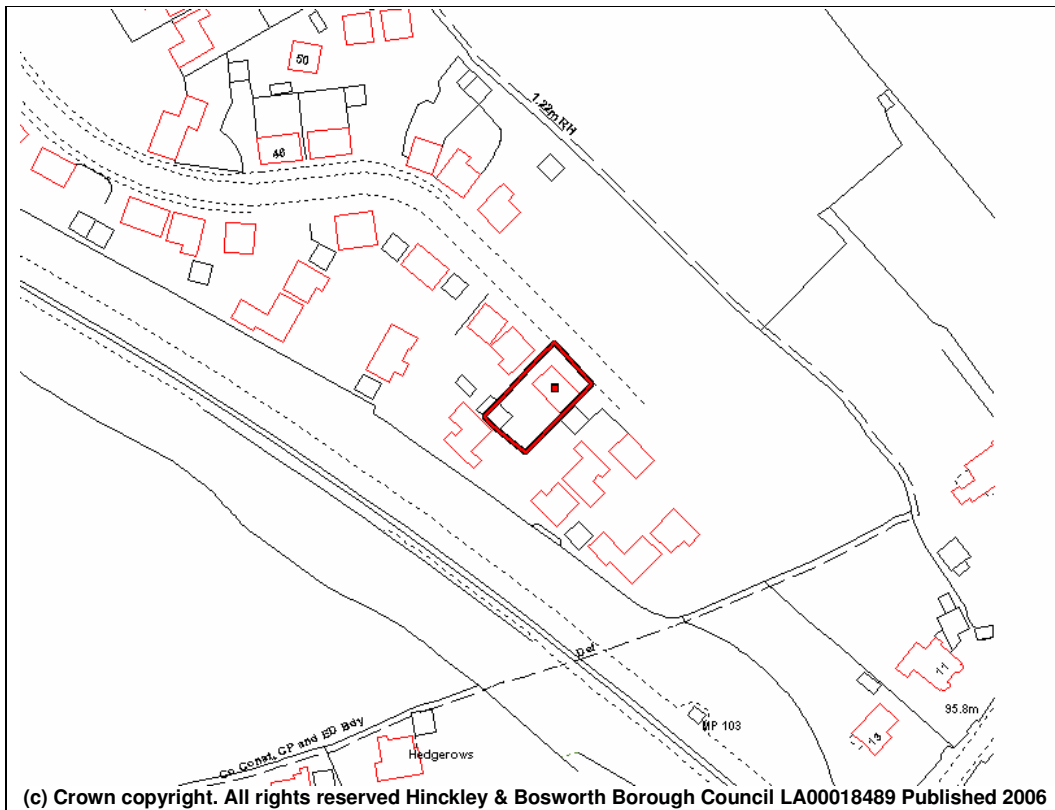
Members will recall that the following application was deferred at the previous Committee Meeting to allow a site visit to occur. The following report has been amended to address some of the issues raised during the debate.

This is a 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.



As reported in the late items, the applicant has written to state that after speaking to two of the objectors they have no objections and signed pre-written objection letters without seeing any plans or the application property. The letter states that these objectors have stated that they live too far from the application to be affected.

Further to this, since the previous committee meeting, one of the objectors has written to state that they do not object to the application and that they consider the proposal to be very reasonable and fair to neighbours. The letter states that they do not live near the application property and cannot see the property from their house. The letter states that the original objection letter was signed in support of a friend but the objector felt uncomfortable in signing that letter.

### **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 debate held at the previous meeting included a discussion regarding the size of other extensions allowed on this new development. A total of four applications have been received for extensions across the development since its completion. These include two two-storey side extensions of a similar size to this application (05/01000/FUL & 06/00424/FUL) both of which were approved. Existing two storey rear projections within the development were built as part of the design of the individual properties and not as extensions. Therefore there is no development specific restriction on the size of extensions, all applications have been determined in accordance with the adopted Supplementary Planning Guidance.

The applicants property also benefits from permitted development rights, this would allow an extension of up to 70m<sup>3</sup> subject to the criteria as set out in the General Permitted Development Order. If the applicant set the extension 2 metres from the boundary as opposed to the proposed 0.9 metres then an extension of a similar size to that proposed would not require formal permission. The proposed side facing window would also be permitted development. Of course any extensions under permitted development would not be subject of conditions, such as restricting windows on any elevation.

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 material 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 Natural England 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:** 9

**Reference:** 06/01069/FUL

**Applicant:** Mr J Silcock

**Location:** 54 Coventry Road Burbage Hinckley Leicestershire LE10 2HP

**Proposal:** ERECTION OF BUNGALOW

**Introduction:-**

This is a revised full planning application for the erection of a bungalow at 54 Coventry Road, Burbage. The site is within the residential area of Burbage, located on the north side of Coventry Road, 80 metres east of Cotes Road and almost opposite Bullfurlong Lane.

The application site is surrounded by residential development and the land is currently used as a garden to no. 54 Coventry Road. The majority of the properties on Coventry Road are two storey dwellings. There are single storey dwellings to the rear of no.'s 56 - 60 Coventry Road, accessed from Turville Close.

The application seeks permission for a two bedroom bungalow located at the end of the garden to no. 54 Coventry Road. The proposed bungalow is aligned with no. 4 Turville Close, with its garden running back towards Coventry Road. It is proposed to use the existing vehicular access to serve the proposed bungalow and adjacent to this a new access will be created to serve no. 54 Coventry Road. The proposal will improve an existing access drive which runs along the west boundary, adjacent to no. 56 Coventry Road and no. 4 Turville Close. Parking for the bungalow is proposed at the end of the access drive and parking to no. 54 Coventry Road will be located beside the existing dwelling and will be accessed directly from Coventry Road.

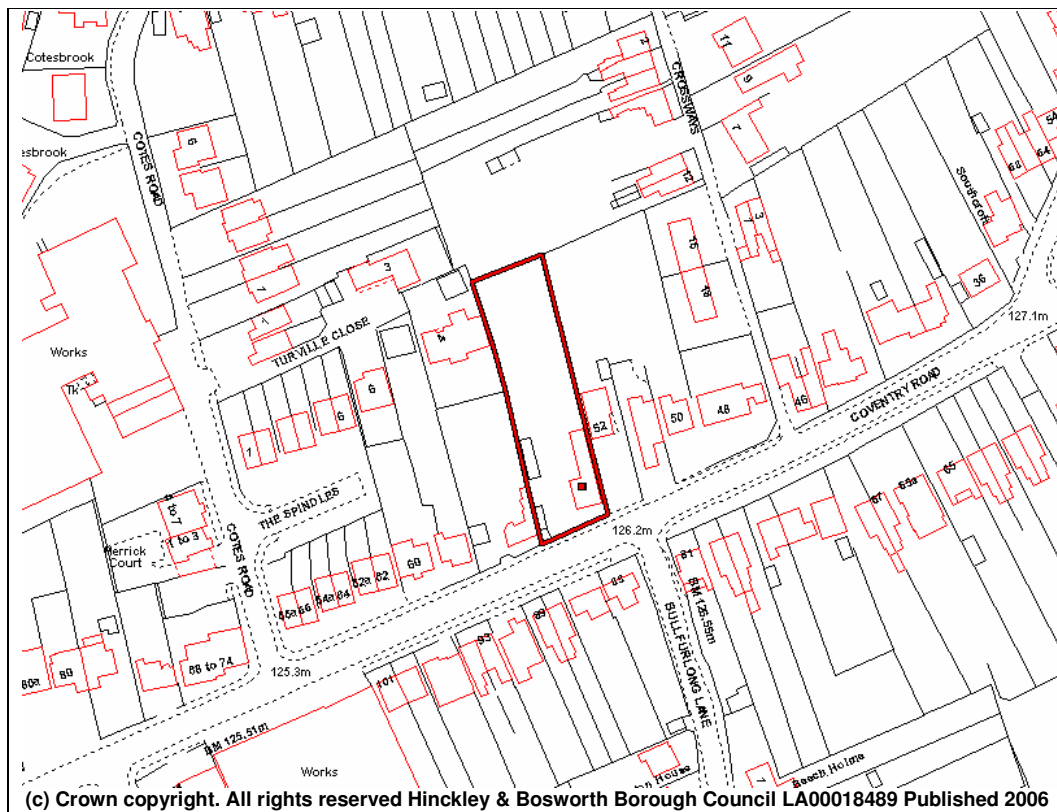
Information submitted in support of the application states that to the west of the site there are currently 2 detached dwellings under construction both with 2 car parking spaces on the frontage with direct access across the highway footpath from the road, meaning there is no

