

**REPORT P78**

**PLANNING COMMITTEE**

**03.04.2007**

**RECOMMENDATIONS OF HEAD OF CULTURE & DEVELOPMENT**  
**ON APPLICATIONS FOR DETERMINATION BY**  
**THE PLANNING COMMITTEE**

**BACKGROUND PAPERS**

**Background papers used in the preparation of these reports are filed in the relevant application files, unless otherwise stated**

**Item:** 01

**Reference:** 06/01322/FUL

**Applicant:** Hillbase Development Ltd

**Location:** Land Adj 30 Markfield Road Groby Leicestershire

**Proposal:** ERECTION OF 9 NO. 2-BEDROOM APARTMENTS AND 11 NO. 1-BEDROOM APARTMENTS WITH ASSOCIATED ACCESS

**Introduction:-**

This is a full application for 20 apartments on land adjacent to 30 Markfield Road, Groby. This is a resubmitted scheme that seeks to increase the number of units within essentially a similar footprint already approved for 13 apartments by a previous planning permission, with relatively minor increases in ridge heights to the buildings. This is in response to changing market demands. The site comprises the former mineral railway track to the northwest of St. Philip and St. James Church and an area of former garden land to 30 Markfield Road between this dwelling and the elevated section of the A50 on the northern edge of Groby. The site area is approximately 0.38 hectares providing a density of 52 dwellings per hectare. Thirty one car parking spaces have been provided in total including four spaces for use by the church to alleviate current parking problems on Markfield Road.

Access to the site is via the former mineral railway track which then drops under the elevated A50 bridge. The site rises up to the west towards the adjacent allotments. To the east is St. Philip and St. James Church which is a Grade II Listed Building and further north east of this is a Motte and Bailey Castle which is a Scheduled Ancient Monument. To the south of the development, 30 Markfield Road is another Grade II Listed Building.

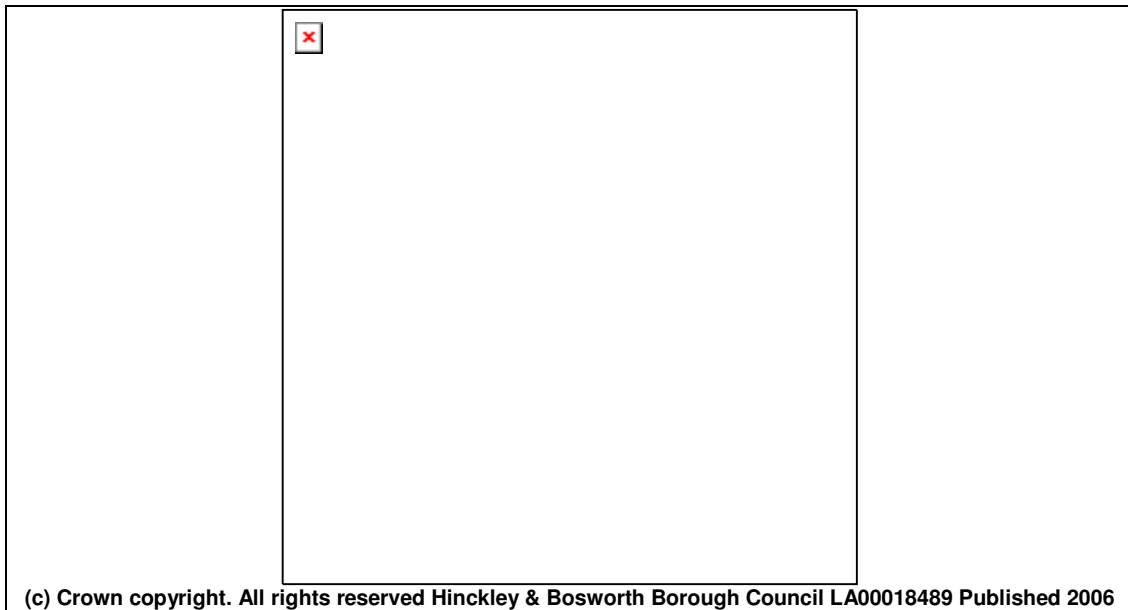
A Design Statement, Noise Assessment, a Desk Top Archaeological Assessment, an Ecological Survey, and an Arboricultural Survey have all been submitted with the application.

The design of the scheme is still based on creating a farmyard complex within a village setting with a mixture of building forms of similar scale. The development includes four buildings representing a manor house, a pair of farm worker cottages, and two barns. Within the courtyard the use of covered structures has been used to reduce the dominance of the car. The building materials proposed will include appropriately selected areas of stone and slate roofs to reflect the sites location within the Groby Conservation Area.

**History:-**

04/00853/FUL	Residential Development of 13 Units	Approved	14.02.07
93/0204/4	Nursing Home	Refused	28.04.93
90/1286/4	Erection of 5 Dwellings and Garages with access (Outline)	Approved	21.05.91
89/1355/4	Residential Care Home (Outline)	Approved	02.03.90
88/1506/4	Conversion of Barn to Dwelling and Erection of 3 Dwellings (Outline)	Approved	24.01.89

75/1868/4	Establishment of Tree Nursery	Approved	24.02.76
74/0362/4	Erection of 1 Dwelling (Dismissed on Appeal)	Refused	28.08.74



**Consultations:-**

No objections have been received from the Highways Agency.

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

Director of Highways, Transportation and Waste Management  
 Severn Trent Water Ltd  
 English Heritage  
 The National Forest Company.

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

Borough Council's Land Drainage Consultant  
 Environment Agency  
 Ramblers Association.

Head of Health and Environment Services states that the noise assessment requires further information, especially in relation to the internal sound levels for bedrooms. A contaminated land survey will also be required if the application is approved.

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

Director of the Environment and Heritage Services (Archaeology) requires an Archaeological Impact Assessment to be carried out in the form of a field evaluation, including trial trenching, to facilitate assessment of the character of any archaeological remains and consideration of an appropriate mitigation strategy prior to determination of the application.

Director of Environment and Heritage Services (Rights of Way) has no objection but comments on the legal position of the footpath, and requirements for any alterations, and improvements to its surfacing.

Cyclist Touring Club raise no objections subject to the right of way being maintained during the redevelopment and suggest improvements to the surface and signage be provided by the developer.

Groby Parish Council object to the application on the following grounds:

- i) Contrary to PPG1, PPG15 and policies BE5 and BE7 of the adopted Hinckley and Bosworth Local Plan.
- ii) Reiterate previous concerns with regard to the design of the dwellings that are out of character with Groby Conservation Area
- iii) Removal of the Mineral Railway Line and provision of car parking spaces in its place
- iv) Full Archaeological Survey should be required
- v) Access to existing cottage obstructed by road hump
- vi) Loss of space for hearse to manoeuvre and for access to church for disabled people
- vii) Safety of pedestrians on public footpath and inclusion of steps
- viii) Inadequate turning space for service vehicles within the site and width of parking spaces
- ix) Inadequate provision of bin stores
- x) Highway safety issues and narrowing of Markfield Road (Bus Route) to accommodate new access
- xi) Inadequate drainage from the site
- xii) Land ownership issues
- xiii) Inadequate education and health care facilities.

Groby Village Society object to the application on the following grounds:

- i) Loss of trees will increase pollution from A50
- ii) Loss of habitat for wildlife
- iii) Loss of significant Poplar Trees
- iv) Density too high
- v) Inadequate car parking provision
- vi) Unsuitable development for Groby Conservation Area
- vii) Archaeological implications.

Press and Site Notice posted and Neighbours notified, seven letters of objection have been received raising the following concerns:

- i) Design of dwellings out of character with Groby Conservation Area
- ii) Density too high
- iii) Inadequate off street parking
- iv) Not brownfield site
- v) Will exacerbate parking problems in the area
- vi) Highway safety and access issues especially for service vehicles
- vii) Use of inappropriate materials
- viii) Narrowing of Markfield Road (Bus Route)
- ix) Boundary/Land ownership issues
- x) Loss of visual amenity and wildlife habitat from loss of trees
- xi) Loss of Poplar Trees - significant feature
- xii) Loss of wildlife corridor to SSSI and Area of Outstanding Natural Beauty
- xiii) Inadequate drainage system from the site
- xiv) Loss of buffer to pollution and noise from A50
- xv) Proximity to SAM and Listed Buildings
- xvi) Inadequate local infrastructure to meet demand of new housing

- xvii) Loss of heritage of old Mineral Railway Line
- xviii) Proximity of Telecommunications mast
- xix) No need for additional housing on this site
- xx) Conflicts with use of footpath and church
- xxi) Impedes access to existing garage
- xxii) Site is made up ground
- xxiii) Site is within National Forest.

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

The site is within the settlement boundary of Groby as defined in the adopted Hinckley & Bosworth Local Plan. Policy RES5 of the Local Plan makes provision for the development of sites within settlement boundaries for new residential development as long as they do not conflict with policies in the plan relating to siting, design and layout of new development.

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

Policy BE7 states that within Conservation Areas the primary planning policy will be the preservation or enhancement of their special character or appearance. When determining applications for development consideration will be given to its siting, scale, design and proportions which should be sympathetic to the characteristic form of the area and compatible with adjacent buildings and spaces, retention of features of historic or characteristic value including boundary walls etc, the use of appropriate building materials and finishes.

Policy BE12 states that planning permission will not be granted for development that would adversely affect a Scheduled Ancient Monument or its setting.

Policy BE14 relates to the evaluation, presentation and investigation of sites where archaeological remains may exist.

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

Policy NE12 requires landscaping features to be retained where possible or replaced to contribute to nature conservation.

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.

Policies REC2 and REC3 of the Local Plan and the Borough Council's Supplementary Planning Guidance for Play and Open Space Guide require the provision of an appropriate

level of formal and informal open space within the site or, alternatively, a financial contribution towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

The Borough Council's Supplementary Planning Guidance on New Residential Development offers further advice on design and layout.

### **Appraisal:-**

The principle of residential development on this site and the proposed layout has already been established by the previous planning permission issued in February 2007. The footprint of the buildings is the same as the previous application with the exception of a minor increase on plot Nos. 5 -10. The design of the buildings is also broadly similar to the previously approved application albeit with relatively minor increases in ridge heights to incorporate further accommodation within the roof spaces and the modest addition of further windows. The applicant has agreed to reinstate the use of stone in some elements of the construction of the dwellings and amended plans will be submitted to incorporate these amendments. Whilst there are criticisms of the design of some of the units contained within the representations, the design of the dwellings is broadly the same with relatively minor amendments to the previously approved application. The development has been designed and orientated to reduce the impact of any traffic noise, through the position of controlled aspect elevations adjacent to the A50. However, due to the proximity of the A50, adequate mitigation measures will still be required and can be secured by an appropriate condition.

#### Density

The Local Plan states that higher densities will be acceptable in three locations, firstly where the development would provide for increasing needs of single person households, secondly, within or adjoining town centres; and thirdly where the site is directly accessible to good public transport services. It is considered that the development will provide for the increasing needs of single person households as the proposal includes eleven one bedroom apartments and nine two bedroom apartments. Given the position of the site in close proximity to the centre of Groby and public transport routes, the proposed density of 52 dwellings per hectare is considered to be justified and would not in itself provide a reason for refusal of the application. Adequate amenity areas are provided within the site.

#### Conservation Area, Listed Buildings and Scheduled Ancient Monument

Cross sections have been produced which indicate the effect of the proposal on the adjacent Listed Buildings. The proposals are not considered to have an unduly detrimental impact on the Conservation Area, Listed Buildings or Scheduled Ancient Monument. The proposed dwellings will be screened to some extent from the Church and Monument by existing trees both within the churchyard and within the site itself. The proposed development will be situated at its closest point some forty metres away from the Church and will enhance the setting of the Listed Buildings and Conservation Area given the current backdrop of the A50 and modern bridge.

The use of steeply pitched gabled roofs, together with window and door surrounds and the use of traditional materials is considered to be sympathetic to the area. It is considered that the development does reflect local vernacular and represents a scheme of substantial quality that will enhance this part of the Conservation Area and the setting of the Listed Buildings. The inclusion of a stone wall across the plots facing the church will further enhance the appearance of the development and will provide continuity with the rest of the Conservation Area. The development will redefine this area and provide some surveillance over the public footpath and churchyard.

## Highway and Parking Issues

It is recognised that there is an on-street parking problem in the area primarily due to nearby employment units that have inadequate parking facilities and also events held at the Church. The proposal should provide 150% car parking spaces per apartment (i.e. 30 spaces) to meet the vehicle parking guidelines in the Local Plan. A total of 31 spaces are provided, including four spaces for use by the Church. Whilst this provides a small shortfall in the number of spaces to meet the requirements of the Local Plan for the proposed dwellings, the developer is providing additional parking for the church. In addition, government guidance states that Local Planning Authority's should reassess their off street parking requirements for housing development and allow for significantly lower levels, particularly for developments such as this which are in central locations, where local amenities and public services are readily accessible by walking, cycling or public transport. The proposal will also incorporate a link to the cycle network that passes through the site and provide a positive parking benefit for the church through the provision of four spaces. The Highway Authority have made no objections and consider that the proposals are acceptable in terms of visibility, manoeuvring and car parking, it is therefore not considered that the development could be refused on these grounds.

## Trees and Ecology

The development includes the retention of the most important trees along the northern boundary with the A50 and the east of the site adjacent to the footpath. This will provide a reduced but adequate landscape buffer to soften the development. The ecological survey and bat survey carried out do not identify the existence of any protected species and the trees within the site have been removed outside the recognised nesting season for birds to comply with a condition on the previously approved application.

## Archaeology

Further archaeological investigations, including trial trenching, are to be undertaken in the near future following the submission of a Desk Top Study and the provision of a brief for further evaluation by LCC (Environment and Heritage Services). This will provide an assessment of the character of any archaeological remains and a mitigation strategy if required but it is not anticipated that the investigations are likely to prohibit future development of the site.

## Financial Contributions

A financial contribution amounting to £38,000 towards the provision and maintenance of off-site public play and open space will be required as none can be provided within the site. This is in line with the objectives of both the Green Spaces Strategy and the Parish Open Space Quantity/Accessibility Audit 2005. The County Council also require contributions towards Civic Amenity Infrastructure of £312 and Library Facilities of £770. Any contribution required towards health care facilities will be reported as a late item.

## Other issues

If approved, prior to the commencement of development, details of surface and foul water drainage to serve the development would be required by a standard condition.

The applicant is aware of the need to provide adequate access arrangements to the existing garage at 30 Markfield Road and will discuss a solution with the occupier.

Whilst there will be a loss of trees and vegetation on the site to allow the development to proceed, the applicant will be required by condition to submit a landscaping scheme to

enhance the appearance of the development and replace some of the planting lost. The public right of way through the application site will remain and be improved.

The Telecommunications mast off Newtown Linford Lane is some 285 metres away and is not considered to have a detrimental impact on the proposed development.

The other issues raised are not material planning considerations.

### Conclusion

On balance, the proposal is considered to be acceptable and the high standard of design and use of local materials will provide a scheme that both enhances and preserves the Conservation Area and the setting of the Listed Buildings.

**RECOMMENDATION: - That following the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide financial contributions towards off-site public play and open space provision and maintenance, library facilities and civic amenity infrastructure, and subject to satisfactory archaeological investigation and evaluation of the site before the 24th April 2007, the Head of Culture and Development be granted powers to issue planning permission subject to the following conditions. Failure to complete the agreement by 24th April 2007 may result in the application being refused.**

**SUMMARY OF DECISION** - The proposal is in conformity with Policy/Policies BE1, BE5, BE7, RES5, NE8, NE12 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 Nos. H40 (90) 01 Rev A received by the Local Planning Authority on 5th January 2007, Nos. H40 (PL) 01 Rev A, 02 Rev A and 03 Rev A received by the Local Planning Authority on 21st March 2007 and No. H40 (90) 02 Rev B received by the Local Planning Authority on 23rd March 2007.
- 3 Notwithstanding the plans submitted and before any development commences, representative samples of the types and colours of all materials to be used on the external elevations of the residential units, bin and cycle stores, including details of fenestration treatments, shall be deposited with and approved in writing by the Local Planning Authority. The approved materials shall be used as part of the development hereby permitted.
- 4 The insertion of all rooflights shall be of a 'conservation style' and shall not protrude above the plane of the roof slope. All windows and doors shall be recessed as agreed in writing with the Local Planning Authority, and no additional breaches other than those depicted on the approved plans to the external fabric of the buildings, including extraction ducts, vents and flues, shall be implemented without the prior written consent of 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 A contaminated land survey shall be carried out and a scheme of any proposed remedial works shall be submitted to and agreed in writing with the Local Planning Authority, and implemented in accordance with the approved scheme before development commences. If any unexpected, visibly contaminated, or odorous materials is encountered during the development remediation proposal for the material shall be agreed with the Local Planning Authority and shall be implemented in accordance with the proposed remediation works.
- 7 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no development falling within Classes A-E, Part 1 and Classes A-B, Part 2 of Schedule 2 of the Order shall be carried out before planning permission for such development has first been granted by the Local Planning Authority.
- 8 Before the occupation of the first residential unit, details of secure and covered cycle storage and refuse facilities shall be submitted to and approved in writing by the Local Planning Authority and be installed and ready for use and thereafter permanently maintained for such purpose.
- 9 Before development commences comprehensive details of noise attenuation measures between the proposed residential development and the A50 shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings are occupied and so maintained in perpetuity.
- 10 Before development commences, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority and shall indicate the treatment proposed for all ground surfaces as well as the disposition of all proposed trees, bushes and shrubs and all boundary details, including all railings, gates, walls, fences and cycle link. These details shall also include the following: species of tree, canopy and trunk diameter, height, general state of health, proposed lopping or topping works to any retained tree, and any proposed alterations in existing ground levels within the crown spread of any retained tree within and adjoining the site, unless otherwise agreed in writing with the Local Planning Authority.
- 11 The approved landscaping scheme shall be carried out during the first appropriate planting season following the date when the proposed residential units are ready for occupation. The 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 in the next planting season with others of such size and species as agreed with the Local Planning Authority by the applicant or owner of the land at the time, unless the Local Planning Authority gives written consent to any variation.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the carports and parking spaces hereby approved shall be made available for the parking of vehicles at all times in the future.
- 13 Before any residential unit is occupied, full details of the provision of security lighting and other forms of external illumination, shall be submitted to and approved in writing by the Local Planning Authority. The scheme of illumination shall be implemented in accordance with the approved details.
- 14 The development hereby permitted shall not be occupied until drainage works for the disposal of both surface 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. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

- 15 Before development commences and any works begin on site, a working practice schedule associated with the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. This schedule should include full details of wheel cleansing facilities with locations, details of timescales, hours of operation, noise and dust levels with associated mitigation measures, lorry movements, and supervision procedures. These facilities and associated measures shall then be implemented in accordance with the approved details and shall be provided and fully operational at the site at all times during the construction work.
- 16 A landscape management plan, including long term design objectives, management, responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 17 Before any development is commenced on the site, including any site works of any description, the trees and hedgerow along the northern and eastern boundaries shall be securely fenced off by protective fencing on a scaffolding framework in accordance with BS5837 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 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.
- 18 Boundary details including retaining walls shall be submitted to and approved in writing before development commences, and implementation in accordance with the approved scheme before any of the dwellings are first occupied. These details shall include the provision of a stone wall adjacent to the footpath and a continuation of the existing wall from Markfield Road.
- 19 No development shall commence until details of the proposed materials, gradient and drainage for the access drive have been submitted and approved in writing by the Local Planning Authority. The access drive shall be constructed in accordance with these approved details.
- 20 Before first occupation of any dwelling the car parking and turning facilities shall be provided in accordance with the approved plan and once provided shall be maintained for such purposes at all times thereafter.
- 21 Before first use of the development hereby permitted, visibility splays of 2.4 metres by 60 metres to the north west and 2.4 metres by 90 metres to the south east shall be provided at the junction of the access with Markfield Road. These shall be in accordance with the standards contained in the current County Council design guide and shall be maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.
- 22 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.
- 23 Notwithstanding the submitted details the first floor window on plot 10 facing 30 Markfield Road shall be obscure glazed and retained in perpetuity.