provision for entering/leaving the site in a forward direction. The application proposes two parking spaces for the existing dwelling with direct access from Coventry Road, as recently approved on the adjacent site. The dwelling will echo the adjacent bungalow, no. 4 Turnville Close, in form and materials used. The details comment that there have been 2 previous refused applications which were upheld on appeal. However, both Inspectors agreed that the principle of a bungalow in this location would not be out of character with the surrounding development. The proposed access is no longer shared and the visibility splays have significantly improved due to the removal of hedges across the frontage of no. 56 Coventry Road.

#### **History:-**

The first application (04/01350/FUL) was for a similar bungalow at the rear of the site and a 2 storey frontage dwelling, mirroring the existing dwelling with access between the frontage dwellings. The application was refused on 27th January 2005 on the grounds of impact on amenity to adjoining dwellings due to traffic movements and development at depth which was considered out of character. The Inspector concluded that the proposal would not be out of character. However, the appeal was dismissed because the Inspector considered the proposed parking and manoeuvring for 3 dwellings including a fire appliance turning space to the rear of the frontage dwellings and in front of the bungalow would result in an unacceptable adverse impact on amenity.

The second application (05/01229/FUL) was for only the bungalow at the rear, using the existing access adjacent to no. 56 Coventry Road. The application was refused on 9th January 2006 on impact on amenity; development at depth which was out of character; inadequate highway visibility; setting an undesirable precedent and lack of play and open space contributions. The addition of a highways reason for refusal was because this proposal used the existing access, not a centralised access and as such there was not a gain in the limited highway visibility. Whilst the previous Inspector had not considered the proposal would not be out of character, the Borough Council considered the circumstances of this application were different. There would be no frontage dwelling to close the gap between the dwellings and as such the proposed dwelling would be more visible from Coventry Road. The Inspector for this appeal concluded that impact on neighbours amenity could be adequately dealt with by the imposition of a planning condition requiring 'a suitably substantial wall or fence along the western boundary' and around the retained no.54 Coventry Road. He considered that the proposal would not be out of character and as a result there would also be no undesirable precedent set. However, he found the highways evidence 'compelling' and considered that the appeal should be dismissed on those grounds.



**Consultations:-**

No objections have been received from:-  
 Head of Health and Environment

No objections subject to conditions have been received from:-  
 Borough Council's Land Drainage Engineer  
 Severn Trent Water  
 The Borough Council's Arboricultural Consultant

The Borough Council's Green Spaces Manager states that there will be a net gain of 1 dwelling and due to the small size of the site it is not possible for public open space provision to be made within the development. As such a contribution should be sought to improve the formal and informal open space at the neighbourhood park, Britannia Fields Recreation Ground, which is 162 metres from the site. Improvements to the children's play area, paths, benches, bins and sports pitches are all identified within the Green Space Strategy.

The Director of Highways, Transportation and Waste Management states that this latest proposal shows an improvement to the existing vehicular access in terms of the formal provision of pedestrian visibility splays. The proposal is not likely to result in an increase in the number of vehicles using the access considering the access currently serves the existing dwelling. The proposed 2 replacement car parking spaces shown for the existing dwelling are located centrally on the sites frontage and maximum visibility splays are to be provided across the site's frontage. Given these improvements, and the position of the proposed new parking spaces with maximum visibility splays provided, the Highway Authority is not in a position to demonstrate that this proposal is likely to result in additional dangers to road users. A number of standard conditions are recommended.

Burbage Parish Council objects to the application as a recent appeal on a similar planning application has recently been dismissed. The comments of the Parish Council to this

previous application still apply. The application for tandem development remains contrary to the Burbage Village Design Statement. The shared access was considered unsatisfactory and the proposed development would be overdevelopment of the site.

Four letters have been received from local residents raising the following concerns:-

- a) noise, disturbance and exhaust fumes from vehicles
- b) proposal is contrary to policy BE1
- c) nothing has changed since last application
- d) highway dangers at access
- e) driveway described as existing has only recently been constructed
- f) inaccuracies in the design statement regarding the fence between no. 54 Coventry Road and no. 12 Crossways
- g) dominate view from garden with major impact on privacy and light
- h) precedent
- i) out of keeping with the character of the area
- j) proposed bungalow is too large
- k) dormer windows could be added to the roof at a latter date and would impact on privacy
- l) if permitted, a 2 metre high, double brick acoustic wall should be constructed along the boundary, before building work commences
- m) if permitted, the parking spaces should be moved to the east boundary of the site

#### **Development Plan Policies:-**

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

##### National Policy Guidance

Planning Policy Guidance Note 3 (PPG3) seeks to make more effective use of previously developed/underdeveloped land.

##### 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.

The Burbage Village Design Statement sets out additional criteria for residential development within Burbage.

### **Appraisal:-**

The current application is for a bungalow at the rear of the site with access adjacent to no. 56 Coventry Road, similar to that previously proposed. In particular the majority of the scheme is nearly identical to that submitted in 2005. The appeal against the refusal of this application was dismissed on highway grounds only. The adjacent dwelling no. 56 Coventry Road has now been demolished and the high hedges along the highway boundary removed. As such vastly improved pedestrian and vehicular visibility can now be achieved to the west. The application proposes to reduce the height of walls across the front of no. 54 Coventry Road which will improve pedestrian and vehicular visibility to the east. The reduction in height of this wall will also provide greater visibility for the users of the adjacent accesses. In addition this application proposes to directly access 2 parking spaces from the highway for the existing dwelling. These spaces are located in the centre of the site, in a similar location to the access proposed on the first planning application, to which the Highway Authority did not object. As a result the existing access will serve only the proposed bungalow. The Highway Authority do not object to the application and propose a number of standard conditions. As such it is considered that from a highway safety perspective the proposal is acceptable.

In respect of whether the proposed development would be out of character or have an unacceptable impact on the adjoining residents, the previous Inspectors decisions are material considerations in determining this application and must be given significant weight. In addition Circular 8/93 (Award of Costs in Planning Appeals) states that Local Planning Authorities would act unreasonably if, in the event of a successful appeal against their refusal, it is clear from a relevant earlier appeal decision that a Planning Inspector would have no objection to a revised application in the form which was ultimately allowed, and circumstances have not changed materially in the meantime.

In the case of this application the issue of impact on amenity was upheld by the first inspector but not by the second. However, the first application involved traffic movements to the rear of the site for 3 dwellings. The second application and this application include parking on the frontage for the existing dwelling and access with 2 spaces to the rear, therefore the second Inspectors decision is far more relevant. The second Inspector considered that the issue of noise from vehicles manoeuvring could be adequately dealt with by the imposition of a planning condition requiring the erection of walls and fences along the western boundary and around the retained dwelling. The application proposes a 1.8 metre high wall adjacent to no. 4 Turville Close, a 1.8 metre high 'wall/fence' around the retained no. 54 Coventry Road, to reinforce the hedge to the northern boundary and a 1.8 metre high post and panel fence to the remainder of the boundaries. It is not considered that the proposed 1.8 high post and panel fence would be sufficient in respect of the boundary with the garden to no. 4 Turville Close. In addition the term 'wall/fence' is not considered specific enough. However, as suggested by the Planning Inspector, it is considered that this matter can be adequately dealt with by the imposition of condition 6 which requires a boundary treatment scheme, including acoustic walls or fences, to be submitted and approved. A local resident has requested that a boundary wall be erected before any other construction works commence onsite. However, disturbance during the construction process is not a planning consideration. As such it is considered that it would be unreasonable to require this. The condition is therefore proposed requiring the erection of the boundary treatment prior to the occupation of the proposed dwelling, which is normally the case.

In respect of whether the proposed development is out of character, neither Inspector considered this to be the case. They considered that development at depth had become characteristic of this part of Coventry Road, with the development of Turville Close and Crossways. This application is not materially different in that respect. As such it is not considered that the proposal would result in a development which would be out of character.

Since the last appeal the Burbage Village Design Statement has been adopted. Burbage Parish Council objects to the this application due to, amongst other things, the proposed tandem development of the site. Point GN2.6 of the Burbage Village Design Statement states that any future development should reflect the basic settlement character with housing tending to front onto lanes and roadways. The adoption of this document would add weight to a case to refuse an application for development in depth. However, this issue has already been looked at in significant depth by two different Planning Inspectors who both concluded that tandem development of this site would not be out of character. Whilst it could be argued that the adoption of the Burbage Village Design Statement is a material change in circumstances, on balance, it is not considered that the adoption of this document has changed the circumstances sufficiently to disregard two separate previous appeal decisions and it is considered that it would be unreasonable to refuse the application on these grounds.

Concerns have been raised that the proposal constitutes over development of the site. The site is approximately 1000 square metres, therefore the proposal would result in a density of 20 dwellings per hectare. This is below national, regional and local guidance of 30 to 50 dwellings per hectare. However, it is not considered that it would be appropriate to require a higher density of development on this site. In addition all of the distance standards set out in the adopted Supplementary Planning Guidance are complied with, which is a further indication that the proposal is not overdevelopment of the site. Concerns have also been raised regarding overlooking from the windows to the rear of the proposed bungalow. However, these are only at ground floor level with an existing hedge which will be reinforced. In addition this area is over 30 metres from no.'s 10 and 12 the Crossways and any overlooking would be to the very end of their gardens. It is not considered that this is an unacceptable relationship. Other issues raised by neighbours include the boundary treatment between the proposal and no. 12 Crossways, which it is considered can be adequately dealt with by condition 6 and the potential future addition of dormer windows, which would require a planning application due to condition 3.

In conclusion there has been a complex history on this site and whilst the two previous appeals against the refusal to grant planning permission were dismissed, each was dismissed for a different reason and it is considered those reasons have now been overcome. A boundary treatment condition is proposed to deal with any potential impact on the neighbours amenity. The removal of the adjacent dwellings and alterations to the access mean that this proposal is acceptable from a highways perspective. Whilst both previous applications were refused on the grounds that the proposed development was out of character, neither Planning Inspector considered this to be the case. As stated the previous appeal decisions must be afforded significant weight and as a result it is not considered there is any justifiable reason to refuse this application. The application is therefore recommended for approval, subject to conditions.

**RECOMMENDATION** :- Permit subject to the following conditions :-

**SUMMARY OF DECISION** - The proposal is in conformity with Policy/Policies BE1, NE12, 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 detached bungalow shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A-E (inclusive) shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 4 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.
- 5 No development shall commence on site until such time as the existing and proposed ground levels and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The finished floor levels shall then be implemented in accordance with the approved details.
- 6 Notwithstanding the information submitted, full details of all boundary treatment to the site including technical specifications of acoustic walls and/or fencing and retaining walls and representative samples of the types and colours of materials to be used shall be submitted to and approved in writing before development commences. The development shall be implemented in accordance with the approved scheme before the proposed dwelling is first occupied.
- 7 The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the Local Planning Authority in writing.
- 8 Before any development is commenced on site a landscaping scheme shall be submitted to and approved by the Local Planning Authority. This scheme shall indicate the treatment proposed for all ground surfaces together with the species and materials proposed and their disposition.
- 9 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained 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.
- 10 Prior to occupation of the dwelling hereby permitted, the existing gates to the vehicular access shall be removed. Any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 5 metres behind the Highway boundary (back of footway) and shall be hung so as to open inwards only.
- 11 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.

- 12 The car parking and any turning facilities shown within the curtilage of the site shall be provided for both the existing and proposed dwelling before the proposed dwelling is occupied and shall thereafter permanently remain available for such use.
- 13 Prior to occupation of the dwelling hereby permitted both access drives and any turning spaces shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained at all times.
- 14 Prior to occupation of the dwelling hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided as shown on the submitted plan, on the Highway boundary on both sides of the accesses with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.
- 15 Notwithstanding the information submitted, before development is commenced full details of the vehicular visibility splays, taken from 2.4 metres from the kerb edge, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with those approved details.
- 16 Before any development is commenced on the site, including site works of any description, the Acacia tree towards the front of the plot and the Hawthorn tree to the rear of the plot (which is the subject of a Tree Preservation Order) shall be securely fenced off by protective fencing on a scaffolding framework in accordance with B. S. 5837 erected in a circle round each tree at a radius from the bole of 3 metres or to coincide with the extremity of the canopy of the tree, whichever is the greater. Within the areas so fenced off, the existing ground level shall be neither raised or lowered, (except as may be approved by the Local Planning Authority as part of the development) and no materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 3 To safeguard amenities of neighbouring properties to accord with policy BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure the provision of adequate play and open space within the vicinity of the site to accord with policies REC2 and REC3 of the Hinckley and Bosworth Local Plan.
- 5&6 To safeguard amenities of neighbouring properties to accord with policy BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
- 8 To enhance the appearance of the development to accord with policy BE1, NE12 and RES5 of the adopted Hinckley & Bosworth Local Plan.

- 9 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1, NE12 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 10 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 11 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 12 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 13 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 14 In the interests of pedestrian safety, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 15 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 16 To ensure that the existing trees on the site are retained and protected.

**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 Natural England 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.
- 4 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.
- 5 Depending on reasonably permeable ground strata the hard-surfaced access drive and parking areas should be executed in permeable paving materials. The application has shown block paving, some systems of which are specifically designed as permeable surfacing.
- 6 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Highway Manager (01455 283341).
- 7 Condition 4 refers to play and open space contribution. In this instance a contribution of £1,900 is required towards the provision and maintenance of off-site Public Open Space.

- 8 In relation to Condition 6, the submitted details should include a 2 metre high acoustic wall or fence surrounding the amenity space to be retained for no. 54 Coventry Road and between points A and B marked in red on the approved plan.
- 9 In relation to Condition 8, the landscaping scheme should focus on reducing the dominance of parking and access across the frontage of the site.
- 10 In relation to Condition 15, the applicant is expected to submit a detailed survey showing the full distance of the visibility splays across the frontage of the site.