- 24 Operations that involve the destruction and removal of vegetation or buildings (or part of a building) shall not be undertaken during the months of March to August inclusive, except when approved in writing by the Local Planning Authority, once they are satisfied that breeding birds will not be adversely affected.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 & 4 To ensure that the development has a satisfactory external appearance to accord with policy BE1, BE7 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 5 For the avoidance of doubt and to safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure the site is safe and suitable for residential development to accord with policy NE17 of the adopted Hinckley and Bosworth Local Plan.
- 7 To protect the character and appearance of the proposed dwellings and to safeguard amenities of neighbouring properties to accord with policies BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure adequate secure and covered cycle provision is catered for within the site to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 To safeguard amenities of the future occupiers to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 10 To enhance the appearance of the development to accord with policy BE1 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 11 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.
- 12 To ensure that adequate off-street parking facilities are available to accord with policy BE1 and T5 of the adopted Hinckley & Bosworth Local Plan.
- 13 To ensure that adequate lighting is provided to serve the development and in the interests of visual amenity to accord with policies BE1 and BE26 of the adopted Hinckley and Bosworth Local Plan.
- 14 To avoid water pollution and ensure that an adequate surface and foul water drainage system is provided for the site. The proposal involves the development of a new site draining to a public sewerage system which has no available capacity and additional flows may create or exacerbate a flooding problem.
- 15 To enable the Local Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 16 To ensure that all communal areas are satisfactorily maintained at all times to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- 17 To ensure that the existing trees and hedges on the site are retained and protected to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 18 To ensure that the development has a satisfactory external appearance to accord with policy BE1, BE5, BE7 of the adopted Hinckley and Bosworth Local Plan.
- 19 In the interests of road safety to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 20 To ensure that adequate off-street parking and turning facilities are available to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 21 To ensure that an adequate line of vision is available in the interests of road safety to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 22 In the interests of road safety to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 23 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 24 To safeguard existing habitats and to make provision for their sustained existence and to accord with policy NE8 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 The existing footpath should be incorporated within the development to a minimum width of 1.8 metres and be surfaced to a specification approved by the Southern Area Manager (telephone: 01530 262380).
- 4 The developers should ensure that the footpath R34 is maintained in satisfactory condition for pedestrians to use and is kept free from obstructions. If the developers consider that safety of pedestrians is unable to be assured, a request will need to be submitted to the Southern Area Manager (telephone: 01530 262380) for the public rights on foot to be suspended for duration of the works. A minimum of 8 weeks should be allowed for the relevant order to be processed, and a suitable temporary alternative route would need to be identified.
- 5 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (telephone: 01530 262380).
- 6 CBR tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Area Manager.

- 7 The construction of sewers shall be carried out in accordance with the specifications of the National Water Council in the document "Sewers for Adoption - A Design and Construction Guide for Developers".
- 8 It is necessary, when carrying out works to tree(s) to be aware of the WILDLIFE AND COUNTRYSIDE ACT, 1981, whereby it is an offence for any person who intentionally takes, damages or destroys the nest of any wild bird, while the nest is in use or being built, or takes or destroys any eggs of such wild bird. The times when birds are nesting is generally between the months of March to September inclusive.

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

**Item:** 02

**Reference:** 06/01385/FUL

**Applicant:** Morris Homes East Midlands Ltd

**Location:** Sunnydene Works Woodland Avenue Burbage Hinckley Leicestershire

**Proposal:** RESIDENTIAL DEVELOPMENT OF 18No. HOUSES AND 4No. FLATS AND ASSOCIATED WORKS

**Introduction:-**

Members will recall that this application was deferred at the previous Committee meeting to allow amendments regarding the relationship between the application site and the open space. Further amended plans have been received which include reducing the block of apartments from three to two-storey and setting this block off the boundary with the open space. The previous committee report follows and has been amended to reflect the revised scheme.

This is a full application for the erection of 22 dwellings close to the centre of Burbage. The site extends to 0.58 hectares and is currently occupied by an industrial building which is to be demolished. The site is bounded by residential properties to the north and south with recreational open space to the east. To the west is predominantly residential with part of the site bounding the Hinckley Road garage.

Access to the site is proposed from Woodland Avenue using the existing access to the factory widened to adoptable standard with the inclusion of a small area of the recreation ground. The ground level rises gradually across the site from the access to the southern boundary. To the east the recreational ground falls away from the site.

The site is occupied by a single storey industrial building with a two storey element to one corner. The building covers the majority of the site with the remainder laid out in hardstanding for vehicle parking.

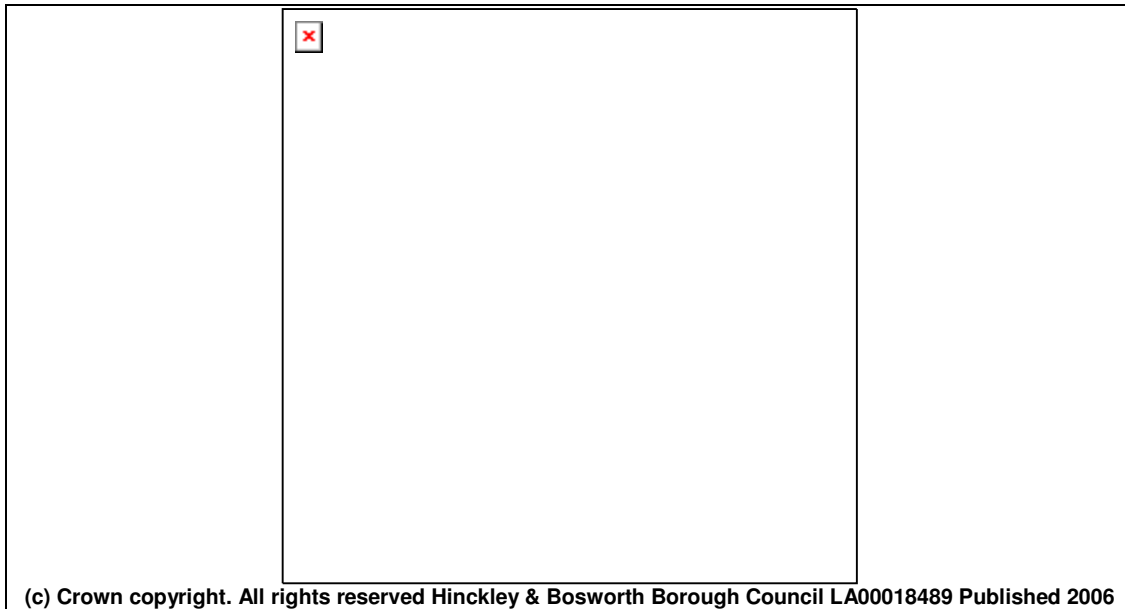
The application proposes 22 dwellings in total consisting of 18 three and four bed detached, semi-detached and terraced properties and four two-bedroomed apartments. The houses are a mixture of two and two and a half storey while the proposed apartments are now contained within a two storey block.

The design and access statement submitted as part of the application states that the proposal has been designed in response to the site opportunities and constraints as well as taking into account the existing topography and surrounding properties.

A transport assessment, noise assessment and archaeological desk based assessment have also been submitted.

**History:-**

88/0357/4	Extension to factory	Approved	26/4/1988
88/0117/4	Extension to factory	Approved	23/2/1988
85/0318/4	Loading bay	Approved	21/5/1985
83/0586/4	Addition of 3rd workshop bay	Approved	23/8/1983
78/2271/4	Extension to factory	Approved	22/2/1979



**Consultations:-**

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

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

Leicestershire Constabulary Crime Reduction Officer raises no objection to the proposal. Concerns are raised regarding the permeability of the site and the proximity of the recreational area.

The comments of the Borough Council's Green Spaces Manager are awaited and will be reported as a late item.

Burbage Parish Council have objected to the application on the following grounds:

- a) Erection of three storey flats on one of the highest points in Burbage.
- b) Loss of hedge to recreational area boundary.
- c) Proximity of flats to recreation ground.
- d) Gardens are below minimum length.
- e) Design of dwellings is out of keeping.
- f) Traffic and parking issues at the top of Woodland Avenue.

The Parish Council's comments regarding the amended plans are awaited and will be reported as a late item. The amendments have been agreed between the Parish Council and the applicant therefore the above concerns are likely to have been addressed.

Site and press notices have been issued and neighbours notified. 18 letters of objection have been received raising the following concerns:-

- a) Impact on the value of neighbouring property.
- b) Increase in traffic levels particularly to Woodland Avenue which is already congested by parked cars and used as a rat-run.
- c) Access from Woodland Avenue unsatisfactory.
- d) Traffic calming should be introduced to Woodland Avenue.
- e) Visual impact of development from existing dwellings.
- f) Loss of sunlight to gardens and property.
- g) Increased noise from residential use on the site.
- h) Overlooking of surrounding residential property.
- i) Form of boundary treatments.
- j) Loss of trees and shrubs.
- k) The three storey building conflicts with the roofscape of existing houses and would dominate the skyline and detract from the view of St Catherine's Church.
- l) Close building line to the recreation ground would de-value the amenity for recreation.
- m) Development would lead to conflict between future residents and uses of the recreation ground.
- n) Proposals do not provide the required 12.5 metre back garden length and apartment amenity space.
- o) Eastern boundary inadequate for security.
- p) Energy efficiency measures should be applied to maximise the use of sunlight and minimise the carbon output.
- q) Design of the development is out of keeping, back gardens should face the recreation area.
- r) Concerns regarding the sale of part of the recreation area and use of proceeds.
- s) There is no planned Environmental Impact Assessment

## **Development Plan Policies:-**

### National Policy

Planning Policy Guidance Note 3 - Housing promotes good design in new residential developments in order to create high quality environments in which people choose to live. The Policy sets out to maximise the use of brownfield land.

Planning Policy Statement 3 - Housing becomes a material consideration from the 1st April 2007. This document replaces PPG3 and encourages the use of previously developed land within urban areas in preference to the development of greenfield sites for housing. This statement sets out 30 dwellings per hectare as the national indicative minimum.

### Structure Plan.

Burbage is designed as a Main Town within the Leicestershire, Leicester and Rutland Structure Plan 1996-2016. Strategy Policy 2A promotes a sequential approach to new development which states that previously developed land within the Main Towns are the preferential sites for new development.

Strategy Policy 10 encourages good design that enhances the form and local character and distinctiveness of the built and natural environment.

Environment Policy 2 states that important areas of open space and green linkages within built up areas will be protected and enhanced.

Housing Policy 3 states that 50% of new dwellings should be provided on previously developed land.

Housing Policy 5 requires densities of 40 dwellings per hectare on sites in Main Town centres, local centres and sites well served by public transport and accessible to services and facilities. The Policy promotes a mix of housing types to create socially mixed communities and that development should adopt principles of good design and layout which make the most economical use of land and respect the local context.

Employment Policy 5 refers to redevelopment of existing employment sites. This states that Local Authorities should undertake a review of these sites. Redevelopment of employment sites will be permitted if the change would not result in a shortage of employment land or buildings; the land and buildings are no longer suitable for employment purposes; the site would make an important contribution towards improving the environment or the proposed use is ancillary to an employment use.

### Local Plan.

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

Policy RES5 of the adopted Hinckley and Bosworth Local Plan assesses proposals for residential development on unallocated sites. Planning permission will only be granted if the site lies within the boundaries of an urban area or rural settlement and the siting, design and layout of the proposal do not conflict with relevant plan policies.

Policy BE1 requires high quality design which complements or enhances the surrounding area and adjacent properties in terms of mass, scale, design, density, materials and architectural features while retaining adequate amenity and privacy.

Policy T5 applies County Council highway standards to new developments in terms of both highway design and parking targets unless a different level of provision can be justified.

Policy REC2 of the Local Plan requires new residential development in excess of 20 dwellings to provide outdoor open space provision for formal recreation. Where the provision of land would not be of practical value a financial contribution may be sought towards the provision of new recreational facilities or towards the improvement of existing facilities in the area.



Policy REC3 requires all new residential development to provide outdoor play space for children.

Policy EMP1b states that the Local Planning Authority will consider proposals for other employment activities or alternative uses of identified sites on their merits in the context of the appropriate design policies of the plan.

The Employment Land and Premises Study, commissioned by the Borough Council in 2003 recommends that the site is moved to a EMP1c designation. Policy EMP1c states that the Local Authority will encourage alternative uses subject to the appropriate design policies of this plan on designated sites.

Policy IMP1 requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Further guidance is provided within the Borough Council's Supplementary Planning Guidance for residential development and the Play and Open Space Supplementary Planning Guidance.

The Burbage Design Statement (2006) defines Woodland Avenue as part of zone five which covers Sapcote Road to the eastern settlement boundary. The statement describes Woodland Avenue as consisting of semi-detached properties of brick and slate construction. The statement goes on to say that near the top of Woodland Avenue is a service road leading to an a small engineering factory and recreation ground that provides an important recreational facility for residents.

## **Appraisal:-**

### Principle.

The site is located within the settlement boundary of Burbage and is surrounded by existing residential development. The existing employment use is designated as an EMP1b site within the Local Plan which suggests that redevelopment proposals should be considered. The Employment Land and Premises Study recommends that the site be moved to EMP1c which states that alternative uses should be encouraged. Residential redevelopment is therefore considered acceptable in principle.

### Density.

Planning Policy Guidance Note 3 and Planning Policy Statement 3 suggest a density of 30-50 dwellings per hectare while the Leicestershire, Leicester and Rutland Structure Plan requires 40 dwellings per hectare on sites such as this. The proposed development equates to 38 dwellings per hectare and is therefore in accordance with national and local Policy.

### Layout and Design.

The layout of the site has been subject to a number of pre-application discussions and amendments. Further amendments to the layout have been received in response to issues raised during the application process and following deferment from last Committee.

The application has been amended to reduce the block of apartments adjacent to the public open space from three storey to two storey. This has resulted in the loss of two apartments. The block has been moved away from the boundary creating an area of amenity space for

the flats next to the open space. The hedge which forms the boundary is to be removed and replaced by 2.4 metre railings. A new hedge is to be replanted on the open space side of the railings as agreed between the applicant and the Parish Council. This is outside of the application site and will, in Officers opinion, impair surveillance of the open space therefore there is no condition requiring this hedge to be planted.

The application proposes a good mix of dwellings in accordance with Housing Policy 5 of the Structure Plan. The application consists of four flats, nine three bed dwellings and 9 four bed dwellings. The houses consist of nine detached properties six semi-detached properties and one terrace of three properties. Seven of the proposed dwellings are two and a half storey with the remainder two storey.

The layout has been designed to create continual building form along the proposed road. Focal buildings have been located at the end of the access, on the corner within the development and at the turning head. Dual aspect buildings have been used to avoid plain gables and to add interest.

The design includes properties which overlook the adjacent Woodland Avenue recreational space. It is considered that public open spaces should be overlooked to provide natural surveillance. The layout has therefore been designed to face the open space and incorporate it visually to this development rather than have properties turn their backs on it as occurs on the other sides of the space. The positioning of flats as shown allows this to be achieved without the need to provide rear gardens which would result in a poor aspect from the turning head.

Amended plans have been received which have improved the focal building to the head of the access road to reduce the fenestration to the front elevation and also to alter the dormer windows in accordance with the adopted Supplementary Planning Guidance for New Residential Development.

Properties on Woodland Avenue and Hinckley Road are characterised by long back gardens. Properties on Woodland Avenue are at least 26 metres from the site boundary while properties on Hinckley Road are at least 37 metres from the site boundary. These distances are in excess of those set out within Supplementary Planning Guidance therefore there is no concern with regards to overlooking.

School Close to the south of the site has properties which both back on to the site and are at right angles to it. No. 9 School Close has a blank gable which faces the proposal. None of the proposed plots directly face this gable and a separation distance of around 11 metres is considered acceptable.

The only instance where the required separation distances are not met is between Plot 10 and no. 17 School Close. The separation distance here is 21 metres compared with a requirement of 25 metres. The applicant has provided cross sections at this point to show that the proposed dwelling is around two metres lower than the existing dwelling reducing any concerns of overlooking. It is considered that landscaping on this boundary could be used to further reduce any overlooking concerns.

While standard house types are proposed it is considered that the range of seven different styles will add to the mix of the development and some features common to the area such as bay windows. Materials and landscaping details can be secured by condition.

The majority of plots meet the required private garden areas. Plots 22 and 23 fall short of this requirement however these plots are designed to turn the corner of the development and their impact to the design of the scheme as a whole outweighs the substandard garden provision. Amenity space has been provided for the flats as a strip between the proposed parking and the building. This is a small space however given the proximity of the open space this is not considered an issue.

#### Highway issues.

The Highway Authority has raised no objection subject to standard conditions as the proposal is unlikely to result in a significant increase in vehicle movements to and from the site given the existing use. The current commercial use is unconstrained and while currently underused could return to full operation without any further planning requirement. The removal of the commercial use will also remove the need for commercial vehicles to enter the site.

The proposed road layout includes a raised table to the centre of the site to reduce vehicle speeds.

Vehicle parking provision meets Local Plan requirements across the site as a whole however some individual plots are short of their individual provision by one space. It is considered that this could only be accommodated by pushing the garages to the end of the rear gardens which would have a detrimental impact both on the design of the development and the amenity of the neighbouring plots.

#### Noise.

The applicant has submitted a noise assessment to address concerns regarding the proximity of the existing garage on Hinckley Road and proposed residential dwellings. The Head of Health and Environment has seen this submission and raises no concerns with regards to the proposals.

Objections received with regards to noise from the proposed development are considered to be of little weight as the existing commercial use is not restrained in terms of hours of use therefore the existing use could be more problematical on these grounds.

#### Contributions.

As the proposed development exceeds twenty units contributions can be sought towards both formal and informal open space. The proposal is adjacent to the Woodland Avenue amenity space therefore a contribution can be sought towards the proposed improvement of amenity green space in Burbage as set out in the Green Space Quality and Accessibility Audit 2005. Similarly the site is within 200 metres of the formal open space at Hinckley Road therefore a contribution can be sought towards improvements of quality and accessibility of outdoor sports provision as set out in the Green Space Audit. In total the contribution will equate to £1,900 per dwelling.

The applicant has submitted a draft Section 106 agreement. Leicestershire County Council have requested developer contributions of £1,577 per house towards education provision, £61.68 per house and 52.87 per apartment towards libraries and £41.13 per dwelling towards civic amenity.

#### Other considerations.

The impact of the development on property values is not considered to be a planning issue.

The application proposes to retain the limited existing trees on the site. An existing evergreen hedge bounds the site and the rear of properties on Woodland Avenue. This is to

be retained where possible and cut back. The existing hedge to the open space will be removed and replaced with 2.4 metre railings and a new hedge positioned on the open space.

Concerns regarding the sale of part of the recreational area and the use of the proceeds are not considered material to this application. The recreational area is in the ownership of the Parish Council and therefore this Authority has no control over the sale of land. The area in question is approximately 150 square metres at the top of the access. This is proposed to be used to improve the access into the site and does not accommodate any dwellings or gardens. The proposal will also improve the access to the open space.

An Environmental Impact Assessment Screening Opinion was undertaken which concluded that the development was not of a size to require an Environmental Impact Assessment to be carried out.

### Conclusions.

The site lies within a predominantly residential area of Burbage close to amenities and public transport routes. The existing commercial use is surrounded by residential properties and is now isolated from other similar uses. The Employment Land and Premises Study recommends the sites reuse.