**Contact Officer:-** Mr D Warden Ext 5691

**Item:** 10

**Reference:** 06/01080/FUL

**Applicant:** Mr J And Mrs N Stilgoe

**Location:** 42 Main Road Twycross Atherstone Leicestershire CV9 3PL

**Proposal:** EXTENSIONS AND ALTERATIONS TO DWELLING AND ERECTION OF DETACHED GARAGE

**Introduction:-**

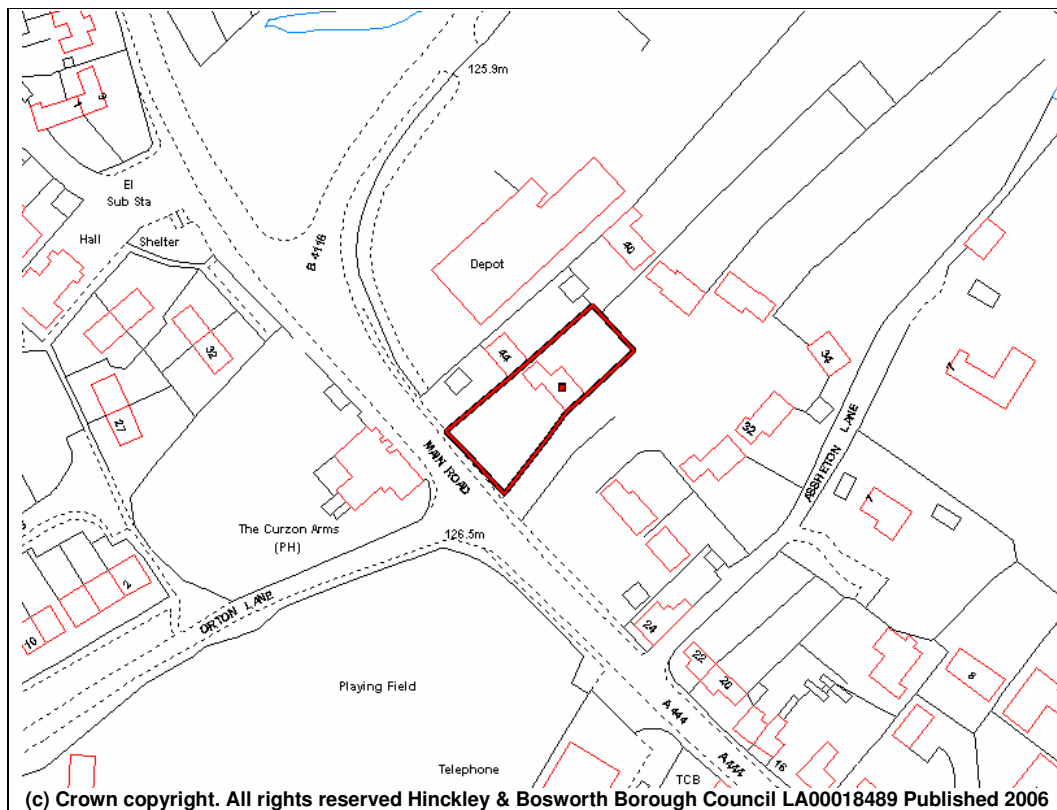
This full application seeks planning permission for a conversion of the existing garage with a first floor extension and the erection of a new double garage. The site is located on the north side of Main Street and is accessed via a shared drive with No 44 Main Street, Twycross. The site consists of a two storey detached dwelling of a style of design which matches the surrounding properties in the area. There is an attached double garage which extends two metres forward of the main elevation of the dwelling.

The conversion of the existing garage will include extensions to the ground floor and first floor of the garage. The garage will extend an additional metre beyond the main elevation of the dwelling giving a total forward projection of three metres. The proposed rear extension will extend four metres at ground floor and three metres at first floor from the rear elevation of No 44 Main Street, but is offset a metre from the site boundary at ground floor and two metres at first floor. The ridge of the roof of the first floor extension will be half a metre lower than the ridge of the existing roof.

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

**History :-**

04/01330/FUL Extensions and Alterations to Dwelling Permitted 15.12.04



**Consultations:-**

No objections have been received from:-

Director of Highways, Transportation and Waste Management (Highways)

The Parish Council have the following concerns:-

- a) Proposed extension will overwhelm the adjacent property
- b) The proposed extension will protrude further than the existing property
- c) Number of cars on site due to the addition of a fifth bedroom
- d) Loss of on-site turning space due the erection of the double garage

Two letters of objection have been received from neighbours regarding the original plans and the amended plans raising the following concerns:-

- a) The proposed extension will overwhelm adjacent property
- b) Roof will be out of character with the existing dwelling
- c) Loss of light to adjacent property due to first floor projection
- d) Extension is not set back 1m from the main elevation
- e) The rear extension will project 4m beyond the rear elevation of the adjacent property

**Development Plan Policies:-**

The site is located within the settlement area of Twycross, as identified in the adopted Hinckley and Bosworth Local Plan. Any proposed extensions to the property will need to adhere to Policies BE1 and RES7. Local Plan Policy BE1 states that the Borough Council will seek to ensure a high standard of design to secure attractive development and to safeguard and enhance the existing environment. The proposed works will need to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass and design. Local Plan Policy RES7 states that planning permission will be

granted where they respect the scale and character of the existing dwelling, retain adequate provision for parking, built of materials to match the existing dwelling and do not adversely affect the occupiers of neighbouring dwellings.

**Appraisal:-**

The proposed extensions and alterations are considered acceptable as they are in keeping with the character of the area being built in the footprint of the existing garage, albeit with a front and rear extension but the impact on the area is minimal. The property is set some way back from the highway and is screened along the north-east and south-east by vegetation. The first floor extension to the dwelling is subordinate to the main dwelling due to its overall size and appearance in relation to the existing property. The proposed garage also does little to detract from, the character of the area as there is a precedent for garages to be located at the front of the curtilage adjacent to the highway in the overall street scene.

The proposed garage conversion and first floor extension respect the scale of the existing dwelling, being built in place of the existing attached garage and are ancillary to the main dwelling house. There will be adequate provision for parking on-site as there is a new detached double garage to be built at the front. The materials to be used on the proposed works will match the existing dwelling and will create a unified overall appearance. Due to the relationship between No 42 and 44 Main Street, the proposed works would have a minimal effect on No 44 due to its size in relation to the existing dwelling at No 42 and also the roof height of the extension is lower than the existing roof, reducing the impact on the neighbouring property.

Supplementary Planning Guidance requires that residential side extensions should be set back one metre from the main elevation of the existing dwelling to prevent the terracing effect but applying the Supplementary Planning Guidance flexibility a one metre set back would detract from the character and appearance of the existing dwelling. Supplementary Planning Guidance requires rear extensions to extend no more than three metres at ground floor and two metres at first floor along the common boundary with an adjoining property, but the proposed rear extension is set one metre away from the adjoining dwelling at ground floor and two and half metres at first floor allowing for the flexibility Provided in the Supplementary Planning Guidance. As proposed the ground floor will extend four metres and the first floor three metres from the rear elevation of the adjacent property and the proposed roof ridge will be half a metre lower than the main ridge of the existing roof to allow the extension to appear subordinate to the existing dwelling.

**RECOMMENDATION** :- Permit subject to the following conditions :-

**SUMMARY OF DECISION** - The proposal is in conformity with Policy/Policies BE1, RES7 and T5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 This permission relates to the application as revised by amended plan received by the Local Planning Authority on \*\*\*\*
- 3 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.
- 4 The window to be inserted in the side (north-west) 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 define the permission.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy RES7 of the adopted Hinckley & Bosworth Local Plan.
- 4 To safeguard amenities of neighbouring properties to accord with policy 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 Natural England 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 Grocock Ext 5898

**Item:** 11

**Reference:** 06/01137/FUL

**Applicant:** C J Marketing CMED LTD

**Location:** C J Marketing Hawley Road Hinckley Leicestershire LE10 0PR

**Proposal:** DEMOLITION OF 8 HAWLEY ROAD AND ERECTION OF 24 RESIDENTIAL UNITS, WITH ASSOCIATED PARKING AND ACCESS

**Introduction:-**

This is a full application for residential development of land on Hawley Road, Hinckley. The existing three-storey building, currently used for garment storage and design studio, would be demolished and replaced by a three-storey L-shaped apartment block to provide 24 flats, with both undercroft and surface parking areas for a total of 34 cars.

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

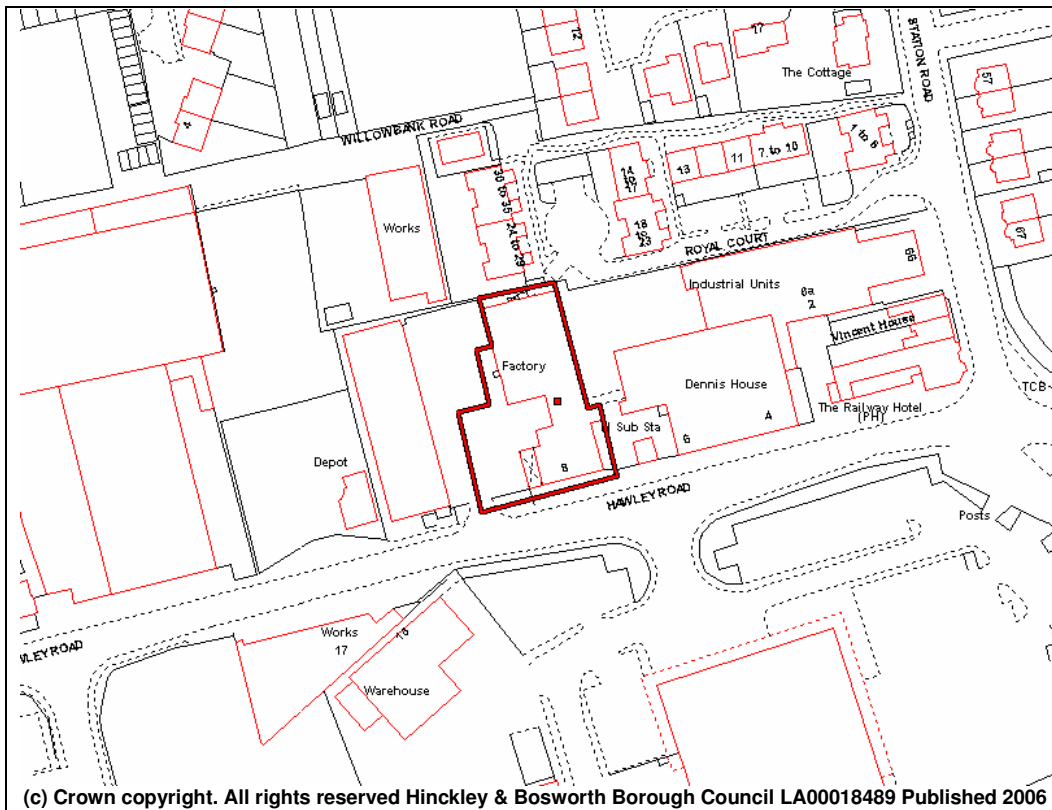
Information submitted in support of the application includes a Design Statement, a Traffic Impact Assessment, a draft section 106 legal agreement and a report from a local land agent that states that the demand to use the application building would be poor due to its age and configuration, which is not considered suitable for modern industrial purposes. It adds that the adjacent Carr House, which is a relatively modern construction, provides a more appropriate building for future employment uses and therefore maintain a 25-50% employment use across the whole site. The Design Statement considers that the design reflects that of Carr House, which itself was built to emulate an old industrial building.

Vehicular access to the site would be from Hawley Road, not only from the existing car park access but also from a ramped access under the building itself. These would give access to rear parking (14 spaces) and basement parking (20 spaces) respectively.

A similar scheme was withdrawn following officers' concerns about design as well as other unresolved issues relating to highways, drainage, financial contributions and the potential loss of employment.

**History:-**

06/00313/FUL	Demolition of 8 Hawley Road and Erection of 24 Residential units, with associated parking and access	Withdrawn	11 09.06
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**Consultations:-**

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

- Borough Council's Land Drainage Engineer
- Head of Health and Environment Services
- Environment Agency
- Severn Trent Water Ltd.
- Director of Highways, Transportation and Waste Management (Highways).

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

- Leicestershire Constabulary Crime Reduction Officer
- Neighbours
- Site Notice
- Press Notice.



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

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

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

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

## **Development Plan Policies:-**

### Central Government Guidance

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

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

### The Structure Plan

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

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

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

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

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

## The Local Plan

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

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

The site is identified in the Hinckley and Bosworth Local Plan (adopted February 2002) as an existing employment site. The current adopted Local Plan designates the site as part of the Hawley Road/Southfield Road Industrial Estate. This industrial estate is allocated as an EMP1 (b) - Existing Employment Site, which means the area is generally considered to be an acceptable employment location but where proposals for alternative uses would be considered on their merits. The Local Plan was adopted in 2001 but is currently under review in order to produce the Borough's first Local Development Framework. As part of this process, a review of existing allocations is being made and any new sites for employment use designated. The Employment Development Plan Document is not due for adoption until February 2009 (as part of the Local Development Scheme).

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

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

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

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

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

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

## Other Material Considerations

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

## **Appraisal:-**

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

### Employment Land and Premises Study

The Study recommends that employment uses should be retained on the site. This designated employment site is one where proposals for alternative uses of land and buildings can be considered on their individual merits (Policy EMP1(b)). The Council's Employment Land and Premises Study further clarifies that 25-50% of the whole of the Hawley Road/Southfield Road Industrial Estate should be retained in employment use, and specifically recommends the retention of certain buildings for employment use. The application site is not one of those buildings. However, this is a high quality industrial building and is, therefore, a valuable employment building that officers would prefer to see retained, ideally for future employment use. Even so, in considering any proposal to change its use, and in this case, also its demolition, the retention of other adjacent employment buildings (Carr House), would ensure that a minimum of 25% employment use would still be achievable without the retention of the application building in such use. On balance, therefore, the proposal appears to be difficult to resist. However, officers do consider that a unilateral legal agreement should be offered that would secure the retention of Carr House for future employment purposes.

### Design and Layout Considerations

The existing building is a fine former factory building on the street frontage, and is one of the best examples of its type along this road. Officers would prefer to see the building retained, possibly with an extension in a contrasting style. It occupies a prominent position on an important route into and out of the town. It lies close to a site identified in the Council's Masterplan, which among other things, is seeking to improve the appearance of this gateway to the town. The proposed elevations present an uninteresting frontage to the road, with poor fenestration arrangement, weak detailing, unsympathetic co-ordination of form and other architectural elements that do not compliment or contribute to its appearance. It is considered that if the existing building is to be lost, then its replacement should be of equal, or higher, quality.