The proposed scheme has been amended to improve its design and is considered to be acceptable in terms of the quantifiable aspects of the Local Plan. The proposed density equates to that set out in National and Local Policy.

The proposed development is considered to be in accordance with Planning Policy and an improvement on the existing non conforming use.

**RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide financial contributions towards play and open space, libraries, civic amenity and education and subject to no further significant additional objections being raised by the end of the consultation period, the Head of Culture and Development be granted powers to issue Planning Permission subject to the conditions below. Failure to complete the agreement by the 5th April 2007 may result in the application being refused:-**

**SUMMARY OF DECISION** - The proposal is in conformity with Policy/Policies BE1, RES5, REC2 REC3, T5 IMP1 and EMP1. 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 This permission relates to the application as revised by amended plan BET\_2101/A, BET\_2102/A, 1013\_003/E and 1013\_STREET/B received by the Local Planning Authority on 19th February 2007 and 19th March 2007.
- 4 This permission relates to the application as endorsed by additional plan No.10848ALL and 1013\_SECTION received by the Local Planning Authority on 19th February 2007..

- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
- (i) hard surfacing materials
  - (ii) boundary treatments
  - (iii) planting plans
  - (iv) written specifications
  - (v) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - (vi) implementation programme.
- 6 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 7 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 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 9 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 10 There are public sewers, which are adjacent to the site. No building shall be erected or trees planted within 2.5 metres of the 150mm public foul sewer. The applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with Section 185 of the Water Industry Act 1991.
- 11 No development shall take place until details of measures to be taken to prevent the deposit of materials, i.e. mud from vehicles leaving the site during construction works being deposited on the public highway, have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be retained and fully implemented for the duration of the construction period.
- 12 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 6 metre control radii on both sides of the access.
- 13 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.

- 14 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.
- 15 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.
- 16 Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller/shutter doors, 5.6 metres for up-and-over doors or 6 metres for doors opening outwards and thereafter shall be so maintained.
- 17 On the first occupation of each dwelling one travel pack and two x three monthly travel passes shall be provided per dwelling.
- 18 This permission relates to the application as endorsed by additional plan No.2041-01 received by the Local Planning Authority on 20th March 2007.

**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 define the permission.
- 5 & 6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to accord with Policy NE14 of the adopted Hinckley \_ Bosworth Local Plan.
- 8 & 9 To ensure the safe development of the site and to protect amenities of future occupiers of the development to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 10 To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system.
- 11 In the interests of road safety to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 12 In the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 13 To ensure that an adequate line of vision is available in the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 14 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 and Bosworth Local Plan.

- 15 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 16 To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
- 17 To promote the use of public transport in the interests of sustainability and in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 18 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 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 This decision does not grant nor imply consent for the optional conservatories shown on plan 1013\_003/C. These may require specific consent in particular where the plot has a detached garage within 5 metres of the dwelling.
- 5 In relation to conditions 8 and 9 advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
- 6 Condition 7 refers to site drainage. Proposals should include sustainable drainage principles and an assessment of the hydrological context of the development.
- 7 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 242630)
- 8 As the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.
- 9 For the avoidance of any doubt, the existing section of private drive which serves the existing commercial site and the playing fields shall be brought up to an adoptable standard including a system of street lighting.

10 In order to arrange for travel packs and passes please contact Gill Moore at Leicestershire County Council 0116 265 6692

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

**Item:** 03

**Reference:** 06/01405/REM

**Applicant:** Morris Homes East Midlands Ltd

**Location:** Dawkins International Ltd Dawkins Abattoir Barton Road  
Congerstone Nuneaton

**Proposal:** MIXED RESIDENTIAL AND COMMERCIAL DEVELOPMENT. 24 NO.  
DWELLINGS AND 1000 SQ M B1 OFFICE AREA

**Introduction:-**

This application seeks reserved matters for the erection of 24 residential properties and 1000 squared metres of office space (9 units). The application follows outline consent that approved the principle of mixed-use development and the access position. When originally submitted this application did not tie up with the outline approval in terms of the position of the access. Therefore revised plans were sought which has moved the access point to that already approved, this increased the site area for the commercial element and resulted in a change in layout for the residential element. The revised plans have also proposed changes to the elevational and architectural detailing following officer's concerns.

The site formerly an international abattoir, now demolished, is vacant except for one two-storey building that is to be retained. It is surrounded by residential properties, working farms and open countryside.

The residential development comprises a mix of property types, all two storey in height, including 1 two bedroomed unit above garaging; 13 three bedroomed terraced and semi-detached units; and 10 four bedroomed detached units. Parking provision is provided at 2 spaces per 2 and 3 bedroomed units and 3 spaces per 4 bedroomed units. The commercial development takes the form of a courtyard development and comprises both single and two storey units including the retained 2-storey unit fronting Barton Road. Parking is provided at 1 space per 25 square metres of office space.

A Planning Statement and a Design and Access Statement accompanied the application. The Design and Access Statement recognises the need for the development to make a positive contribution to Congerstone by providing high quality new buildings that reflect the vernacular of the village. The scheme proposed reflects the character and grain of the village with a density of approximately 30 dwellings to the hectare. The commercial aspect of the proposed scheme also respects and enhances the character of the area, the retention of the existing two-storey shop building creates a suitable frontage to the commercial development and sets the design standard for the remaining buildings.

**History: -**

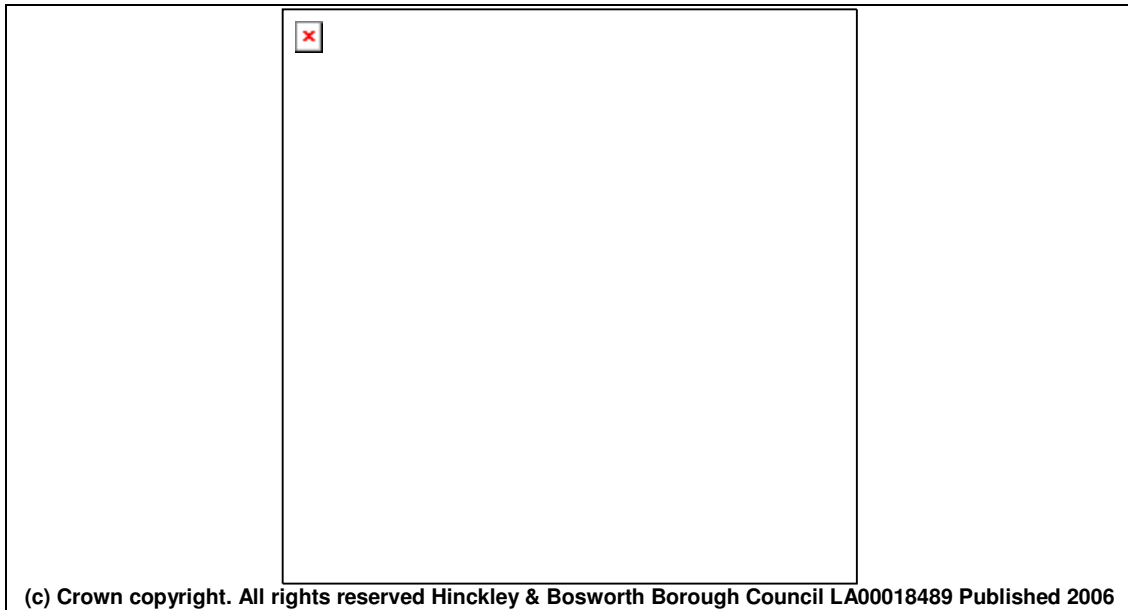
04/01503/OUT Commercial and residential

Approved

23.03.05



development



### Consultations:-

No objection from:-

Environment Agency  
Land Drainage Engineer  
Crime Reduction Officer.

No objection subject to condition from Severn Trent Water.

The Head of Health and Environment comment that the outline application requires the submission of a detailed contamination report which is required prior to the commencement of development.

The Director of Community Services (Archaeology) has commented that whilst some of the site has been disturbed there are areas that are undisturbed. Medieval pottery has been recovered nearby, as such there is a likelihood that buried archaeological remains will be affected by the development. It is thus considered that an archaeological assessment of the application be provided and if necessary a field evaluation and building recording.

Shackerstone Parish Council raise no objections to the proposed development but would wish delivery vehicles to be limited in size, all cars to be parked off road and to be consulted on the use of materials. Attention is also drawn to the fact that this area floods currently in winter. No further comments were made on the revised plans.

Director of Highways, Transportation and Waste Management commented that the access point was not in the position approved and therefore raised objections to the scheme based on forward visibility being compromised when entering the site. Further comments are awaited on the revised plans.

Director of Community Services (Developer Contributions) comments that the outline application was subject to a Section 106 agreement that requires contributions towards infrastructure improvements therefore no further comments are made.

8 letters of objection have been received raising the following comments on the original plans:-

- i) increase in traffic to and from the village causing harm to verges and canal bridges
- ii) impact on green space adjacent the site
- iii) overlooking and loss of privacy
- iv) Barton Road is too narrow causing farm machinery to mount the grass verge and pavement
- v) loss of light
- vi) impact on wildlife
- vii) commercial development out of keeping with the conservation area
- viii) development too close to Barton Road leading to a dominating effect on the properties opposite especially as the site is higher than the properties opposite
- ix) new accesses off Barton Road will cause hazard to road and pedestrian safety as properties opposite park vehicles on the road
- x) insufficient parking for both residential and commercial
- xi) exacerbate the existing flooding problems in the area
- xii) scheme will increase number of dwellings in Congerstone by 20%
- xiii) scale of development is not sensitive and in character with existing village
- xiv) proposed development contravenes the Council's Character Area Plan
- xv) infrastructure such as schools, open space and play facilities, shops and drainage cannot support further development of this scale in the village
- xvi) height of proposed development will overshadow existing properties on Barton Road
- xvii) plans show future links to other areas, will this be more residential?

Following consultation on revised plans 3 letters of objection have been received raising the following: -

- i) Barton Road too narrow causing farm machinery to mount the grass verge and pavement
- ii) proposed dwellings fronting Barton Road will be oppressive to those opposite
- iii) new accesses off Barton Road will cause hazard to road and pedestrian safety as properties opposite park vehicles on the road
- iv) starter homes should be provided to encourage the younger population to remain in the village.

1 letter of support have been received raising the following comments:-

- i) mixed use development should be ensured to provide some commercial activity in the village.

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

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

Policy EMP1 identifies the site as a rural employment site that could accommodate employment activities or alternative uses on their merits in the context of the appropriate design policies of the Local Plan. The Employment Land and Premises Study supports this categorisation and recommends that at least 25% of the site be retained in employment use.

Policy RES5 assesses residential proposals for development on unallocated sites. Policy BE1 seeks to ensure high quality of new development that compliments and does not adversely affect the surrounding area or adjacent properties, it also requires that adequate privacy and amenity be achieved. BE7 seeks to ensure that new development improves the special character of the conservation area and is sympathetic to neighbouring

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

Policy IMP1 ensures that appropriate contributions towards the provision of infrastructure and facilities are made which are commensurate with the scale and nature of the development proposed. Policies REC2 and REC3 require developments to make provision for play and open space either on site or within the vicinity of the site.

Section 1A of the Local Planning Authority's Supplementary Planning Guidance on new residential developments, provides further advice. Also Supplementary Planning Guidance on Play and Open Space provision gives advice on such requirements.

## **Appraisal:-**

### Key Issues

The main issues in the determination of this application relate to the layout, scale and design of the development in terms of impact on the character of the area, conservation area, neighbouring properties and highway network. The principle of mixed-use development was accepted at outline stage along with the position of the access.

### Density, layout and design

The total site area measures 1.07 ha, the commercial area equates to approximately 25% of the overall area in line with Policy guidance. The remainder of the site proposed for residential development provides a density of approximately 30% dwellings per hectare. This is in line with the lower end of density requirements as laid down by National Policy Guidance. However, when considering density regard is to be given to the character of the area. Congerstone is a relatively small rural village with a distinctive character, it is considered that in order to retain the existing character and scale of the village a low density is appropriate and would be in line with policy guidance. The scheme proposes a good mix of property types with some smaller terraced units along with larger detached properties.

The proposed layout of the development sees built form fronting and being accessed directly off Barton Road. An agreed access point leads into the site with the commercial office development proposed to the west and the residential to the east. The access bears to the east and enables dwellings to be located to overlook the adjoining countryside. The layout has been used to maximise the retention of the existing character of Congerstone with smaller terraced and semi-detached properties fronting Barton Road and the larger detached properties to the rear accessed from within the site. The majority of parking areas for the residential properties are hidden from view along Barton Road in order to provide an interesting streetscape.

The commercial development is proposed in a courtyard layout access from the inner estate road. All parking areas are within the central courtyard with built form around the perimeter of the site, this provides an interesting streetscape with vehicles hidden from view.

It is considered that the development has been designed sympathetically with the character of Congerstone in mind. The Congerstone Character Assessment and early photographs of the Congerstone area indicate design details of vernacular dwellings including eyebrow ridges, ornate curved bargeboards and tall chimneystacks. Some of these features in particular the tall chimney stacks and eyebrow ridges are incorporated into the scheme

along with properties that are in scale with existing built form. Plots 1 and 10 are proposed with gable ends onto the road, to ensure there is interest in these elevations blind windows and external chimneystacks have been used. It is considered that this will enhance these elevations and add to the character of the development. The commercial units have been designed to take on a rural barn appearance with a mix of single and two storey buildings. The existing shop building is to be retained and refurbished to create two office units.

With regards to materials it is proposed to use Ibstock Arden Dark Red bricks with Sandtoft 20/20 blue roof tiles. Plot 10 is to be finished with Buttermilk render which is characteristic of Congerstone and boundary walls are to be constructed from local stone.

### Highways

The main access point serving the proposed development has already been approved at outline stage. The scheme proposes parking in line with Highway requirements both for the residential and commercial elements of the scheme. Neighbours have raised concerns that Barton Road is extremely narrow and that the proposed development with built form close to the road and with additional accesses to serve the properties fronting Barton Road highway and pedestrian safety will be compromised. The accesses on Barton Road are set back from the edge of the road and it is considered that visibility can be achieved satisfactorily. There is no pedestrian footway on this side of Barton Road therefore cars leaving and entering the site are unlikely to cause detriment to pedestrian safety. The situation of Barton Road being narrow is not effected by the development, which is contained within the site boundaries. Narrow roads are characteristic of villages such as Congerstone and whilst not ideal with modern farming equipment the widening of the road is not a necessity for the development and therefore cannot be required.

### Impact on neighbouring properties

The development to the east of the site fronts onto an open area and is some considerable distance from properties in Poplar Terrace. To the west of the site lies a pair of semi-detached properties, the commercial element of the scheme has been designed to minimise impact on these neighbours with the closest buildings being single storey in nature. Whilst there are several parking spaces to the rear of No 107 Main Street, having visited the site it is apparent that the resident's main private amenity space is located to the side of the property with several outbuildings to the rear. It is therefore considered that the parking area will not adversely affect the resident's amenity. Concerns have been raised by residents along Barton Road regarding overlooking and overbearing impact. Proposed Plots 8 and 9 fronting onto Barton Road face Nos 89 and 90 with a distance of approximately 12 metres between front elevations. Whilst this may seem close and would not be an acceptable distance 'back to back', this distance is across the main road and is considered an acceptable distance, quite typical of villages such as Congerstone. These properties are two storeys in height measuring 8.5 metres in height; the levels on the site are to be reduced to ensure the new dwellings are not out of scale creating an overbearing impact on residents opposite.

### Flooding

Concerns have been raised by both Parish Council and neighbours that the area currently floods in winter. The Land Drainage Engineer has commented that the proposed sustainable drainage commitment is welcomed. The surface water drainage will be an improvement on the current runoff arrangement. It is considered that the proposed development will provide significantly more permeable areas that the Dawkins unit did; this will improve the drainage within the area and certainly not exacerbate the existing drainage problems.

### Infrastructure

The outline permission included a Section 106 agreement, which required financial contributions towards educational facilities, off-site open space and civic amenity facilities. These contributions are required prior to commencement of development.

### Other Issues

The site plan submitted indicated two future links out of the site; this has obviously raised concerns with local residents that further residential development is to be built. These links are purely speculative, the site sits on the edge of Congerstone settlement and there are no current plans to extend the settlement boundary therefore any proposals for further development would be contrary to policy and not receive officer support. Finally, concern has been raised that the green area to the east of the site will be removed, however this area does not form part of the application site and therefore the development will not adversely impact on the wildlife and vegetation that currently exists.

Leicester County Council Archaeology has requested an archaeological assessment be carried out by the applicant. Whilst we cannot require them to do so as this issue should have been identified at outline stage the applicants have provided an assessment and further comments are currently awaited.

### Conclusion

The scheme submitted is considered to provide a good mix of residential and commercial units. It is considered that the proposal provides a well-designed scheme that is characteristic of Congerstone in terms of scale, mass and architecture. There are no adverse impacts on the Conservation Area or neighbouring properties and officers recommend that the application be permitted.

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

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

- 1 All boundary treatment shown on approved drawing no 06.2178.02E shall be implemented prior to first occupation of any unit on the site.

### **Reasons :-**

- 1 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 conditions imposed on outline planning permission ref: 04/01503/OUT shall also be complied with.

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

**Item:** 04

**Reference:** 07/00044/FUL

**Applicant:** Matthew Homes

**Location:** Land Rear of 197 - 211 Sketchley Road Burbage Leicestershire

**Proposal:** DEMOLITION OF No 205 SKETCHLEY ROAD AND ERECTION OF 11  
NO DWELLINGS WITH ASSOCIATED ACCESS

**Introduction:-**

This is a full application for the erection of 11 dwellings off Sketchley Road, Burbage. The site extends to 0.32 hectares and is currently the rear gardens of seven Sketchley Road properties. The site is bounded by these residential properties to the north by further rear gardens to the west and north-east and by open space to the south and south east. Beyond the open space are residential bungalows at Holly close and residential properties at Oak Close.

Access to the site is proposed to be created from Sketchley Road by the demolition of no. 205 a detached inter-war property. Ground level rises slightly from the access to the rear of the site.

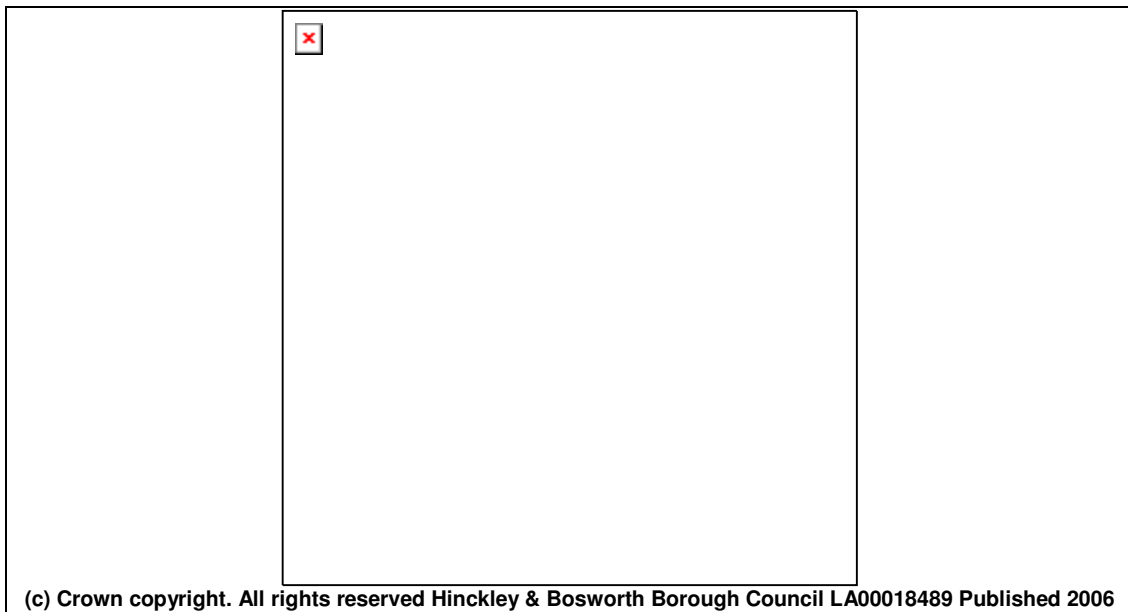
The site currently comprises private residential gardens with a range of outbuildings. There are a number of trees towards the south of the site and the boundary with the open space.

The application proposes 11 dwellings consisting of two detached, three pairs of semis and a terrace of three properties. The dwellings are a mix of three and four bedrooms and a mixture of two and two and a half storeys.

A design and access statement has been submitted with the application which states that the design principles for the development are to create a central area which has a sense of space through creating landscaped frontages. A Phase 1 Habitat Survey has also been submitted with the application.

**History:-**

None



### Consultations:-

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

Leicestershire County Council (Developer contributions)

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

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

Burbage Parish Council raise no objection but question whether affordable housing should be provided.

Site and press notices have been issued and neighbours notified. Six letters of objection have been received raising the following concerns:

- a) Overlooking of neighbouring property
- b) Loss of existing hedgerow and trees
- c) Increased traffic on Sketchley Road
- d) Impact of headlights on house opposite the proposed access
- e) Impact on property prices
- f) No requirement for more houses in Burbage
- g) Impact on drainage of surrounding properties which already have drainage issues
- h) Sewage system cannot cope with further properties.
- i) Impact on aspect from neighbouring properties.
- j) Proposed development is too dense.
- k) Impact of tallest dwellings on Oak Close residents
- l) Proposed two and a half storey buildings are out of keeping
- m) Loss of sunlight to Oak Close

- n) Impact on wildlife
- o) Noise and air pollution from additional families and cars

## **Development Plan Policies:-**

### National Policy

Planning Policy Guidance Note 3 - Housing, promotes good design in new residential developments in order to create high quality environments in which people choose to live. The Policy sets out to maximise the use of brownfield land.

Planning Policy Statement 3 - Housing becomes a material consideration from the 1st April 2007. This document replaces PPG3 and encourages the use of previously developed land within urban areas in preference to the development of greenfield sites for housing. This statement sets out 30 dwellings per hectare as the national indicative minimum.

### Structure Plan.

Burbage is designed as a Main Town within the Leicestershire, Leicester and Rutland Structure Plan 1996-2016. Strategy Policy 2A promotes a sequential approach to new development which states that previously developed land within the Main Towns are the preferential sites for new development.

Strategy Policy 10 encourages good design that enhances the form and local character and distinctiveness of the built and natural environment.

Environment Policy 2 states that important areas of open space and green linkages within built up areas will be protected and enhanced.

Housing Policy 3 states that 50% of new dwellings should be provided on previously developed land.

Housing Policy 5 requires densities of 40 dwellings per hectare on sites in Main Town centres, local centres and sites well served by public transport and accessible to services and facilities. The Policy promotes a mix of housing types to create socially mixed communities and that development should adopt principles of good design and layout which make the most economical use of land and respect the local context.

### Local Plan.

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

Policy RES5 of the adopted Hinckley and Bosworth Local Plan assesses proposals for residential development on unallocated sites. Planning permission will only be granted if the site lies within the boundaries of an urban area or rural settlement and the siting, design and layout of the proposal do not conflict with relevant plan policies.

Policy BE1 requires high quality design which complements or enhances the surrounding area and adjacent properties in terms of mass, scale, design, density, materials and architectural features while retaining adequate amenity and privacy.

Policy T5 applies County Council highway standards to new developments in terms of both highway design and parking targets unless a different level of provision can be justified.



Policy REC3 requires all new residential development to provide outdoor play space for children. A financial contribution may be sought towards the provision of new recreational facilities or towards the improvement of existing facilities in the area

Policy IMP1 requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Further guidance is provided within the Borough Council's Supplementary Planning Guidance for residential development and the Play and Open Space Supplementary Planning Guidance.

The Burbage Design Statement (2006) defines Sketchley Road as part of zone four which covers Sketchley Road to the northern settlement boundary. The statement describes Sketchley Road as one of the gateways into the village from Rugby Road with the application area consisting of properties of pre-war construction which are a mixture of detached and semi-detached properties.

## **Appraisal:-**

### Principle.

The site is located within the settlement boundary of Burbage and is surrounded largely by existing residential development. The site is considered brownfield as defined in Planning Policy Guidance Note 3 Annex C. The site is therefore considered suitable for residential development, in principle, subject to the relevant Local Plan policies.

### Density.

Planning Policy Guidance Note 3 suggests a density of 30-50 dwellings per hectare while the Leicestershire, Leicester and Rutland Structure Plan requires 40 dwellings per hectare on sites such as this.

The proposed development in its initial form proposed 9 dwellings. This would have equated to a density of 28 dwellings per hectare. Revised plans have been received which has increased the number of dwellings to 11 which equates to 34 dwellings per hectare. While this is still low for a sustainable location within walking distances of shops and a school, the access requires part of the site to remain undeveloped to protect the amenity of the properties on Sketchley Road. On balance the revised proposal is considered acceptable in terms of density.

### Layout and design.

The initial layout has been revised to increase the number of units within the proposal. The revised proposal includes a good mix of detached and semi-detached properties, 3 and 4 bedroomed properties and 2 and 2 and a half storey. Five house types are proposed between the proposed 11 plots. This is considered to be in accordance with Structure Plan Housing Policy 5.

The design includes focal buildings at the head of the access road which will be visible from Sketchley Road. This building includes bay windows and has been designed individually for this position. Continual building form has been created along the proposed road through the use of corner units and a short terrace. Parking is reasonably well hidden through the use of garages set back from the street scene.

The proposed dwellings should ideally overlook the adjacent open space to provide surveillance and to incorporate the open space into the residential area. However, the small

size of the site dictates that properties either face the open space or into the development. It is considered that the proposed layout with focal elevations facing into the development and rear gardens to the open space is the preferred option.

The development is around 18 metres from the rear of 8 Holly Close, this is at an angle of 45 degrees and therefore considered acceptable. The remainder of properties on Holly Close all exceed the 25 metre window to window separation distance. Properties on Oak Close are 37 metres from the proposed dwellings. None of the proposed two and a half storey dwellings have rear facing dormers towards any of the existing properties.

The majority of the proposed rear gardens meet the requirements set out in Supplementary Planning Guidance, all plots also have reasonable front gardens. Parking standards are met across the site however some individual units are one space short. Additional parking could be provided however this would be at the expense of front gardens, it is considered that the use of land as gardens is preferable to providing further parking in this sustainable location.

#### Access.

The proposed access is to be created by the demolition of no. 205 Sketchley Road. The new access is separated by around 4 metres from no. 201 and 3 metres from no. 207. No. 207 has a garage between the house and the proposed access which should mitigate any noise impact. The Director of Highways, Transportation and Waste Management has raised no objection to the proposed access.

#### Contributions.

As the proposed development is within 400 metres of amenity open space therefore a contribution can be sought towards the proposed improvement of amenity green space in Burbage as set out in the Green Space Quality and Accessibility Audit 2005. this will equate to £1,241 per dwelling.

Leicestershire County and Rutland Primary Care Trust require a total contribution of £2,526.

At the time of writing this report no details of the contributions required by Leicestershire County Council had been received. This will be reported as a late item and controlled by condition.

#### Other considerations.

The impact of the development on property values is not considered to be a planning issue.

Objections have been received regarding the lack of need for further housing in Burbage. It is not considered relevant to consider housing need for such a small scale development. The site is considered brownfield, accessible and therefore acceptable in principle.

The submitted documents include an extended Phase 1 Habitat Survey which concludes that habitats within the site rate from low to moderate and therefore there is no concern raised at their loss. The semi-mature trees to the south of the site are proposed to be removed. Though these add to the appearance of the open space and would screen the development as they are sycamore, ash and willow they are not considered suitable to be in close proximity to residential properties. The applicant will be required to replace any

trees lost with more suitable species as part of a comprehensive landscaping scheme. Some of the semi-mature trees are positioned on the open space and will be retained.

Drainage concerns have been considered by Severn Trent and the Borough Council's Land Drainage Engineer. Both raise no objection to the application subject to conditions detailing the drainage scheme and using sustainable drainage.

With regards to the need to provide affordable units within the development, the current requirement only applies to proposals of 25 units and over.

### Conclusions.

The site lies within a predominantly residential area of Burbage close to amenities and public transport routes. The site is considered suitable for residential use.

The proposed scheme has been amended to improve its density and design and is considered to be acceptable in terms of the quantifiable aspects of the Local Plan.

The proposed development is considered to be in accordance with Planning Policy and is therefore recommended for approval subject to conditions.

**RECOMMENDATION:- That subject to no further significant additional objections being raised by the end of the consultation period, 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, RES5, REC3, T5 and IMP1 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 This permission relates to the application as revised by amended plan 06249\_01A, 06249\_02/A, 06246/A/ELES, 06246/A/PLANS, 06249/D/ELES, 06429/D/PLANS, 06249/E/ELES, and 06249/E/PLANS received by the Local Planning Authority on 9th March 2007.
- 4 The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the Local Planning Authority in writing.
- 5 A public sewer crosses the site and shall not be built over or nearer to than 5 metres, unless otherwise agreed with the Local Planning Authority.
- 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) proposed finished levels or contours
  - (ii) means of enclosure
  - (iii) hard surfacing materials
  - (iv) planting plans

- (v) written specifications
  - (vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - (vii) implementation programme.
- 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 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 7 metres behind the highway boundary and shall be hung so as to open inwards only.
  - 9 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 6 metre control radii on both sides of the access.
  - 10 No development shall take place until details of measures to be taken to prevent the deposit of materials, i.e. mud from vehicles leaving the site during construction works being deposited on the public highway, have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be retained and fully implemented for the duration of the construction period.
  - 11 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.
  - 12 Before first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 7 metres behind the highway boundary and shall be so maintained at all times.
  - 13 Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.
  - 14 No development shall begin until details of a scheme for the provision of a contribution to the cost of library facilities, civic amenity, education, health facilities and open space to meet the needs of the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made, and shall be carried out in accordance with the approved details.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 In the interests of visual amenity.
- 3 To define the permission.

- 4 To ensure the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 5 To safeguard the stability of the sewer.
- 6 & 7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.
- 8 To enable a vehicle to stand clear of the highway to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 In the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 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 and Bosworth Local Plan.
- 11 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 and Bosworth Local Plan.
- 12 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 13 To ensure that an adequate line of vision is available in the interests of road safety to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 14 To ensure the development does not have a detrimental impact on the surrounding infrastructure and facilities in accordance with Policy IMP1 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 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 applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with Section 185 of the Water Industry Act 1991.
- 5 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (01530 262380)

- 6 The 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.
- 7 In order to provide the access shown on the submitted plans, it would be necessary to remove/carry out works to trees within the limits of the Highway but before any works to the trees are commenced you must first obtain the separate consent of the Highway Authority. If approval is granted, you will be required to provide appropriate replacement trees.
- 8 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.

The Highway Authority will, however, serve APCs in respect of all plots served by all the private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see [www.leics.gov.uk/htd](http://www.leics.gov.uk/htd) or phone 0116 2656782.

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

**Item:** 05  
**Reference:** 07/00087/FUL  
**Applicant:** Mr John Connors  
**Location:** 27 Costalot Stables Barlestone Road Bagworth Coalville Leicestershire  
**Proposal:** EXTENSIONS AND ALTERATIONS TO ANCILLARY DAY BUILDING

**Introduction:-**

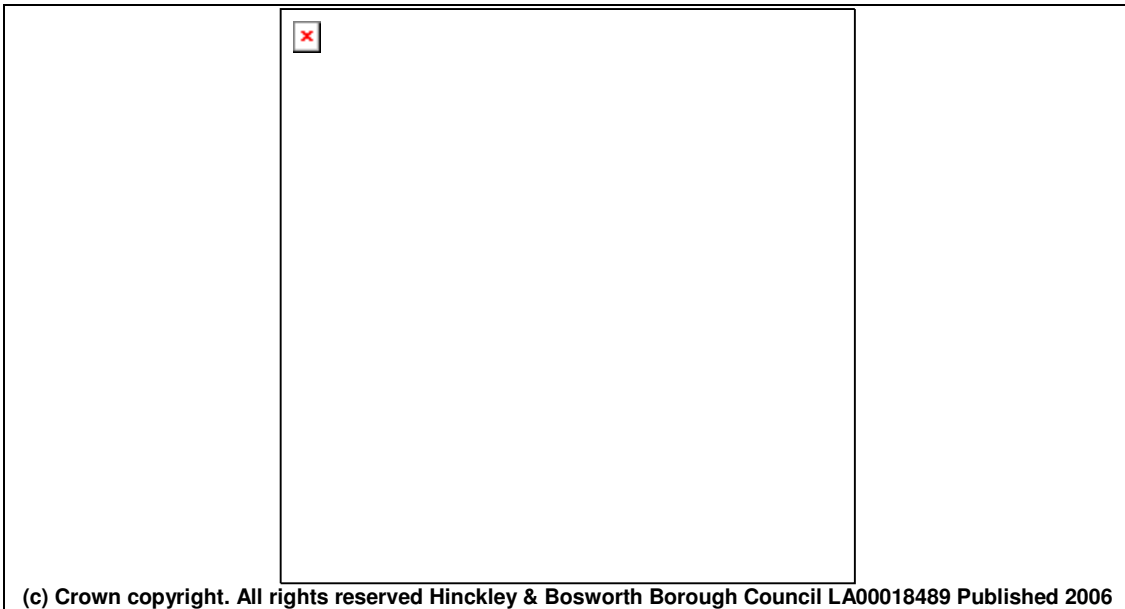
This is a full planning application to regularise extensions and alterations to an existing ancillary day building. The site is located to the west of Barlestone Road (classified as B582) and sits adjacent to the highway. The extension and alterations are finished in facing brickwork and tiles that correspond to the type of external facing materials.

Planning Permission was granted in January 1992 (91/1092/4) for the construction of ancillary accommodation for the residential gypsy pitch comprising a single storey building of no more than 70 square metres external floor area.

The applicant has stated that he requires improved facilities for his six children and family. These facilities will improve domestic accommodation facilities for the family. The existing day room will provide a kitchen, three bedrooms, a family bathroom and lounge all on ground floor only. The applicant has also claimed that his family have used the existing ancillary day building whilst residing on the plot for domestic purposes in excess of 10 years or so.

**History: -**

91/1092/4	Construction of ancillary accommodation	Approved	28.01.92
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**Consultations:-**

Bagworth and Thornton Parish Council state that the Parish Council does not have any objection to this particular application. However, the Parish Council is concerned that there are many dwellings on the site. These dwellings the Parish Council state received retrospective planning permission as buildings to be used as day room and that these are now being used as dwellings.

Director of Transportation, Highways and Waste Management has no observations.

A site notice was posted.

The development description has been amended to reflect more accurately the nature of the development, and consultees have been re-consulted.

**Development Plan Policies:-**

Central Government Guidance

The principle guidance for determining planning applications related to gypsy and travellers is Circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites' ("Circular 01/2006"). The guidance defines gypsy and travellers at paragraph 15 as "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such".

Planning Policy Guidance Note 18 (PPG18) 'Enforcing Planning Controls' encourages Local Planning Authorities to take enforcement action where it can be demonstrated that such action is expedient.

#### Development Plan policies

The site falls within the countryside as defined by the Hinckley and Bosworth Local Plan (adopted February 2001). The site is also within the National Forest Area and a Local Landscape Improvement Area.

The Leicestershire, Leicester and Rutland Structure Plan policy SP8 seeks to protect the open countryside for its own sake.

Policy NE5 of the Hinckley and Bosworth Local Plan seeks to protect the countryside for its own sake. Policy NE10 relates to local landscape improvement areas and it seeks to improve by comprehensive landscape schemes. Policy NE21 relates to development within the designated National Forest areas, and seeks to ensure that development permitted is of a high quality.

#### **Appraisal:-**

The main issues to consider is the principle of permitting alterations and extensions to the ancillary day building that is used for residential purposes, the impact of this development upon the character and appearance of this part of the countryside, and the precedent that this development could set if approved.

In 1992, this authority considered a reasonable level of services for each privately owned pitch at Costalot gypsy site being the provision of a single storey ancillary building with toilet, washing, cooking and other domestic accommodation. In common with the majority of other pitches on this permanent gypsy site, planning permission has been granted for the construction of a small ancillary accommodation block. The Planning Committee approved the blocks in 1992 following a visit to the Costalot site.

During a meeting between the applicant and officers in September 2006, the applicant and his agent was advised that a change of use planning application would be required. However, he has built the extensions and will continue to utilise the ancillary building for residential purposes.

The existing ancillary day building sits in a plot of some 660 square metres. The applicant has stated that he owns the plot to the rear of the existing bungalow, and during a site visit caravans occupied this plot. The existing day building offers around 104 square metres of floor area and is single-storey. The extension to the front measures around 7 metres by 7.5 metres (52.5 square metres), whilst the rear extension is 3 metres by 7.5 metres (as shown on the plans offering additional 23 square metres of floor area). Thus the total extensions represent an approximate increase of 73% over and above the existing footprint. In terms of



design and appearance the extension to the front does appear intrusive due to its overall height of 5.3 metres (at ridge level). The extension to the front is set back from the edge of the highway because there is a dividing boundary wall between the plot's boundary and the grass verge. The extension to the rear is not visually intrusive due to its siting and location.

The existing accommodation comprised washing and toilet facilities and a day room. The building also gave security for possessions during periods when the owners were absent. However, in the recent past the pattern of settlement on the site has changed and is evolving. For example, the more established family's children (of which the applicant is one) attend local schools in the villages of Nailstone and Bagworth. The ancillary day rooms have been modified and are now providing domestic accommodation to these settled families, and pitch owners have gradually increased and modified these buildings.

The applicant has stated to officers that his family's needs have changed. He states that whilst he continues to travel as a gypsy, his family is settled at the Costalot site and they require residential accommodation. He states that his children's lifestyle is different to his own. Therefore, he took it upon himself to extend the ancillary day building so that his children could utilise the building for residential purposes. However, he maintains that most of the plot will be utilised by caravans, which is possible because he has combined two plots into one.

It is now becoming more and more apparent that this permanent gypsy site does have established residential uses on it. The nomadic way of life (once a feature of the traditional gypsy and traveller way of life) appears to be eroding, and as witnessed on this permanent site, families are becoming more and more settled. This changing lifestyle amongst gypsy and travellers has been recognised by central government, because recent changes in national government planning guidance related to gypsy and travellers reflects this. Indeed, the definition of gypsy and travellers has changed (Circular 01/2006). Whilst gypsy and travellers can be settled this does not mean that they (by default) lose their status as gypsies and travellers.

Circular 01/2006 does not specify what type of buildings could be considered appropriate in the countryside. However, it does recognise that permanent sites should have a reasonable level of services including washing facilities, sewage disposal, electricity and drinking water supplies and areas for clothes drying and other domestic purposes. It is considered that any permanent building for residential use should be assessed against adopted development plan policies.

However, despite these changes in the lifestyle of established gypsy families on this permanent site, and the fact that the applicant's children reside on the site whilst attending local schools, the applicant has converted the existing ancillary day building into a dwelling in an open countryside location, that is in principle contrary to adopted Structure and Local Plan Policies that are designed to protect the visual appearance of such areas.