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

### Access and Parking considerations

Although there are no objections from the Director of Highways, Transport and Waste Management the provision of 34 off-street car parking spaces for 24 dwellings falls 2 spaces short of the Council's normal standard of 150% provision. However, bearing in mind the location of the site very close to the railway station and town centre, as well as on a bus route, it is considered that the shortfall is not significant. In these circumstances, it is considered that a financial contribution towards improving existing car parking areas in the area, in lieu of the shortfall, would be appropriate.

Members will also be aware of a preceding item on this agenda that relates to an application for a Tae-Kwon Do Club in part of Carr House. The Committee had previously resolved to approve this proposal subject to a unilateral legal undertaking to provide 33 additional car parking spaces within the existing parking area between Carr House and the current application building. However, the applicants have failed to submit a completed legal agreement.

### Other Considerations

Developer contributions would have been required for open space, to meet Policies REC2 and REC3 of the adopted Local Plan, and the Council's Supplementary Planning Guidance on Play and Open Space and the Green Space Strategy, in the absence of any on-site open space provision. For 24 dwellings the normal open space requirement would equate to £45,600 (24 x £1,900).

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

### Conclusion

Although a number of issues relating to employment, highways and Environment Agency concerns have been resolved or otherwise agreed, including the offer of legal agreements, officers remain seriously concerned about the design of the building. It is essential that a new building in this location has a high quality frontage, not only in itself, but also since it is likely to set the standard for other development on this road. The current proposal is an improvement on the previously withdrawn scheme, but it is considered that it still does not achieve a memorable acceptable quality.

### **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, specifically the weak detailing and unsympathetic co-ordination in its built form, would result in a bland and unimaginative frontage elevation along an important gateway into the town, to the detriment of the appearance of the street scene and general visual amenity, contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 2 In the absence of any evidence or justification to the contrary, or of any definitive completed legal agreement relating to the retention of employment uses on adjoining land, it is considered that it has not been sufficiently demonstrated that the proposal would not result in the loss of an existing employment site to the detriment of achieving the Borough Council's Strategic Objective in providing opportunities for investment in the Borough and promoting economic growth through sustainable development. Specifically, it would conflict with Strategy Objective 1a) of the adopted Hinckley and Bosworth Local Plan, and Employment Policy 5 of the adopted Leicestershire, Leicester and Rutland Structure Plan which seek to provide an adequate supply of land that is suitable for a range of employment purposes and capable of being developed during the Plan period and also ensuring the reuse of employment buildings for mixed development.
- 3 In the opinion of the Local Planning Authority, the lack of any definitive financial contribution to address the increase in pressure placed on library facilities, waste facilities and education by the proposed development would not accord with Circular 5/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016 and policy IMP1 of the adopted Hinckley and Bosworth Local Plan.

**Contact Officer:- Mr N Wright Ext 5605**

**Item:** 12  
**Reference:** 06/01160/FUL  
**Applicant:** J A Ball New Homes  
**Location:** 1 Drayton Lane Fenny Drayton Nuneaton Leicestershire CV13 6AZ  
**Proposal:** DEMOLITION OF EXISTING DWELLING AND GARAGE AND ERECTION OF 5 DWELLINGS WITH ASSOCIATED PARKING AND ACCESS

**Introduction:-**

This is a resubmitted full application for the demolition of one dwelling and erection of five new dwellings. The plot is positioned on the corner of Drayton Lane and Old Forge Road, in the village of Fenny Drayton. The site area measures approximately 0.22 hectares. The existing property is relatively modern and is of a considerable size. The property is of no real architectural merit and has been poorly extended in part. The property is set within a large plot and is bounded by substantial mature planting and trees.

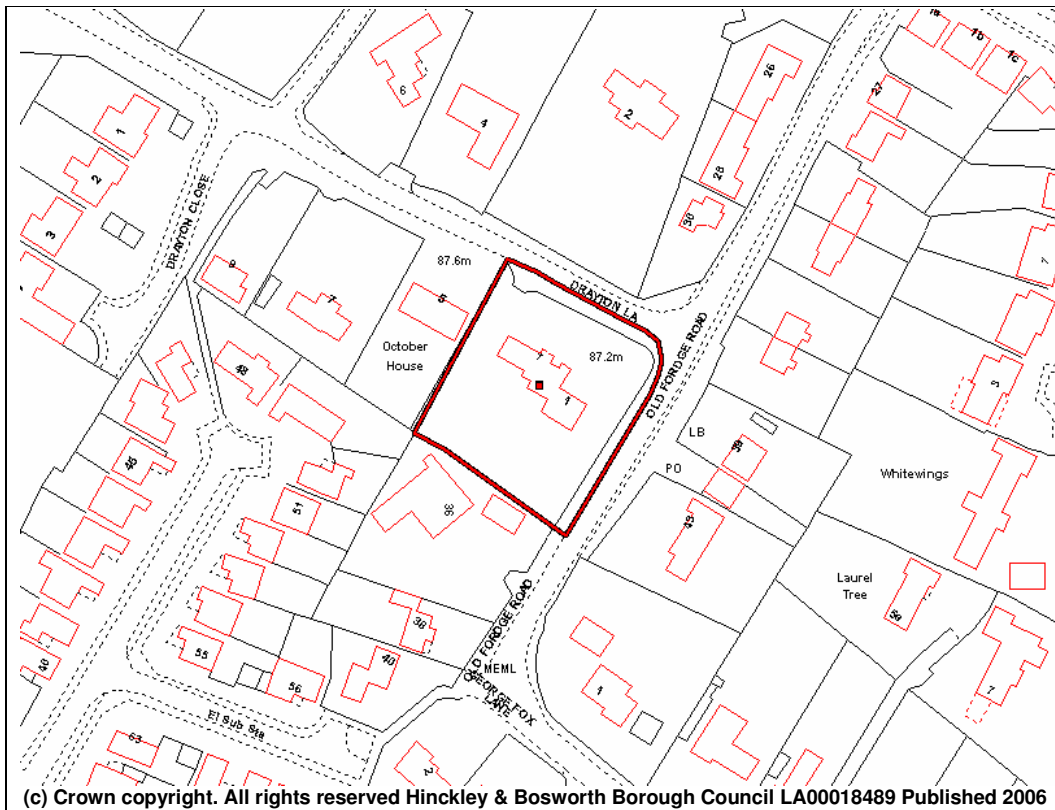
Immediately adjacent to the site is a substantial bungalow with a large garage to the front of the property. There are also bungalows beyond the south western corner of the site. There is a large, modern, two-storey property neighbouring the western boundary of the site and facing the site from Drayton Lane, the existing properties are also large two storey detached dwellings. Fronting the site from Old Forge Road, the properties are two-storey in height, individual in character with some traditional features.

A new access is proposed from Old Forge Road to serve four of the properties and the existing access from Drayton Lane is to be retained to serve one dwelling. A new footway has also been proposed adjacent to the carriageway for both Drayton Lane and Old Forge Road, as at present there are no pedestrian footpaths.

A design statement has been submitted with the proposal detailing issues of design, amenity, landscaping, access and highway implications. A highway report has also been submitted with the application detailing visibility standards and likely traffic generation.

**History:-**

06/00680/FUL	Demolition of existing property and erection of 5 dwellings and associated access	Withdrawn
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**Consultations:-**

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

No objection subject to standard conditions has been received from:  
Severn Trent Water  
Director of Highways, Transportation and Waste Management  
Director of Environment and Heritage Services (Archaeology)  
Borough Councils Land Drainage Engineer.