Members' may recall that on 11th November 1997, a planning application (reference 97/00472/FUL) came before Planning Committee. That planning application related to the regularisation of a dormer bungalow on Plot 9, Costalot Stables. Officers recommended refusal of planning permission due to the fact that residential use is contrary to adopted development plan policies. In that case no enforcement action was taken. Furthermore, various other plot holders' have converted the ancillary day buildings into part residential. It would be necessary to establish when these conversions took place and in cases where they exceed four years, no enforcement action can be taken, as it could be demonstrated that they have a lawful use. Officers considering further enforcement action will present a separate report to Planning Committee.

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

- 1 In the opinion of the Local Planning Authority, the development is tantamount to a new residential dwelling in an area identified in the development plan as open countryside, as well as being part of a Local Landscape Improvement Area and the National Forest, contrary to Strategic Policy 8 of the Leicestershire, Leicester and Rutland Structure Plan (adopted March 2005) and Policies NE5, NE9 and NE21 of the Hinckley and Bosworth Local Plan (adopted February 2001) where the countryside is to be protected for its own sake.

**Contact Officer:- Mr Ahsan Ghafoor Ext 5775**

**Item: 06**

**Reference: 07/00182/FUL**

**Applicant: Mr B Smith**

**Location: Costalot Caravan Site Barlestone Road Bagworth Coalville Leicestershire**

**Proposal: EXTENSIONS AND ALTERATIONS TO ANCILLARY DAY BUILDING**

#### **Introduction:-**

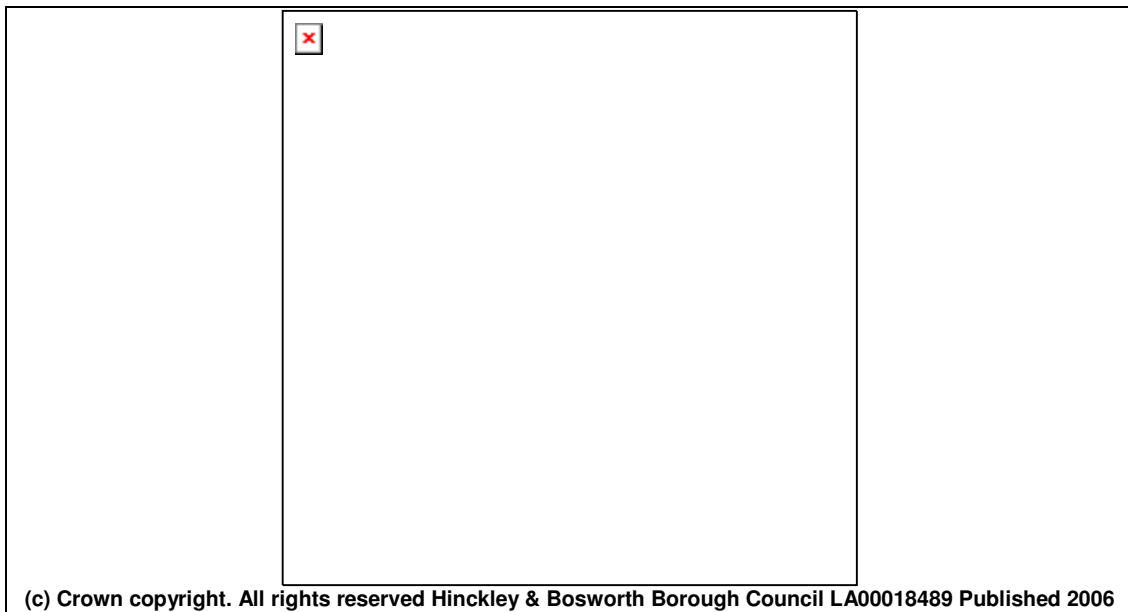
This is a full planning application to regularise extensions and alterations to an existing ancillary day building. The site is located to the west of Barlestone Road (classified as B582) and is known as Plot 8. The plot sits well within the established boundaries of the Costalot site. The extension and alterations are finished in facing brickwork and tiles that correspond to the type of external facing materials of the existing building.

Planning Permission was granted in January 1992 (91/1090/4) for the construction of ancillary accommodation for the residential gypsy pitch comprising a single storey building of no more than 70 square metres external floor area.

The applicant has stated that he requires improved facilities for his six children and family. The existing day room will provide a new kitchen, two bedrooms and living accommodation on the ground floor. There are two further bedrooms at first floor level. The applicant has also claimed that his family have used the existing ancillary day building whilst residing on the plot for domestic purposes. The previous occupiers of the site it is claimed used the ancillary day building for domestic residential purposes.

#### **History :-**

91/1092/4	Construction of ancillary accommodation	Approved	28.01.92
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### **Consultations:-**

Bagworth and Thornton Parish Council state that the Parish Council does not have any objection to this particular application. However, the Parish Council is concerned that there are many dwellings on the site. These dwellings, the Parish Council state, received retrospective planning permission as buildings to be used as day room and that these are now being used as dwellings.

A site notice was posted.

The development description has been amended to reflect more accurately the nature of the development, and consultees have been re-consulted.

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

#### Central Government Guidance

The principle guidance for determining planning applications related to gypsy and travellers is Circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites' ("Circular 01/2006"). The guidance defines gypsy and travellers at paragraph 15 as "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such".

Planning Policy Guidance Note 18 (PPG18) 'Enforcing Planning Controls' encourages Local Planning Authorities to take enforcement action where it can be demonstrated that such action is expedient.

#### Development Plan policies

The site falls within the countryside as defined by the Hinckley and Bosworth Local Plan (adopted February 2001). The site is also within the National Forest Area and a Local Landscape Improvement Area.

The Leicestershire, Leicester and Rutland Structure Plan policy SP8 seeks to protect the open countryside for its own sake.

Policy NE5 of the Hinckley and Bosworth Local Plan seeks to protect the countryside for its own sake. Policy NE10 relates to local landscape improvement areas and it seeks to improve by comprehensive landscape schemes. Policy NE21 relates to development within the designated National Forest areas, and seeks to ensure that development permitted is of a high quality.

### **Appraisal:-**

The main issues to consider is the principle of permitting alterations and extensions to the ancillary day building that is used for residential purposes, the impact of this development upon the character and appearance of this part of the countryside, and the precedent that this development could set if approved.

In 1992, this authority considered a reasonable level of services for each privately owned pitch at Costalot gypsy site being the provision of a single storey ancillary building with toilet, washing, cooking and other domestic accommodation. In common with the majority of other pitches on this permanent gypsy site, planning permission has been granted for the construction of a small ancillary accommodation block. The Planning Committee approved the blocks in 1992 following a visit to the Costalot site. In this case the unauthorised works involved operational development, but also involves a material change in the use of an existing building that has been granted planning permission for ancillary day use.

The existing ancillary day building sits in a plot of 900 square metres. During a site visit this plot was occupied by caravans, whilst the existing building appeared to be utilised for domestic purposes. The existing day building offers around 85 square metres of floor area and was single-storey. The building has been constructed in a way that it appears a single-storey building if viewed from Barlestone Road looking into the site, but provides accommodation on two levels.

A single-storey extension to the rear has been erected measuring around 4 metres by 13 metres (52 square metres). Another first floor extension has been added to the front elevation (as viewed from within the Costalot site). This extension is 4.5 metres by 13 metres adding 59 square metres of habitable floor space). Whilst the ground floor extension represents around 62% over and above the existing footprint, with additional floor space being created at first floor level there is an increase in volume and scale of the existing ancillary day room. In terms of design and appearance the increase in overall height is visible from within the Costalot site, but from Barlestone Road or Garlands Lane, it cannot easily be distinguished as a dormer bungalow, due to the pitch and design of the roof of the extensions.

The existing accommodation comprised washing and toilet facilities and a day room. The building also gave security for possessions during periods when the owners were absent. However, in the recent past the pattern of settlement on the site has changed and is evolving. For example, the more established family's children (of which the applicant is one) attend local schools in the villages of Nailstone and Bagworth. The ancillary day rooms

have been modified and are now providing domestic accommodation to these settled families, and pitch owners have gradually increased and modified these buildings.

The applicant has stated to officers that his family's needs have changed. He states that whilst he continues to travel as a gypsy, his family is settled at the Costalot site, and they require permanent residential accommodation. He states that his children's lifestyle for example is different to his own in that they require formal education.

It is now becoming more and more apparent that this permanent gypsy site does have established residential uses on it. The nomadic way of life once a feature of the traditional gypsy and traveller way of life is eroding, and as witnessed on this permanent site, families are becoming more and more settled. This has been recognised by central government guidance. Indeed, the definition of gypsy and travellers has changed (Circular 01/2006). Whilst gypsy and travellers can be settled this does not mean that they by default lose their status as gypsies and travellers.

Circular 01/2006 does not specify what type of buildings could be considered appropriate in the countryside. However, it does recognise that permanent sites should have a reasonable level of services including washing facilities, sewage disposal, electricity and drinking water supplies and areas for clothes drying and other domestic purposes. It is considered that any permanent building for residential use should be assessed against adopted development plan policies.

However, despite these changes in the lifestyle of established gypsy families on this permanent site, and the fact that the applicant's children reside on the site whilst attending local schools, the applicant has converted the existing ancillary day building into a dwelling in an open countryside location, that is in principle contrary to adopted Structure and Local Plan Policies that are designed to protect the visual appearance of such areas.

Members' may recall that on 11th November 1997, a planning application (reference 97/00472/FUL) came before Planning Committee. That planning application related to the regularisation of a dormer bungalow on Plot 9, Costalot Stables. Officers recommended refusal of planning permission due to the fact that residential use is contrary to adopted development plan policies. In that case no enforcement action was taken. Furthermore, various other plot holders' have converted the ancillary day buildings into part residential. It would be necessary to establish when these conversions took place and in cases where they exceed four years, no enforcement action can be taken, as it could be demonstrated that they have a lawful use. Officers considering further enforcement action will present a separate report to Planning Committee.

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

- 1 In the opinion of the Local Planning Authority, the development is tantamount to a new residential dwelling in an area identified in the development plan as open countryside, as well as being part of a Local Landscape Improvement Area and the National Forest, contrary to Strategic Policy 8 of the Leicestershire, Leicester and Rutland Structure Plan (adopted March 2005) and Policies NE5, NE9 and NE21 of the Hinckley and Bosworth Local Plan (adopted February 2001) where the countryside is to be protected for its own sake.

**Contact Officer:- Mr Ahsan Ghafoor Ext 5775**

**Item: 07**

**Reference:** 07/00131/FUL

**Applicant:** Mr Simon England

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

**Proposal:** CREATION OF FIFTEEN NEW FLATS BY CONVERSION OF EXISTING FIRST FLOOR ACCOMMODATION, BUILDING NEW SECOND FLOOR ABOVE AND FIVE NEW FLATS IN AN ATTACHED TWO AND THREE STOREY BUILDING WITH ASSOCIATED PARKING

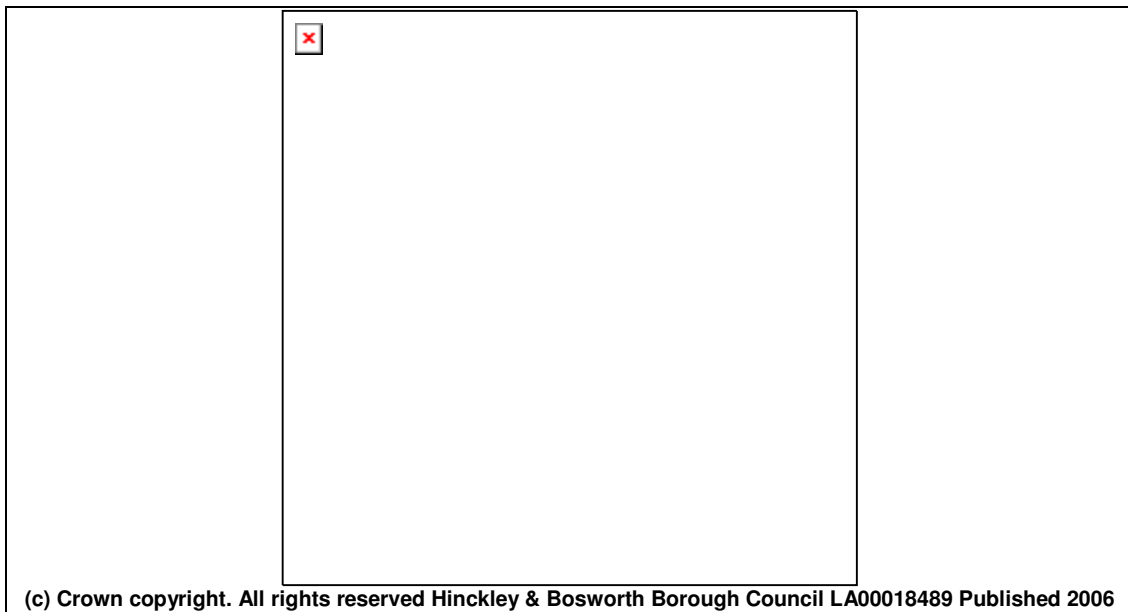
**Introduction:-**

This is a full planning application for the construction of extensions and the conversion of existing offices to provide dwellings, comprising of nine flats and six maisonettes. The proposal is at Stamford House, which is situated on the corner of Hill Street and Castle Street. The proposal includes the change of use of four existing first floor offices to residential use and the erection of a third storey above the existing offices. A further part two and part single storey extension is proposed above the existing car parking area to provide further residential accommodation. The ground floor uses are to be retained along with the existing car parking. The building sits on a prominent corner in this commercial area.

A mix of uses, comprising of shops, commercial premises and residential properties, surrounds the site. The site is within the Hinckley conservation area.

**History:-**

06/01175/FUL	Extension and conversion of existing building to create 16 flats including access and parking	Withdrawn	23.01.07
05/01368/FUL	Extension and alterations to offices to create ten residential units	Approved	14.11.06
05/00217/FUL	Change of use from four offices to four residential units	Approved	7.07.05
96/00917/FUL	Variation of condition 3 of application 90/0024/4	Approved	20.01.97
93/1030	Change of use of first floor to self contained flats	Approved	27.01.94



### **Consultations:-**

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

Council's Head of Health and Environment  
Borough Councils Land Drainage Engineer  
Director of Historic and Natural Environment (Archaeology)  
Environment Agency  
Leicestershire Constabulary Crime Reduction Officer.

Hinckley and Bosworth Primary Care Trust requires a contribution of £3, 444 towards health services.

Director of Highways, Transportation and Waste Management (Waste Management) seeks contributions of £617.

The Director of Environment and Heritage (Libraries) seeks contributions towards the costs of books, materials and other facilities of £690.

The Director of Highways, Transportation and Waste Management advises considering the existing commercial uses on the site, the location of the proposal close to the town centre and at a location where there are comprehensive on street parking controls within the vicinity, the Highway Authority will not be in a position to sustain an objection due to a shortfall in parking. Where development results in, on average, more than 1.5 off-street car parking spaces for each dwelling this will not reflect the Government's emphasis on securing sustainable residential environments.

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

Policy RETAIL 12 states that planning permission will be granted for the use of vacant or underused shop floors of shops and other commercial premises in new or existing developments within the town centre or local shopping centre by their conversion into, or use as, self-contained flats.

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

Policy BE7 states that the primary policy will be the preservation or enhancement of the special character of the conservation area.

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

The Borough Council's Supplementary Planning Guidance on New Residential Development (revised July 1997) and on Play and Open Space (adopted October 2002) provide further guidance on development proposals including the provision of open space within development proposals or of financial contributions towards off-site provision. In this case the developer is required to provide a contribution of £18, 615 towards off-site provision.

### **Appraisal:-**

The main issues in the determination of this application relate to the highway considerations and the shortfall of car parking spaces, the design of the building and the relationship with the surrounding streetscene and conservation area and the resulting relationship with the neighbouring properties to the rear of the application site.

The relevant policies of the adopted Local Plan encourage the reuse of vacant upper storeys of shops and offices within town centres. The latest planning permission (05/01368/FUL) has established the principle of the upper floor conversion and third floor extension to form dwellings.

#### Highways considerations

There are currently eleven existing car parking spaces within the application site, which are used by the commercial ground floor uses and offices. The adopted Hinckley and Bosworth Local Plan requires a total of 1.5 car parking spaces per flat. Given that 15 flats are proposed a total of 22.5 car parking spaces are required for the flats alone. The scheme also removes all the car parking spaces for the commercial units as it is proposed that these spaces be devoted to the flats, which results in a further shortfall of six car parking spaces. The proposal creates a shortfall of 18 spaces to meet the adopted parking standards.

On the previously approved scheme (05/01368/FUL) there was a shortfall of nine car parking spaces and in this case a contribution of £18, 000 was required as a financial contribution towards improving existing town centre parking. Taking the previous approach into account, and the town centre location of the site, it is considered that a contribution would be appropriate. At £2000 per space, this would equate to a contribution of £36 000.

In considering the shortfall of car parking consideration needs to be given to the objectives of PPS 3 - Housing. PPS 3 underpins the delivery of the Government's strategic housing policy objectives, to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live. PPS 3 advises that residential development car parking policies should promote good design and the need to use land efficiently. Given the town centre location it is considered that the site does lend itself to a reduction in car parking provision. The site is close to local amenities such as shops and recreation grounds and is therefore a sustainable location whereby residents



can reach these facilities by walking, cycling or public transport. There are opportunities to provide cycle storage within the building for the flat residents and this would encourage residents to use alternative modes of transport other than the private car. Therefore, considering the location of the proposal close to the town centre, the comprehensive on-street parking controls within the vicinity and the opportunity to provide cycle storage for residents and the financial contribution towards improving town centre parking it is considered that the scheme is acceptable.

### Design

The application site is within the Hinckley conservation area and it is essential to ensure that the resulting development preserves and enhances the character and appearance of this area.

The design of the proposed third floor extension is considered to be acceptable as this was approved as part of the previous application. The amended scheme proposes a part three storey extension which drops down to two storeys in height. The ground floor car park will be enclosed by the building with an electric gate to the Hill Street elevation and the car park will be further secured with enclosed railings to the frontage. In terms of its appearance, when viewed from Hill Street the proposed extension is considered to be acceptable. The proposed additions step down from the original three storey element of Stamford House down to the proposed two storey addition at the end of the site. The stepping down in height to two storeys reflects the height of the traditional terrace properties directly opposite.

The southern boundary of the application site abuts the entrance into the Hinckley co-op car park and is therefore fairly prominent when viewed from the south of the application site along Hill Street. The south facing elevation features a two storey building which sits over the ground floor car park. The prominent south elevation now features a window and soldier course to break up the elevation, which is considered to be successful. Part of the ground floor elevation also features the enclosed railings of the car park, which helps to break up this elevation further. The resulting design is considered to represent a suitable design solution to the site which does not detract from the character of the Hinckley conservation area.

### Relationship with neighbouring properties

The proposed extension results in a projection of 16m in length in total. A total of 10.7m of the proposed extension is three storeys in height with dormer windows being incorporated into the roof. A further length of 5.4m of the proposed extension is at the lower two storey height and this element features a hipped roof to the south facing elevation.

To the west of the application site is No 93-95 Castle Street, which comprises of a commercial ground floor with six flats above which have views to the rear of the site. The revised scheme proposes that the building is set off the boundary with No 93-95 Castle Street by 1.9m. This siting is considered to be acceptable and will not result in a substantial loss of amenity to the occupants of the adjoining flats.

### Conclusion

Given that the residential use of the upper floors has already been established with the grant of two previous planning permissions, there is no objection in principle, to the proposed additional residential units. It is considered that these would not prejudice the retail protection policies for the town centre. The revised design of the extension is now considered to be acceptable in terms of the overall design and the relationship with the conservation area, In addition the scaling down of the extension and the siting away from

the shared boundary with No 93-95 Castle Street will ensure that the impact on the amenity of No 93-95 is not adversely impacted on.

**RECOMMENDATION:** That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 or the receipt of a one-off payment on or before 16 May 2007, or the imposition of appropriate condition to provide financial contributions towards car parking shortfall, off site public open space provision, health, library and civic amenity facilities, the Head of Culture and Development be granted powers to issue planning permission subject to the following conditions.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposal 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 a scheme for the ventilation of the proposed flats facing Hill Street has been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall include installation method, maintenance and management and shall include details of acoustically attenuated active ventilators approved for use under the Noise Insulation Regulations 1975 or alternative ventilation systems of equal acoustic and cooling performance. The approved scheme shall be implemented in accordance with the agreed details before the premises are first occupied and maintained in use thereafter.
- 4 No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has previously been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitable qualified body approved in writing by the Local Planning Authority.
- 5 Prior to development commencing details of a scheme to provide cycle storage in secure and covered space shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage hereby approved shall thereafter be retained on site for that purpose.
- 6 Prior to the first occupation of the dwellings hereby approved the eleven car parking spaces shown on the submitted drawing shall be provided within the curtilage of the site and kept available at all times thereafter.
- 7 Before development commences, full details of the proposed window to the south facing elevation shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

**Reasons :-**

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

- 2 & 3 To safeguard the residential character of the area.
- 4 In order to protect the amenities of the future occupiers of the dwellings in accordance with policy BE1 of the Hinckley and Bosworth Local Plan.
- 5 To ensure satisfactory archaeological investigation and recording.
- 6 To encourage cycling as a sustainable form of transport.
- 7 In the interests of highway safety in accordance with policy T5 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.

**Contact Officer:-** Ms H Atkinson Ext 5605

**Item:** 08  
**Reference:** 07/00172/FUL  
**Applicant:** Trafford Knitwear Ltd  
**Location:** Common Farm Barton Road Carlton Nuneaton Leicestershire  
**Proposal:** CONVERSION AND EXTENSION OF FARM BUILDINGS TO LIGHT INDUSTRIAL USE AND STORAGE

**Introduction:-**

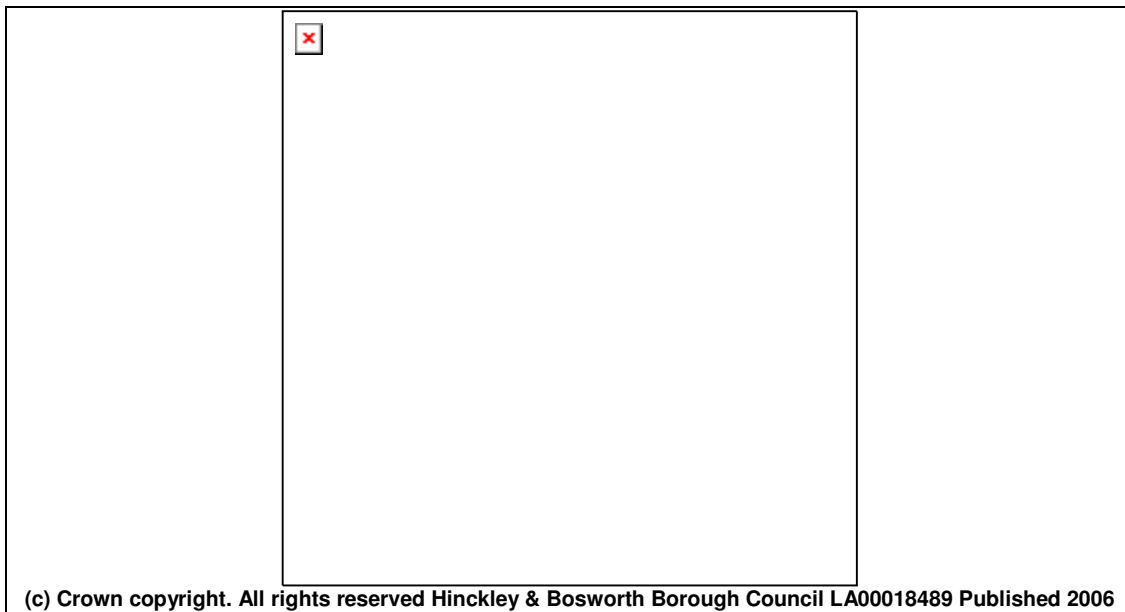
This is a full application for the conversion of a group of barns to light industrial and storage use. Common Farm is located on Barton Road between Market Bosworth and Carlton. The existing buildings are visible from the main road as the character of the area is open with isolated farms and dwellings. The conversion is of four existing barns (E, F, H,J) and addition of two 'link' buildings (barns G and I) to allow for continuous internal access through the development. The light industrial use (B1) is to be located in barn E with remaining barns F, G, H, I, J used as storage (B8). The access to the proposal will be along the existing access to Common Farm from Barton Road. There is to be a rear access for delivery vehicles along the South Eastern side of barns E and F.

There has been a previously approved scheme at Common Farm (05/00197/FUL) for the conversion of two barns to residential and one barn to light industrial. There was to be a new access created from Barton Road for the residential part of the development, with the light industrial making use of the existing access. Also submitted is an application for extensions and alterations to the existing farmhouse (07/00324/FUL).

A design and access statement has been submitted which states that the proposal would accord with adopted planning policy and would make best use of the existing buildings. The conversions will be conducted with minor alterations to the existing buildings and any new openings or structures have been designed to match the design and character of the existing buildings.

**History :-**

05/00197/FUL - Barn conversions to two residential units and one commercial industrial unit. Approved 22.11.05



**Consultations:-**

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

Environment Agency

Market Bosworth Parish Council raise no objection subject to :-

- i) proposed colour of barn E (cream)
- ii) possible future use of the site for retail purposes

Carlton Parish Council raise no objection subject to :-

- i) proposed colour of barn E (cream)
- ii) possible future use of the site for retail purposes

Site Notice provided and neighbours notified. One letter received raising the following points:-

- i) proposed colour of barn E (cream)
- ii) possible future uses of the site for retail purposes

Director of Highways, Transportation and Waste (Highways) have objected to the proposal due to an unacceptable increase in traffic turning onto or off a class III road in a remote area, and raise concern regarding precedent for similar proposals leading to an increase in traffic not in the interests of highway safety.

## **Development Plan Policies:-**

The site is located in within the open countryside, close to Market Bosworth and Carlton as identified in the adopted Hinckley and Bosworth Local Plan.

Planning Policy Statement 7 supports the reuse of appropriately located and suitably constructed existing buildings in the countryside. The countryside should be protected and where possible, enhanced. Farm diversification should not result in excessive expansion and encroachment of buildings into the countryside.

Policy NE5 aims to protect the open countryside and only permit development where it is either important to the local economy, cannot be provided within/adjacent an existing settlement, change of use/reuse of buildings of historic value or for sport or recreational purposes.

Policy 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.

Policy BE20 focuses on the re-use and adaptation of rural buildings, including those for residential purposes. It states that such proposals will be granted provided there is no adverse effect on the landscape, highway safety, protected wildlife habitats, or to the design, character and appearance and setting of the building; the building should be capable of conversion without significant alterations, extensions or rebuilding; and the amenities of nearby residents not adversely affected.

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

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

## **Appraisal:-**

### Principle

Policy BE20 seeks to encourage either employment, recreation or tourism uses in the first instance, Both Policy BE20 and adopted Supplementary Planning Guidance state that planning permission will only be granted for the re-use and adaption of a rural building if it can be converted without significant extensions and alterations.

### Impact on Open Countryside

The site lies within the open countryside where policy NE5 seeks to protect the countryside for its own sake, allows for the change of use, reuse and extension of existing buildings provided the development would not have an adverse effect on the appearance or character of the landscape and it is in keeping with the scale and character of the existing buildings. Although the buildings can be viewed from Barton Road. The proposal would not have an adverse effect on the appearance of the landscape. The extensions proposed are in keeping with the scale and character of the existing buildings and do not significantly alter the form and general design of the building.

### Design

The application involves some changes to the barns being converted. The majority of the proposed doors and windows make use of the existing openings in the barns. The existing velux windows in barns E and F are to be removed, this will give the roof a more uniform

appearance and enhance the character of the existing buildings. There are new windows being inserted into both sides at the northern end of barn F, to allow light in to the proposed storage area. The new openings being created are in keeping with proposed design changes to the existing openings.

The only alteration to the building footprint is the erection of barns G and I, to be used for storage purposes. These new buildings are of similar design and character to match that of the existing buildings and enhance the overall appearance of the proposed conversion. In addition to the two new barns, there is to be a structure erected inside the parameters of the existing Dutch barn. This is to allow for the Dutch barn to be retained, which in turn will help to retain the agricultural character of the existing buildings.

### Access

The barn conversions are to be accessed via the existing access to Common Farm from Barton Road. The Highway Authority have objected to the proposal with regards to the potential increase in vehicle numbers and movements in and out of an access on a class III road. As the existing access is to be used, Officers are of the view that there will be less impact on highway safety than originally anticipated as there is good visibility in both directions when exiting the site. This is partly due to the site being located in a depression in the landscape and also minimal amounts of tall trees and hedges abutting the highway. There will be a vehicular access created to the barns at the rear of the site (G, H, I, J). This will allow for delivery vehicles to access the storage units with minor disruption to the proposed barn conversions of the adjacent buildings (05/00197/FUL).

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

**SUMMARY OF DECISION** - The proposal is in conformity with Policy/Policies BE1, BE20, NE5 and T5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed buildings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 The development shall only operate between the hours of 7 a.m. and 6.p.m Mondays to Fridays but at no times on Saturdays, Sundays, and Bank Holidays.
- 4 The premises shall not be used other than for purposes falling within Class B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
- 5 There shall be no storage of materials, plant, oil drums, tyres or waste materials of any description on the open area of the site, unless otherwise indicated on the approved plan.
- 6 The foul drainage from the proposed development shall be discharged to a septic tank and soakaway system which meets the requirements of British Standard BS 6297: 1983.
- 7 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - (i) proposed finished levels or contours

- (ii) means of enclosure
  - (iii) car parking layouts
  - (iv) other vehicle and pedestrian access and circulation areas.
  - (v) hard surfacing materials
  - (vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
  - (vii) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
  - (viii) retained historic landscape features and proposals for restoration, where relevant.
  - (ix) planting plans
  - (x) written specifications
  - (xi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - (xii) implementation programme.
- 8 The approved landscaping scheme shall be carried out during the first appropriate planting season following the date when the proposed dwelling is ready for occupation. The scheme shall be maintained for a period of five years from the date of planting. During this period and trees or shrubs that die or are damaged or seriously diseased shall be replaced by trees or shrubs of a similar size or species to those originally planted.
- 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 proposed access shall have an effective width of a minimum of 4.8 metres for a distance of at least 15 metres behind the Highway boundary. The access drive once provided shall be so maintained at all times.
- 11 Before first occupation of either dwelling hereby permitted, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 and BE20 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that the use remains compatible with the surrounding area.
- 5 To ensure that the site does not deteriorate into an untidy condition to accord with policies NE5, BE1 and BE20 of the adopted Hinckley and Bosworth Local Plan.
- 6 To avoid water pollution.
- 7 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

- 8 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.
- 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 T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 11 To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users to accord with policy T5 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 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 applicant's attention is drawn to the attached letter from the Environment Agency (LT/2007/101212/01-L01) dated 2nd March 2007 regarding condition 6. The septic tank will require consent of the Environment Agency and must comply with that Authorities conditions.
- 5 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.
- 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 (01530 262380)

**Contact Officer:-** Mr D Grocock Ext 5898

**Item:** 09

**Reference:** 07/00173/FUL

**Applicant:** Speymill ODD Ltd

**Location:** White Gables Farm Fenn Lanes Fenny Drayton Nuneaton Leicestershire



**Proposal:            CONVERSION OF EXISTING BUILDINGS TO FORM DWELLING**

**Introduction:-**

This is a full planning application for the creation of a dwelling house at White Gables Farm. White Gables Farm operates as an equestrian centre with the farmhouse fronting the highway and vehicular access and car parking to the west. There is one immediate neighbour to the east. All other boundaries adjoin agricultural/equestrian land and a public footpath passes along the northern boundary.

The application relates to two detached buildings within the site, one of which is currently in use as loose box and stores, the second building is in use as an office and toilets to serve the equestrian business. The two buildings are currently detached by a 700mm gap and the application seeks to construct an extension at this point to link the two buildings and convert the resulting space to create a two bedroom dwelling.

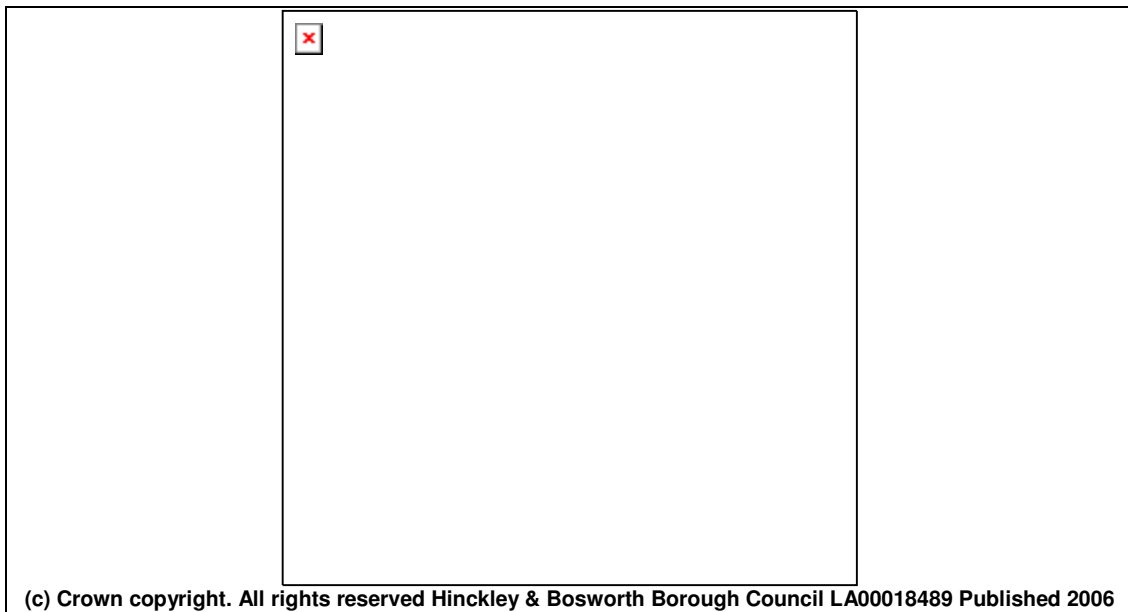
White Gables Farm extends to 10 hectares and Speymill ODD Ltd, the sole director of the company being Mr Davidson, owns the land and equestrian business. Shortly after the site was purchased planning permission was granted for additional stables and loose boxes (94/00614/FUL) and a further application was granted planning permission (94/00245/FUL) for the formation of a manege and alterations to the dwelling.

In 2000 planning permission was granted for the conversion of the existing tack room to form a dwelling which was to be occupied by a stud worker. This application was judged against the requirements of policy BE18 of the Hinckley and Bosworth Local Plan. During the works to convert the building into a dwelling works were carried out which were beyond the approved conversion works, effectively the tack room was rebuilt rather than converted in an attempt to create a dwelling. An enforcement notice was served against the unauthorised works and a subsequent appeal submitted. During the appeal it was held that the building was rebuilt not converted and therefore the previous permission was no longer valid. It is the resulting "rebuilt" building that is now the subject of this planning application.

Most recently planning permission has been granted for the further extension of the equestrian business with the provision of additional loose boxes, erection of stud centre, relocation of ménage and revised site access (06/00357/FUL).

**History :-**

06/00357/FUL	Additional loose boxes, formation of manege car park and alterations to dwelling	Approved	21.6.06
03/01272/FUL	Alterations to outbuildings to form loose boxes and stables	Approved	18.12.03
02/00032/FUL	Conversion and extension to existing building to provide dwelling, office and garage	Refused Appeal upheld	27.3.02
00/01163/FUL	Conversion of tack shop to one dwelling	Approved	31.1.01



### **Consultations:-**

No response has been received from:

Neighbours  
Site notice.

No objections subject to standard conditions have been received from the Head of Health and Environment.

Director of Historic and Natural Environment Team (Archaeology) has raised no objection.

Witherley Parish Council have raised objections to the proposal on the basis that they feel there are too many dwellings on this site and there does not seem enough space to support a farm worker.

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

Planning Policy Statement 7 - Sustainable Development in Rural Areas sets out the Governments for dealing with rural sites to provide sustainable communities, Annex A deals specifically with agricultural, forestry and other occupational dwellings.

The site is shown within open countryside and local landscape improvement area in the Hinckley and Bosworth Local Plan.

Policy NE 5 seeks to ensure that the countryside is protected for its own sake.

Policy NE10 requires comprehensive landscaping proposals for any development within local landscape improvement areas.

Policy BE20 of the local plan specifically deals with the re-use and adaptation of rural buildings and ensures that the proposed use does not have an adverse effect on the appearance or character of the building nor the landscape, the building is structurally sound and does not require significant adaptation or rebuilding, and that the Highway Authority's requirements are met.

### **Appraisal:-**

The key issues in the determination of this planning application are an understanding of the planning history relating to the site and previous decisions and an assessment against Local Plan policies and PPS 7 - Sustainable Development in Rural Areas.

The planning history illustrates that the equestrian business has grown since the site was purchased in 1994 and planning permission has been granted in 2000 for the conversion of the existing tack building to form a dwelling. This application was assessed against Policy BE20, which considers the re-use and adaptation of the building and not on financial and functional need. At the time of the determination of this application and subsequent appeal the equestrian centre was in its infancy although growing in scale. The enterprise was rated as a breeding establishment but with relatively few foals born each year. The supporting statement submitted with this planning application gives an indication of the levels of activity at the site. In 1994 when the Davidsons originally purchased the centre there was a total of 10 stables on the site. With the grant of planning permission in 1994 (94/00614/FUL) for additional stables and manege the total number of stables increased to 24. The recent approval for further improvements to the site (06/00357/FUL) results in a total of 22 stables on the farm. Whilst the planning history clearly indicates an increase in stabling on the site this has not risen considerably since 1994.

Applications for the adaptation and re-use of rural buildings for residential purposes need to be examined particularly carefully because of the strict control generally applied to new housing development in the countryside. In considering planning applications for the re-use or adaptation of rural building, the primary planning consideration is whether the new use proposed for the building is acceptable in planning terms.

The new use proposed will result in an additional dwelling on the site within the countryside. Supporting information to accompany the planning application states that the resulting dwelling would be occupied by the stud manager on the site. Guidance on those circumstances where accommodation may be required to enable rural based workers to live at, or near to, their place of work is set out in Planning Policy Statement 7 - Sustainable Development in Rural Areas. Such an application should satisfy the following criteria,

- a) there is a clearly established existing functional need,
- b) the need relates to a full time worker
- c) the unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so,
- d) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned, and
- e) other planning requirements, e.g. in relation to access, or impact on the countryside are satisfied.

The supporting statement argues that the tests are met by the proposal. By reason of the nature of the activities at the site there is a requirement for the presence of a worker outside the normal hours. The applicant argues that this is particularly so during the mating season, once mated and during foaling and concludes that there is a strong functional requirement for the stud manager to live on site. In considering the previous application for a dwelling on the site similar arguments were made to the Planning Inspector that there was a need for a worker on the site to assist livestock. In response to this argument the

Planning Inspector opined that the number of foals born each year is small and protection of livestock is insufficient reason by itself to support an application for a new dwelling, particularly given that the existing dwelling already provides a supervisory function. Given that the level of stabling on the site is not too dissimilar to that on the site when the planning appeal was considered the functional need argument is not accepted.

The appellant states that the proposal does relate to a fulltime worker and the operations have been, and continue to be financially sound.