The Parish Council has raised the following concerns:- the proposal will increase the level of traffic generated on a dangerous corner, the figures reported in the traffic statement are not considered to reflect an accurate picture of the likely traffic generation, as there are no facilities other than a church in the village this is not considered to be a sustainable form of development , the development does not improve the balance of properties for the community, it proposes to spoil a rural scene and overlooking of neighbours gardens. It is suggested that four properties with substantial tree planting would be more appropriate. This sort of development will not attract young starter families and will not allow young people to stay in their village. The houses would turn the village into a suburban type housing estate.

Neighbours notified, 4 letters of objection have been received raising the following concerns:-

- loss of privacy
- overlooking
- loss of trees
- Drayton Lane is already a busy road
- there are alternative development sites

- out of keeping with the village
- devaluation in property
- vehicles will have to exit close to a blind bend on Old Forge Road
- inadequate number of garages will in turn lead to increased car crime
- the rest of the village has well spaced properties
- the existing property is attractive and in keeping with the village

### **Development Plan Policies:-**

Planning Policy Guidance Note 3 seeks to ensure the re-use of previously developed land over greenfield sites. In order to ensure an efficient use of land, density levels of 30-50 dwellings per hectare are required. When considering new housing developments, the considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development.

The application lies within the settlement boundary of Fenny Drayton as identified in the adopted Hinckley and Bosworth Local Plan. RES5 relates to residential proposals on unallocated sites. It is stated that on those sites, which are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if: the site lies within the settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

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

Policy T5 refers to highway standards and parking requirements.

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

### **Appraisal:-**

#### Principle

The site falls within the settlement boundary of Fenny Drayton and therefore there is a presumption in favour of residential development, provided this does not conflict with other relevant plan policies.

#### Density

The proposed density equates to approximately 22.7 dwellings per hectare. Whilst this falls short of the density requirements of Planning Policy Guidance Note 3, when taking into account the constraints of the site, the setting and character of surrounding development, it is considered the reduced density is acceptable and more characteristic to the area.

## Design and Siting

Generally, the existing pattern of development within the area is that of detached properties on large plots, set well back from the street frontage. Properties throughout the village vary significantly in type, size, height and design. Existing development surrounding the site is a mixture of two storey dwellings and bungalows.

The design and layout of the scheme has tried to reflect that of the existing development within the area. The properties shown to be fronting Old Forge Road have been set back approximately 7 metres from the road and are sited approximately 2 metres nearer to the highway than the triple garage to the neighbouring property. However, whilst those properties fronting Drayton Lane have not been set back as far, the siting is considered to be reflective of properties found within the settlement. A new footpath has also been proposed adjacent to the carriageway of those properties fronting both Drayton Lane and Old Forge Road. Having considered the existing pattern of development, it is considered that the siting of the proposed dwellings relate well to the street scene.

The proposed dwellings are all two-storey detached properties with associated garaging. The design of the dwellings reflects characteristics of the more traditional properties surrounding the site and are considered to relate well to the street scene.

The internal layout of the proposal has presented some difficulty due to the constraints of the site arising from the surrounding properties. Therefore, whilst providing a strong street frontage to Drayton Lane and Old Forge Road, the internal layout of the proposal provides a focal point with the siting of Plot 2. Boundary walls have been provided to the rear of the properties, softened by substantial boundary planting.

It is apparent that the site levels provide the existing property and neighbouring bungalow an elevated position in the street scene. As such, careful consideration needs to be given to the potential prominence of the development arising from the levels of the site and the siting of the dwellings nearer to the street frontage. The plots fronting Old Forge Road have a reduced ridge height to help reduce this impact, particularly in respect of the neighbouring bungalow. In addition, details of the proposed street scene have been submitted following officer's requests, depicting the relationship of the proposal with the neighbouring properties. Following consideration of the plans, the scheme is considered to relate well to the neighbouring properties.

## Amenity and Landscaping

The orientation of the properties is such, that the scheme avoids principal facing windows. The garaging has been sited so that any potential impact in regards to the side facing windows of the existing properties has also been avoided. In order to reduce any potential impact on the adjacent bungalow, detached garaging has been sited flanking the boundary with this property.

Mature, substantial planting, trees and coniferous hedging currently bound the site. Whilst some planting will evidently be removed along the boundaries with Old Forge Road and Drayton Lane, the trees positioned on the corner of the road are to be retained. This helps soften the impact of the proposal in the street scene and improves the visual amenity of the area. The planting along the common boundaries with the neighbouring properties is also to be retained. This mature planting provides a substantial screen, providing improved residential amenity for neighbours.

## Highways

As the proposal does not seek to serve more than one dwelling from the existing access and the new access proposed from Old Forge Road is capable of achieving Highway



Authority standards, including visibility, the proposal is considered to be acceptable in highway terms.

The proposal also includes the construction of a 2.0 metre footway adjacent to the carriageway, on the site's frontage to Drayton Lane and Old Forge Road, improving pedestrian safety.

#### Developer Contributions

The application would, if approved, require a contribution towards play and open space provision from four of the proposed dwellings. This would equate to £7,600 based on £1,900 per dwelling. The financial contributions could be used to improve existing open space at Drayton Close, in line with the objectives of both the adopted Green Space Strategy and recommendations of the Parish Public Open Space Quantity/Accessibility Audit 2005. This is being dealt with by the imposition of a condition.

#### Other issues

The concerns raised by neighbours in respect of overlooking, loss of privacy, loss of trees, character of the area and highway safety are all discussed as part of the appraisal above. In regard to the objection raised relating to the use of alternative sites, the site falls within the settlement boundary and is previously developed land. Accordingly, the use of the site for residential purposes of a higher density is in accordance with national planning policy guidance. Finally, other concerns relating to devaluation of property and the potential for car crime, are not planning considerations.

#### Conclusion

Taking into account national planning policy guidance and the relevant local plan policies, in addition to, the design principles of the proposal, the character of the area and the constraints of the site, the scheme is considered to be acceptable.

**RECOMMENDATION** :- Permit subject to the following conditions :-

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 Before first occupation of any dwelling hereby approved, the 2.0 metre wide footpath as shown on the submitted plan, on the site's frontage onto both Drayton Lane and Old Forge Lane shall be provided.
- 4 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.
- 5 The gradient of the new access drive shall not exceed 1:12 for the first 5 metres behind the highway boundary.

- 6 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.
- 7 Before first occupation of any dwelling hereby permitted, the 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.
- 8 For the period of the 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.
- 9 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.
- 10 The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided before the dwelling is first occupied and shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.
- 11 Before first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
- 12 No part of the development hereby approved shall be occupied until visibility splays of 2.4 metres by 90 metres shall be provided at the junction of the access with Old Forge Road. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays and retained as such at all times thereafter.
- 13 The shared private drive shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary and have 4 metres control radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times.
- 14 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.
- 15 None of the proposed dwellings shall be occupied until works for the disposal of surface water and foul water have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 16 None of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.
- 17 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and

agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

- 18 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) hard surfacing materials
  - (ii) planting plans
  - (iii) written specifications
  - (iv) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - (v) implementation programme.
- 19 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.
- 20 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work commencing with an initial exploratory investigation. This work shall be undertaken in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. No development should take place except in accordance with the agreed programme.

**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 In the interests of pedestrian safety.
- 4 To enable a vehicle to stand clear of the highway whilst the gates are opened.
- 5 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.
- 6 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
- 7 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 of the Hinckley and Bosworth Local Plan.
- 8 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users.
- 9 To ensure that adequate off-street parking provision is made to reduce the possibilities of the development leading to on-street parking problems in the area during construction.
- 10 To ensure that adequate off-street parking facilities are available to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

- 11 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
- 12 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
- 13 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.
- 14 To ensure the provision of play and open space to accord with policies REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan.
- 15 To ensure satisfactory provisions are made for the drainage of the site.
- 16 In the interests of residential amenity.
- 17 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 18 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 19 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 20 To ensure satisfactory archaeological investigation and recording.