There is an existing four bedroom dwelling on the site. The supporting statement addresses this point and argues that as the Director of the equestrian enterprises wife (with whom he resides at the farm house) has no financial interest in the business it is unreasonable to expect Mrs Davidson to give up a property that she has a 50% share in for utilisation by a business she has no interests in. The supporting statement therefore concludes that the existing house is not actually available, this seems to be as a result of personal choice rather than any desire to accommodate the required staff in the existing dwelling. In the appeal decision of April 2003 the Planning Inspector makes reference to the fact that the daughter and her family live in the house, therefore this arrangement has been used in the past. In justifying the creation of a dwelling in the countryside to accommodate the stud manager the applicant has failed to satisfy all the tests of PPS 7, namely that there is a dwelling on the site that could accommodate the required worker and has done in the past. Moreover, no information has been submitted to show that the enterprise cannot be run from the nearby village. The Planning Inspectorate concluded in his decision of April 2003 that, 'whilst the provision of a further dwelling here may be convenient, it is not necessary for the proper running of this enterprise.' The Local Planning Authority shares this view and therefore it is recommended that the application be refused.

### Conclusion

Taking into account the planning history of the site and the policy requirements, it is considered that the re-use and adaptation of the existing buildings would result in a residential use which is not acceptable in the countryside. A detailed justification for this use has been provided in support of the application but this fails to satisfy all of the criteria to warrant a dwelling to serve the equestrian business.

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

- 1 The proposed conversion and extension of the existing outbuildings to create an occupational dwelling to serve the existing equestrian centre fails to satisfy all of the justification criteria as set out in Annex A of Planning Policy Statement 7 - Sustainable Development in Rural Areas.
- 2 In the opinion of the Local Planning Authority, the proposal would result in development in the countryside that would be detrimental to the appearance and character of an area, which would be protected for its own sake. This is contrary to policy BE1 and BE20 of the adopted Hinckley and Bosworth Local Plan and Strategy Policy 8 'Development in the Countryside' of the Leicestershire, Leicester and Rutland Structure Plan and Policies 2, 3 and 20 of the Regional Spatial Strategy for the East Midlands (RSS8).

**Contact Officer:- Ms H Atkinson Ext 5605**

**Item:** 10  
**Reference:** 07/00207/FUL  
**Applicant:** Mr W H Dawson  
**Location:** 35 Barton Road Market Bosworth Nuneaton CV13 0LQ  
**Proposal:** ERECTION OF TWO NO. DWELLINGS

**Introduction:-**

This is a full planning application for the construction of two dwellings on a vacant site adjacent to No. 33 Barton Road, Market Bosworth. The site is surrounded by residential properties with open countryside extending to the rear of the plot.

Barton Road is characterised by large detached properties on large plots. The road extends from the village, leading out to the open countryside. The site was previously included within a larger area of land for residential development and this formed the end plot. The area is currently vacant, with protected trees to the front of the site.

The application is for a pair of semi-detached dwellings, which are set back from Barton Road by 25m. The proposed dwellings are single storey with storage in the roofspace. Four car parking spaces are proposed to the front of the plot and landscaping is also proposed to the front. The proposed houses have a traditional pitch roof with barn hip gables and a simple porch canopy to the front elevation.

The Design and Access Statement states that the design and layout enable both properties to match the general aspect of adjoining properties placed approximately central to the plot available. In addition the use of similar facing bricks to match No. 33 along the roof construction will reflect the general character of the immediate surroundings and will therefore blend in sympathetically.

**History:-**

05/00602/FUL	Erection of three dwellings (amended scheme)	Dismissed at appeal	1.12.06
05/00085/FUL	Erection of three dwellings	Refused	23.03.05
96/00644/FUL	Erection of two dwellings (amended scheme)	Approved	19.09.96
96/00141/REM	Erection of four dwellings	Approved	19.04.96
95/00869/OUT	Erection of four, two bed dwellings	Approved	7.02.96
94/00203/FUL	Erection of three dwellings and garages	Approved	10.05.94
93/0882/OUT	Erection of two dwellings	Approved	22.12.93

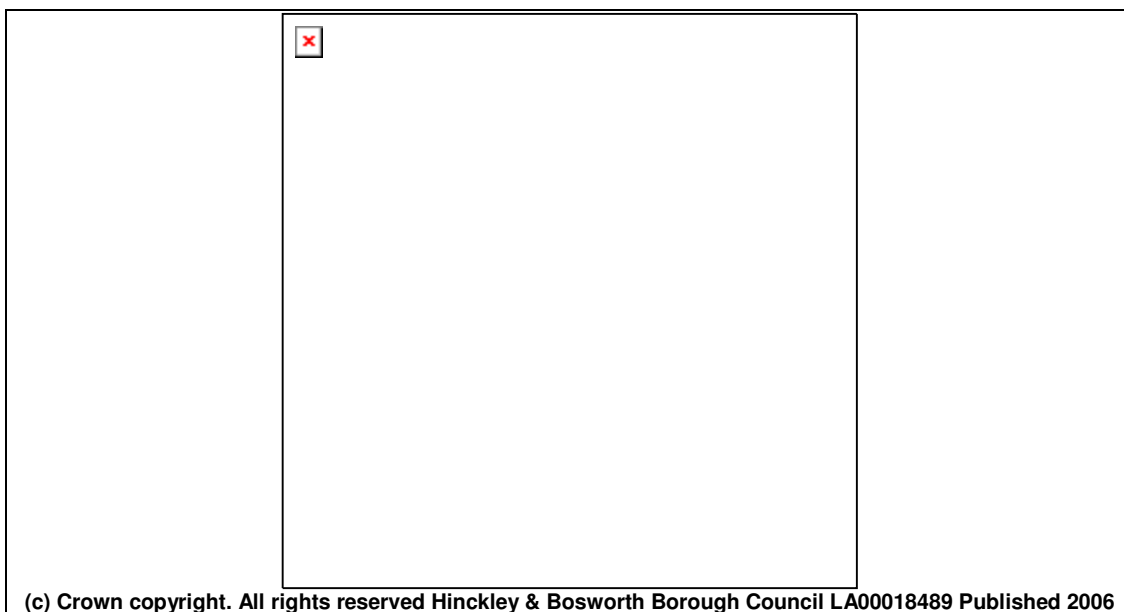
(Outline)

87/0069/4

Erection of dwelling

Refused

24.02.87



### Consultations:-

At the time of writing the report no comments had been received from Severn Trent Water.

The Environment Agency have raised no objections to the scheme but advise the applicant of the presence of a landfill site within 64m of the application site.

No objection has been received subject to standard conditions from the Director of Highways Transportation and Waste Management (Highways).

At the time of writing the report twelve letters of objection have been received (from seven addresses) raising the following concerns:-

- a) Consideration should be given the Planning Inspectorates decision to ensure that the development reflects the concerns of the Inspectorate.
- b) The proposed pair of semi-detached houses is not in keeping with the locality.
- c) The proposed car parking is not sufficient and will result in vehicles reversing onto Barton Road.
- d) The plans are misleading as the large attic area will be used for additional bedroom space.
- e) Overdevelopment
- f) Solar panels are inconsistent with the street scene and those proposed to the front elevation will not be effective because of their orientation.
- g) The lack of garages will result in opportunities for car theft.
- h) The development is out of keeping with the character and appearance of the area.

Market Bosworth Parish Council have raised no objection to the proposal. They have however, raised concerns about the siting of the solar panels to the front elevation.

The Country Council's Landscape Officer (Trees and Woodlands) advises that the tree to the front of the site is a TPO. It is advised that the root protection zone extends to a 7m radius which includes one of the proposed car parking bays. The BS guidelines advises

that up to 20% of the root protection on one direction only can be affected by construction work without significant damage to the root system of the tree.

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

The site lies within the settlement boundary of Market Bosworth, as identified by the Hinckley and Bosworth Local Plan. Residential development is acceptable in principle but is subject to the requirements of Policy RES5 of the adopted Hinckley and Bosworth Local Plan, with regards to the siting, design and layout of the proposal.

Policy BE1 of the 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.

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:-**

As the site lies within the settlement boundary of the village and has been granted planning approval for a single dwelling, the principle for residential development is well established. Nevertheless, the suitability of the proposed development for the site, in terms of the character of the area, and the design and layout of the scheme needs to be assessed along with the resulting relationship with the neighbours. Regard should also be made to the comments made by the Planning Inspectorate in the determination of the appeal for three dwellings on the site.

#### Planning Inspectors comments

##### a) Character of the area

The application proposes a pair of semi-detached bungalows with a barn hip roof and porch feature to the front elevation. Although smaller than surrounding sites the proposed dwellings are similar in design to the neighbouring properties with a similar height ridge and would therefore not detract from the overall character of this section of Barton Road and only a short distance from the mews development at Home Farm. The immediate vicinity consists of large detached dwellings on large plots with existing properties along this section of Barton Road being characterised by single and two storey properties that are set back behind substantial and well planted front gardens. The properties to the immediate south are slightly smaller plots and comprise of detached chalet bungalows with car parking to the front of the site.

The Planning Inspector when considering the previous application was of the opinion that the proposed terrace of three properties would cause harm to the character and appearance of the area. In reaching this conclusion the Inspector referred to the depth of the proposal in comparison to the immediate neighbours, the projection forward of No. 33 Barton Road and the proposed roof design which would give rise to a form of development that was a 'noticeably intrusive feature' that would impact on the character and appearance of Barton Road.

The current proposal has a depth of 9m as oppose to the original 20.5m, therefore the proposed depth of the dwellings reflect that of the locality. In addition the proposed dwellings are now set forward of No. 33 Barton Road by 2m, which are inline with No. 31 Barton Road. The scheme that the Inspector considered was set forward of No. 33 by 5m. In addition the roof design and the orientation of the dwellings now reflects the pattern of development in the immediate locality as the siting of the building faces Barton Road rather than being at right angles with Barton Road as previously considered. It is considered that the amended design addresses the Inspectors comments about the harm to the character of the area and in this respect the scheme is now considered to be acceptable.

#### b) Design and layout

Whilst the Planning Inspectorate does not specifically discuss design reference is made to the layout of the scheme. The earlier scheme proposed a terrace of three properties positioned at 90 degrees to the road which was considered to be out of keeping with the character of the area and would be visually intrusive.

The current application proposes a pair of semi-detached houses that are set back from the road by 22 metres and are orientated towards Barton Road, similar to the neighbouring properties. The dwelling closest to the application site is No. 33 Barton Road. The proposed dwellings are set in of the boundary with No. 33 Barton Road by 1.5 metres and set back from the rear of No 33 Barton Road by 3.2 metres. The site layout is therefore similar to neighbouring properties and would not have an adverse impact on the amenities of the immediate neighbour, No. 33 Barton Road. In addition the position of the houses and the resulting layout of amenities within the site would reflect that of the immediate vicinity rather than being at odds with the general pattern of development.

#### c) Car parking

The layout does result in four car parking spaces to the front of the site which are accessed off Barton Road. The previous application, which was the subject of a planning appeal proposed an area to the front of the site be laid out for car parking which equating to 150 square metres in total.

In considering the previous application the Planning Inspector was of the opinion that the proposed car parking by reason of the layout and quantity would provide a stark development in contrast with the surrounding neighbours. The Planning Inspectorate opined that the parking area would give rise to a harsh appearance in contrast to neighbouring gardens. The Inspector also felt that given the large proportion of the plot that would be occupied by the building and car park, there would be little opportunity for landscape planting that might soften the appearance of the development. Whilst still achieving the required level of car parking the proposed scheme has also reduced the area of car parking and proposes a degree of landscaping to the front which would soften the appearance of the development and reflect the pattern of development in the surrounding locality. In this respect it is considered that the revised scheme addresses the Planning Inspectors concerns and would not be out of keeping with the overall pattern of development in the immediate locality.

This area has now been reduced by a quarter and landscaping proposed to soften the impact of the car parking. The provision of driveways and car parking areas to the front of



houses is commonplace along Barton Road. It is considered that the proposed layout is acceptable in terms of highway safety and would not appear out of character with this section of Barton Road, furthermore the proposed landscaping would screen the parking area from the street. Again, it is considered that this issue has been addressed through a reduction in the car parking area and a subsequent increase in the landscaping proposed.

#### d) Relationship with neighbours

By reason of the siting of the previous scheme and the length of the projection along the southern boundary concerns were raised about the resulting relationship with No. 33 Barton Road.

In considering the previous scheme the Planning Inspector was of the view that the proposed terrace would not result in a loss of light to No. 33 Barton Road nor would the proposed building appear significantly overbearing to residents when viewed from the rear windows of No. 33 Barton Road. The Planning Inspector did however have the view that development would result in a loss of light and have an overbearing impact on No. 33 Barton Road when viewed from the north facing window of No. 33 Barton Road.

In response to this concern the dwellings have been sited so as to be clear of the north facing window of No. 33 Barton Road and in this respect the siting of the dwellings is considered to be acceptable and now overcomes the Planning Inspectors concerns and those of the Local Planning Authority.

#### e) Other matters

Reference has been made in the representations to the fact that the Planning Inspector concluded that only one dwelling should be proposed on the site. The Planning Inspector states that, 'with a development of one dwelling there would be more scope to achieve a siting that would have a lesser effect on neighbours than does the appeal proposal.' One dwelling would have little impact on neighbouring properties, but the scheme presented is for two dwellings which considering all the issues is acceptable. In considering this statement the Planning Inspector concludes that the development of the site by one dwelling is acceptable and reflects previous planning permissions granted. The Inspector does not however, state that a scheme for two dwellings would not be acceptable but does not support the scheme for three dwellings.

#### Financial contribution

As the site is for less than 20 dwellings the provisions of policy REC3 are applicable to the development. This policy seeks contributions towards informal children's play space within 400m of the application site. As there are no suitable sites within 400m of the application site a contribution cannot be required.

#### Conclusion

Having consideration to the Planning Inspectors summation of the issues arising from the previous appeal it is considered that the proposal adequately addresses all issues. The scheme will not have an adverse impact on the neighbouring property No. 33 Barton Road, the proposed car parking is considered acceptable from a highway safety point of view and can be screened by additional landscaping to soften the impact on the streetscene. In addition the layout and design of the scheme will not be out of keeping with the character and appearance of Barton Road. It is therefore recommended that planning permission be granted for the development.

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

**SUMMARY OF DECISION** - The proposal is in conformity with Policy 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 This permission relates to the application as revised by amended plan DO12007 received by the Local Planning Authority on 19th March 2007
- 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 proposal 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 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - (i) proposed finished levels or contours
  - (ii) means of enclosure
  - (iii) car parking layouts
  - (iv) other vehicle and pedestrian access and circulation areas.
  - (v) hard surfacing materials
  - (vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
  - (vii) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
  - (viii) retained historic landscape features and proposals for restoration, where relevant.
  - (ix) planting plans
  - (x) written specifications
  - (xi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - (xii) implementation programme.
- 6 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 7 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 metres behind the highway boundary and shall be hung so as to open inwards only.

- 8 The gradient(s) of the access drive(s) shall not exceed 1:10 for the first 5 metres behind the highway boundary.
- 9 The car parking and any turning facilities shown within the curtilage of the site shall be provided before the dwelling is occupied and shall thereafter permanently remain available for such use.
- 10 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 2 metre control radii on both sides of the access.
- 11 Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained at all times.
- 12 Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.
- 13 Notwithstanding the submitted plans, 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.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 & 3 To define the permission.
- 4 In the interests of visual amenity.
- 5 & 6 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 7 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.
- 8 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.
- 9 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
- 10 To 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.
- 11 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
- 12 In the interests of pedestrian 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.

## **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:-** Ms H Atkinson Ext 5605

**Item:** 11

**Reference:** 07/00231/OUT

**Applicant:** Invista Foundation Property Ltd

**Location:** Jarvis Porter Coventry Road Hinckley Leicestershire LE10 0JJ

**Proposal:** MIXED USE DEVELOPMENT COMPRISING WAREHOUSE/ STORAGE UNITS (USE CLASS B8), RETAIL WAREHOUSING (USE CLASS A1) AND DRIVE-THRU RESTAURANT (USE CLASS A3/A5) WITH ASSOCIATED PARKING AND ACCESS

## **Introduction:-**

This application proposes outline planning permission for a mixed use development comprising 1,787 square metres of storage and distribution; 9,195 square metres of retail; 1208 square metres of storage compound and a 232 square metres drive-through restaurant. The layout, access and landscaping proposals are included within the application for approval at this stage.

The application site is located close to the town centre to the west and is accessed directly off Coventry Road. Immediately adjacent on the south west and north east are buildings occupied by National Grid. To the north west is Clarendon Park and to the south east is primarily residential.

The application site, which measures 3.7 hectares, includes the former Ferry Pickering building, which has been vacant for in excess of 5 years and marketed since. The site is relatively flat but sits lower than Coventry Road.

The existing building is a large industrial unit spanning north to south on the site and is single storey. The area edged blue on the application site plan includes the modern National Grid building that is in the applicant's ownership. Consequently, they have

indicated that this will be offered up through a unilateral undertaking to restrict its future use to employment for a period of 20 years.

The layout of the proposed development proposes the drive through restaurant to the front of the site in the eastern corner and the storage and distribution units (of which there are 10) in the western corner. The retail units are arranged in an 'L' shape with the majority of parking to the front of the units. The retail units vary in size with the largest being 3,732 square metres and the smallest unit being 1,456 square metres. The scheme comprises parking for 370 cars for the retail uses and 30 spaces for the storage and distribution. In addition, there is rear servicing for the retail units. All vehicular access to the site is proposed from Coventry Road.

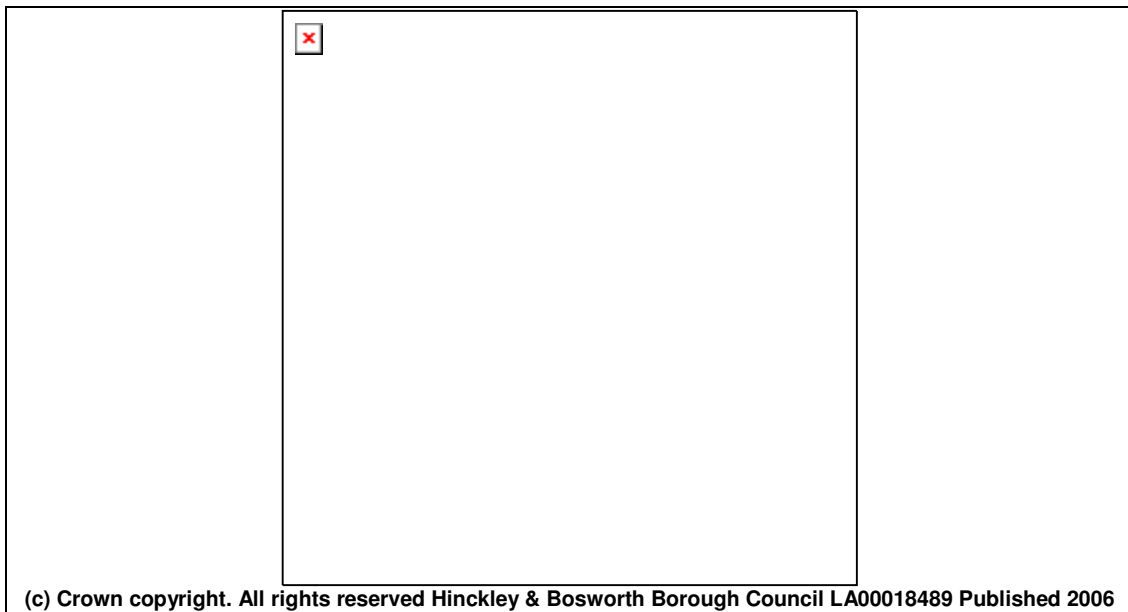
The application reserves scale and appearance to the detailed stage, however indicative elevations have been submitted which show typical out of town retail sheds with large glazed sections at ground floor and metal panelling to the first floor. The storage and distribution units are indicated to be profiled metal sheeting, each with a loading door.