**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 Natural England 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 In reference to Condition 3 the footway shall be dedicated as Public Highway and the applicant is advised to liaise with the Highways Authority to enter into a suitable legal Agreement for the off-site Highway works before development commences.
- 4 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 5 In regards to Condition 13, 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.
- 6 All works within the limits of the Highway including the vehicular access and proposed footway shall be carried out to the satisfaction of the Southern Area Manager - (telephone 0155 283341)
- 7 In regards to Condition 14, the financial contribution required in lieu of play and open space equates to £7,600.

**Contact Officer:-** Miss E MacDonald Ext 5682

**Item:** 13  
**Reference:** 06/01243/FUL  
**Applicant:** Mr S Martin  
**Location:** 17 Abbots Green Burbage Hinckley Leicestershire LE10 2QZ  
**Proposal:** EXTENSIONS AND ALTERATIONS TO DWELLING

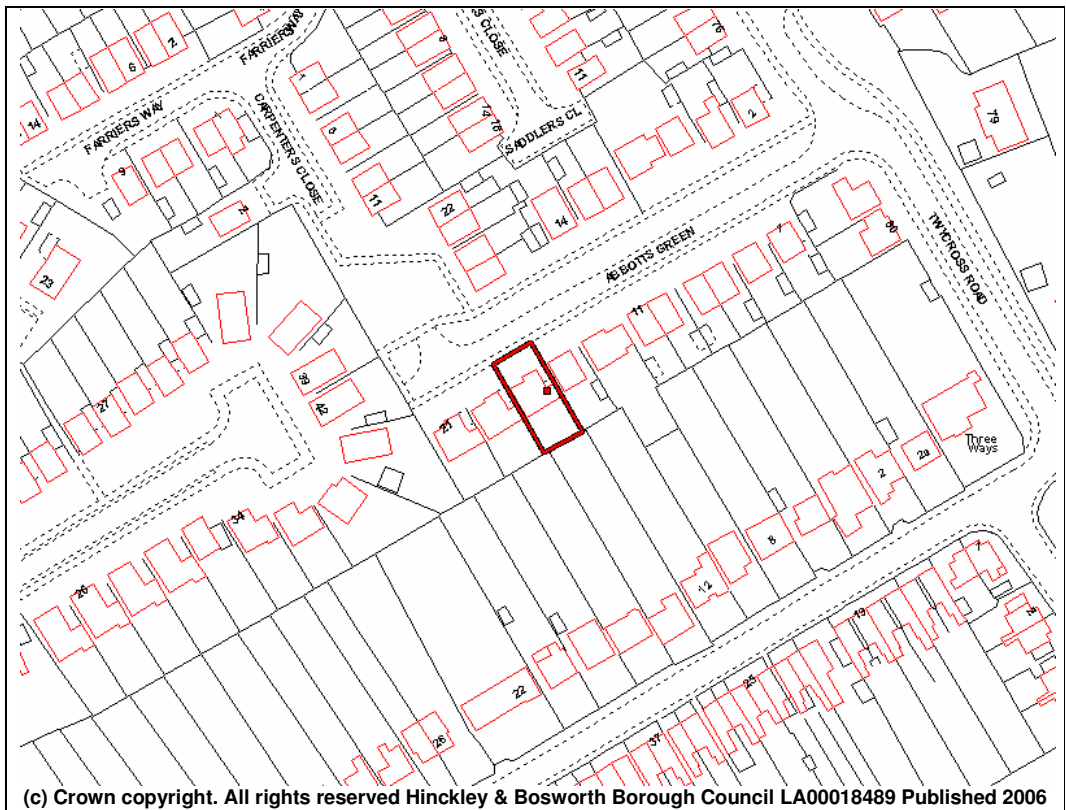
**Introduction:-**

This is a full application for a first floor side extension above an existing garage and a single storey rear extension. This application is being presented to Committee as the applicant is related to a member of staff.

The property is a detached dwelling on the south side of Abbots Green in a wholly residential area of Burbage. The application proposes a first floor side extension above the existing garage, a single storey rear extension extending 4 metres and a pitched roof to the porch and bay window on the front elevation.

**History:-**

1973/4205      Erection of Dwellings      Approved      2/8/1973



**Consultations:-**

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

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

**Development Plan Policies:-**

The application site falls within the settlement boundary of Burbage as designated in the adopted Hinckley and Bosworth Local Plan. Policy RES7 states that applications for extensions will be permitted where they respect the scale and character of the existing dwelling and street scene, retain adequate parking provision, are constructed of matching materials, do not adversely affect neighbouring occupiers, and are sited to avoid a terracing effect.

Policy BE1 of the Local Plan 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 of the Local Plan seeks to apply the County Council highway standards to new development.

Adopted Supplementary Planning Guidance on House Extensions furthers Policy RES7 and states that extensions should be subordinate in size to the existing house and reflect the existing design details.

The Burbage Design Statement has been adopted as a Supplementary Planning Document in June this year. The application property is within the Monsell Youell Estate as set out within the document. The document states that this area is characterised by 4 bedroomed properties and grassed verges and greens which make a valuable contribution to the street scene.

**Appraisal:-**

As the property falls within the settlement boundary of Burbage there is a presumption that extensions are acceptable subject to the criteria set out in Policy RES5 of the adopted Local Plan and Supplementary Planning Guidance.

The proposed first floor side extension is set back one metre from the front elevation of the property. This allows the original dwelling to remain dominant and for a subordinate ridge line to be achieved on the extension. The adjacent property, No. 15, is of different design with a gable to the front elevation. This property is set one metre off the common boundary and is therefore unlikely to be extended in this direction. The neighbouring property is built in line with the applicants garage, the main elevation of the applicants property is set back 1.2 metres from the front of the garage with the extension set back a further metre from this. The side extension will therefore be set back 2.2 metres from the front elevation of the neighbouring property reducing the risk of terracing.

The subordinate roof line, design differences and considerable set back suggest that a terracing effect is unlikely to be created.

The proposed rear extension is single storey and extends 4 metres from the rear elevation. Supplementary Planning Guidance states that a single storey rear extension on a common

boundary should be limited to 3 metres. The application property is set 1 metre off the common boundary. The neighbouring property, No. 19, has a single storey element up to the boundary. This accommodates part of a lounge with a secondary window nearest to the proposed extension. The principal lounge window is around 4.5 metres from the extension. The roof of the extension has been designed to pitch away from the neighbouring property.

Given that the principle window is set some distance away and the extension is set off the boundary it is considered that 4 metres is acceptable. The rear extension includes French doors facing into the garden and two roof windows. The pitch of the roof is such that there will be no concern of overlooking adjacent properties.

The addition of a pitch to the flat roof above the second garage, the porch and the bay window is considered a minor addition and will not detract from the property. The design of the proposed extensions are considered in keeping with the original dwelling, matching materials can be controlled by condition. Adequate car parking and rear garden space are retained to serve the property.

The proposed extensions are considered to comply with adopted Supplementary Planning Guidance on House Extensions and the Burbage Design Statement.

**RECOMMENDATION:-** Subject to no significant objections being received the Head of Culture and Development be granted powers to issue planning permission subject to the following conditions:-

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.

**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.

**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 Natural England 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