The application was accompanied by a design and access statement; a retail statement; a transport appraisal; and a flood risk assessment. The design and access statement submitted gives overall design consideration and objectives. These include: creating an attractive place with its own identity; an attractive external realm that works effectively for all users including disabled and elderly people; a scheme where the scale and size of buildings relate to each other and their surroundings; regard for the use of appropriate materials for the area and a development that meets the expectations and requirements of retail operators and their customers.

The Retail Statement concludes that there is a very significant outflow of comparison goods expenditure from the 10 minute drive time catchment area of the town, which impacts on increased travel time for residents and employment for the town. The town is unable to meet the needs of certain retailers in its central area, for example Matalan at 40,000 sq ft. The site is within easy walking distance of the town centre (160 metres) and is on a well connected route. Despite extensive marketing since 2001, no industrial users have found the site acceptable, although it is recognised that there is a need to retain 50% employment on the area defined within the Local Plan, which includes this site. They are of the view that Hinckley has stabilised as a retail centre and vacancy rates are below the national average and retailers wishing to be represented in the town are at the highest since records began in 1991. Wickes and Matalan have firm commitments to the town centre and would retain expenditure.

#### History :-

97/00639/FUL	Erection of warehouse with office accommodation	Approved	17.09.97
6/01369/OUT	Erection of warehouse/ storage units, retail warehousing, drive-thru restaurant and associated parking	Withdrawn	12.06.06
06/00850/OUT	Erection of warehouse/ storage units, retail warehousing, drive-thru restaurant and associated parking	Refused	11.01.07



### Consultations:-

No objections subject to conditions have been raised by Severn Trent Water.

Cyclists Touring Club suggests that the scheme should incorporate a cycle lane to the front of the site to conform to the Borough Council's Cycling Strategy. Coventry Road is a heavily used road and this development would add to vehicle movements in the area, therefore the safety of cyclists should be considered. A cycle lane would help to address this issue.

Director of Community Services (Archaeology) considers the site is disturbed therefore there is a low potential of there being any archaeological remains on the site.

Head of Health and Environment comments that an indicative scheme for ventilation serving any form of A3 use on the development will be required. It would be beneficial if this was submitted for consideration as part of the application to ensure a satisfactory solution can be reached in terms of its suitability and appearance. Conditions are suggested regarding contamination, ventilation, noise and light pollution.

National Grid have confirmed that there are no electricity or gas transmission infrastructure on the site, however there may be gas distribution assets in the vicinity of the proposed works therefore the local gas distribution company should be contacted

Neighbours notified, 1 letter of support has been received commenting that the scheme will have a positive effect on the Hinckley community.

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

- Nuneaton and Bedworth Borough Council
- Blaby District Council
- Green Spaces Manager
- Borough Council's Land Drainage Engineer
- The Environment Agency
- The Leicestershire Constabulary Crime Reduction Officer
- Director of Highways, Transportation and Waste Management (Highways)
- Developer Contributions Consultation, Leicestershire County Council

### Development Plan Policies:-

## National Planning Policy

Planning Policy Statement 1: Delivering Sustainable Development sets out the overarching principles for sustainable development. It seeks to provide social progress that recognises the needs of everyone, effective protection of the environment, the prudent use of natural resources, and the maintenance of high and stable levels of economic growth and employment. It also requires Planning Authorities to ensure that sustainable development is treated in an integrated way in their development plans.

Planning Policy Statement 6: Planning for Town Centres advises that to deliver the Government's objective of promoting vital and viable town centres, development should be focused in existing centres in order to strengthen and regenerate them. Extension of the town centre may be appropriate where a need for large developments has been identified and this cannot be accommodated within the Centre.

In the context of development control applicants should demonstrate:-

- a) the need for the development
- b) the development is of an appropriate scale
- c) there are no more centre sites for the development
- d) there are no unacceptable impacts on existing centres
- e) that locations are accessible.

Planning Policy Guidance Note 13: Transport seeks to integrate planning and transport at national, regional, strategic and local level to promote more sustainable transport choices for both people and for moving freight, promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and reduce the need to travel, especially by car. It requires Local Authorities to establish a hierarchy of town centres, taking account of accessibility by public transport, to identify preferred locations for major retail and leisure investment. Preference should be given to town centre sites, followed by edge of centre, and only then, out of centre sites in locations, which are (or will be) well served by public transport.

Planning Policy Guidance Note 25: Development and Flood Risk explains how flood risk should be considered at all stages of the planning and development process in order to reduce future damage to property and loss of life.

## Regional Planning Policy

Regional Spatial Strategy for the East Midlands (RSS8, 2005) provides a broad development strategy for the East Midlands up to 2021. Strategy Policy 23 stresses the need to promote the vitality and viability of existing town centres. Regional priorities have been informed by the Regional Town Centres Study (2003), which contains priorities for support, including Hinckley, in the Three Cities Sub-area. Although it advises that Local Authority Planning policies should prevent out-of-town retail development, they should also bring forward opportunities within the town centres to meet identified need.

The Draft East Midlands Regional Plan is currently out to public consultation. Upon adoption (early 2008), this Draft Regional Plan (RSS8) will direct development in the East Midlands up to the year 2026. In due course, policies in the Regional Plan will replace those in adopted Structure Plans and it will be the key document in setting future spatial policies for this Authority in its Local Development Framework. Policy 2 sets out a sequential approach to selecting land for development to help realise the Plan's vision of sustainable development. Policy 21 relates to regional priorities for town centres and retail

developments and advises that local planning authorities should bring forward retail and leisure development opportunities within town centres based on identified need whilst preventing the development or expansion of out-of-town developments.

### Strategic Planning Policy

Policy at County level is provided by the Leicestershire, Leicester and Rutland Structure Plan (1996-2016). 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.

Strategy Policy 9 stresses that mixed use development is of particular importance to promote vitality in the regeneration of urban areas including town centres. Account should be taken of the scale of development proposed, the range of land uses in the vicinity and existing need in the area.

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 infrastructure improvements.

Employment Policy 5 ' Review and Protection 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.

Central Areas and Shopping Policy 1 advises that the role of the central area of Hinckley, among others, will be sustained and increased, and, where appropriate, expanded through the provision of retail, other central area facilities, office development and mixed use developments.

Central Areas and Shopping Policy 3 relates to out-of-centre retailing although this does include 'edge of centre' locations. This Policy reflects Government Policy in PPS6, acknowledging that small amounts of trade diversion are likely to have an adverse impact on town centres. However, where out-of-town centre developments can be justified they should be easily accessible to people within their catchment areas, including easy access on foot or by a realistic choice of transport. A centre's attractiveness and diversity, mix and range of shops and services, and its role in the community, are also factors that should be taken into account in considering the retail impact of out-of-centre proposals. Approval of out-of-centre schemes should be accompanied by planning conditions controlling the size, subdivision and mezzanine floors, and the types of goods sold.

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 the 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.

### Local Planning Policy

Policy at Local level is provided by the adopted Hinckley and Bosworth Local Plan 2001.

Strategic Objective 1 seeks to provide opportunities for investment in the Borough and promote economic growth through sustainable development. Objective 1e protects Hinckley Town Centre as a major shopping area and Objective 1f generally resists large out of town shopping centres and road related development that will adversely affect the viability of existing centres.

Strategic Objective 5 seeks to reduce growth in energy use through the promotion of sustainable development that seeks to reduce transport movements. Objective 5c seeks to safeguard and enhance shopping facilities in local centres and villages and requires provision to be made for new development by identifying and safeguarding appropriately located land.

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 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.

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

Policy T3 requires provision for bus access and appropriate supporting infrastructure where planning permission is granted for major new development.

Policy T5 lays down the highway design and vehicle parking standards for new developments.

Policy T9 requires proposals for new development to have regard to walking and cycling as a safe and convenient means of transport; key routes for pedestrians and cyclists that should be identified and protected; and provision of facilities for parking cycles.

Policy T10 requires secure cycle parking facilities at public transport interchanges, shopping centres, libraries, educational institutions and other major developments within the borough.

Policy T11 requires the submission of a traffic impact assessment of proposals where they are likely to generate significant traffic flows, especially heavy goods vehicles.

Policy EMP1A states that the Local Planning Authority will actively seek to retain employment sites that are considered important to the economy of the Borough.

Policy Retail 1 states that proposals for major retail development outside of Hinckley Town Centre will not be granted unless:

- there is a demonstrable need
- there are no suitable sites in the town centre or edge of town centre
- there is no detrimental impact on the vitality and viability of the town centre
- it can be served by public transport and maximises opportunities for access by foot and bicycle.

Policy Retail 10 provides guidance for proposals for the sale of food and drink, it suggests proposals for such uses will be acceptable in Hinckley Town Centre or Local Shopping Centres providing there is no adverse impact on the amenity of residents; and that satisfactory off-street parking is provided.

### Other Relevant Policies

The Employment Land and Premises Study, commissioned by the Borough Council in 2003 recommends a mixed use development of the whole site (the Transco HQ/Jarvis Porter employment site) incorporating employment activities and alternative uses as appropriate. It advises that 50% employment use is retained.

Hinckley Area Cycling Network Plan aims to secure more sustainable forms of transport, the promotion and provision of cycling infrastructure is now a key policy area at both national and local level. Within the Plan Radial 4 which focuses upon and joins at Hinckley Leisure Centre. It specifically refers to Coventry Road and states that it is sufficiently wide over much of its length to accommodate on-carriageway cycle lanes. It requires that special attention must be given to pinch points at junctions and points where central reservations oblige motor vehicles and cyclists to compete for space. Wherever the cyclist is likely to be threatened in this way, cycle slips must be provided to by-pass the danger spots.

In response to the need for consolidated car parks and highway improvements the Borough Council and County Council have commissioned White Young Green to carry out a Transport Assessment Framework for the Hinckley Town Centre Masterplan. This report considered highway improvements, consolidated car parks, public transport and pedestrian and cycle improvements and the total cost of those works with the intention of equalising this cost across the 8 Masterplan sites. However, it is recognised that further large sites beyond the eight Masterplan sites will come forward during the period when these documents are being prepared; the Jarvis Porter site is an example of this. The site has been included for consideration due to its likely impact on the town centre, although the document is currently in draft.

### **Appraisal:-**

The regeneration of sites within the Borough is high on the Borough Council's agenda, which echoes Local Government objectives. Specifically, the regeneration of Hinckley Town Centre is a key priority, which is highlighted by the adoption of the Masterplan.

The application site is only a short distance from the town centre and has been vacant and marketed for a number of years. It is considered that the redevelopment of the site would as a whole significantly contribute to the regeneration priorities of the Borough Council. However, there is a necessity for applications to accord with all policy, National, Regional and Local. In particular, this application should accord with the criteria laid down in Planning Policy Statement 6. If it were considered that the criteria in Planning Policy Statement 6 are met and subsequently recommended for approval, the application would be referred to the Government Office for the East Midlands. It is highly likely, due to the nature of the application that Government Office would call the application in.

Planning Policy Statement 6 identifies a hierarchy for types of locations. A sequential approach should be applied in selecting appropriate sites for allocation within the centres

where identified need is to be met. All options in the centre should be thoroughly assessed before less central sites are considered for development for main town centre uses. The sequential approach requires that locations be considered in the following order:

- i) existing centre location, i.e. town centre
- ii) edge of centre - defined as a location well connected to and within easy walking distance, i.e. up to 300 metres of the primary shopping area.
- iii) out-of-centre defined as those not in or on the edge of a centre but not necessarily outside the urban area
- iv) out-of-town development outside the existing urban area.

#### Principle of a non-employment use occupying the site

The site is identified in the Hinckley and Bosworth Local Plan as an employment site that should be retained as such. However the Employment Land and Premises Study 2003 redefines the importance of the employment element and proposes that only 50% should be retained in employment use, with the other 50% being developed for alternative uses. Although the application site does not meet this requirement, with the inclusion of the land and building in the applicant's ownership adjacent, and the proposed new units on the site, this achieves the required level. The applicants are prepared to submit a unilateral undertaking to ensure this is retained for employment use for 20 years. This is considered to satisfy the policy and therefore is not contrary to Policy EMP1A of the Local Plan or Employment Policy 5 of the adopted Structure Plan.

#### Principle of Retail uses on the site

When considering whether retail is a suitable use on this site guidance should be taken from Planning Policy Statement 6 initially. This requires applicants to demonstrate the following:-

- a) the need for the development
- b) the development is of an appropriate scale
- c) there are no more central sites for the development
- d) there are no unacceptable impacts on existing centres
- e) that locations are accessible

Taking these each in turn

- a) The need for the development

Need must be demonstrated for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up-to-date development plan document strategy. Specific considerations in assessing need for retail and leisure development are set out below:

- i) Quantitative Need

There is no up to date Retail Capacity Study carried out for the Town Centre, and the application is ahead of the Action Area Plan within the Local Development Framework, therefore the application has to be assessed on its own merits based on the needs

assessment submitted with the application. Consideration has to be given to the probability of sites coming forward for development in the Town Centre within a five year period. The catchment area used to assess future need should be realistic and well related to the size and function of the proposed development and take account of competing centres.

The application proposes an increase in comparison retail floorspace of 9,195 square metres and defines the catchment area based on a 10 minute drive time. The applicants propose an 'opening year' of 2009, which is considered to be reasonable given the characteristics of the application site (i.e. some existing buildings would need to be cleared). The retail report submitted with the application suggests there is a 67% of comparison expenditure spent outside of the catchment area. However, this percentage is based on estimated figures that cannot be verified until the Retail Capacity Study is undertaken. It is however, accepted there is likely to be significant leakage of comparison expenditure from Hinckley's catchment area and that there may be scope to capture some of this lost expenditure through new retail floorspace in appropriate locations. The retail report acknowledges there will be improvements in retail efficiency but does not make allowances for this claim on expenditure growth. The effect of doing so would reduce the level of comparison expenditure increase arising by 2009. Furthermore, there has not been sufficient allowance for the future claim on expenditure growth attributable to special forms of trading.

The turnover of proposed comparison retail floorspace is stated by the applicants to be £16.2m based on a net to gross ratio of 80%. This figure is based on an average turnover efficiency of £200 per square foot. However, the latest data available, Mintels Retail Rankings - 2006 Edition, indicates the average to be closer to £225 per square foot giving a comparison goods turnover of £17.8m, some £1.6m higher than the applicants figure.

ii) Qualitative Need

Consideration needs to be given to the following:

- an appropriate distribution of locations, and
- provision for a range of sites for shopping, leisure and local services, which allows genuine choice to meet the needs of the whole community.

Until such time as the Retail Capacity Study is undertaken, the full extent of comparison retail expenditure cannot be confirmed. However, it is accepted that there appears to be a short fall of retail floorspace in retail warehouse format locally. Therefore there may be scope for additional provision in certain comparison goods sectors such as DIY. There also appears to be a qualitative deficiency in other comparison goods sectors, including clothing and footwear. The Town Centre currently has an average unit size of 1,800 sq ft gross, when excluding the larger stores such as Woolworth and Wilkinson. There is therefore a need for large units in order to attract additional national multiple operators to the town. Retail rents in the town centre have been static for 6 years and the current vacancy rate in the town centre is above the Country's average. This along with the apparent qualitative deficiency in the town centre fashion sector offer emphasises a need for investment in the town centre. However, it is considered that stores such as Matalan and TK Maxx in an out of centre location would have potential to undermine the vitality and viability of the town centre, by diverting potential investment from the town centre.

In summary, it is considered that there is scope for the provision of additional DIY floorspace within Hinckley's catchment area. However, any additional clothing and footwear floorspace should be located within or adjacent to the Town Centre. Furthermore, it is considered that the scale of the proposed retail floor space has not been adequately justified as the figures used by the applicant are ambitious around expenditure growth and have been underestimated regarding the likely turnover proposed. It is therefore

considered that there is insufficient evidence available to conclude that there is a quantitative need for the scale of retail floorspace proposed.

b) the development is of an appropriate scale

Planning Policy Statement 6 requires local authorities to ensure that the scale of opportunities is directly related to the role and function of the centre and its catchment served, and the wider hierarchy. Development should thus complement the role and function of the existing centre and its catchment. Furthermore, the preferred location for larger format developments is town centre or edge-of-centre sites.

At around 100,000 sq.ft (gross), the scale of comparison retail floorspace proposed is significant, equating to approximately one third of the existing quantum of comparison retail floorspace in Hinckley town centre (around 300,000 sq.ft gross). Nevertheless, it is not considered that the proposed development would be out-of-keeping with the role and function of Hinckley and the catchment that it serves. The proposed development would be unlikely to extend the catchment area of Hinckley materially, given that the town is surrounded by various higher-order centres. Nor would it alter the position of the town in the sub-regional hierarchy. As such it is not considered that the application fails the scale test.

c) There are no more central sites for the development

Planning Policy Statement 6 requires proposed retail sites to be sequentially tested from the Town Centre, if the proposed site is neither in an existing centre nor an allocation in an up to date development plan document. It proceeds to advise that developers are required to be flexible in relation to scale, format, car parking and scope for disaggregation. Sites that are sequentially preferable should be available within a reasonable period of time, be suitable and viable.

The site is considered to be out of centre and therefore the sequential test has to be applied. The scope for disaggregation required by the test should not, it is considered, be applied to individual retailers, however it should apply to proposals that include a number of distinct units, such as retail parks. The applicants have stated that disaggregation is most applicable to large superstores that offer a range of merchandise which are not necessarily connected and therefore the proposed development cannot be disaggregated. The applicant has not tested whether individual units could be accommodated in sequentially preferable locations. Furthermore, the submission does not discuss the potential for a smaller Matalan, and in fact states that the Matalan store requires parking, which increases the land take requirements associated with Matalan. However, as Matalan predominantly sells clothing it is considered that it does not require adjacent car parking. For these reasons it is considered the applicant has not demonstrated sufficient flexibility of format in relation to the Matalan store.

The applicant has considered alternative sites in the Hinckley Town Centre based on the 8 sites within the Masterplan. Of these 8 sites only 3 were considered to be available, suitable and viable, the other 5 were not assessed as they are either not identified for retail or because the quantum of retail proposed is very small. With regards to the 3 sites, Site Area 1: Stockwell Head is proposed to contain a mix of uses. However, it is likely that this

site will accommodate the consolidated town centre car park, and the residual part of the site is likely to be small scale retail. This site therefore does not offer potential for large floorplate retail units and as such is not suitable for the proposed development. Site Area 3: Britannia Centre/Castle Street is proposed for a mixed use re-development including retail. The applicant considers this site is not suitable for 'bulky goods', a view officers concur with. However, no justification has been provided why clothes and shoes floorspace could not form part of the new retail units proposed in the Masterplan. Finally, Site Area 8: Bus Station/Brunel Road is earmarked for a supermarket rather than comparison retail. It is therefore considered that if the site comes forward for development, a supermarket is likely to be the main retail use.

In summary, officers agree with the applicants that none of the 3 Masterplan sites are suitable for the proposed retail development and that there are no sequentially preferable opportunities to accommodate Matalan in the currently proposed format. However, there are concerns about the applicant's flexibility in terms of store format. The Masterplan makes provision for new retail units, it is therefore considered that the proposed clothes and shoes floorspace could be resisted in its current proposed format.

d) Impact on existing centres

Local Authorities are required to consider the impact of any proposal that is either an edge of centre or out of centre site, on the vitality and viability of existing centres within the catchment area of the proposed development. It states that the identification of need does not necessarily indicate that there will be no negative impact. In particular, Local Planning Authorities should consider the impact of the development on the centre or centres likely to be affected, taking account of

- i) change in hierarchy
- ii) effect of investment needed in the existing centre
- iii) impact on trade / turnover of the existing centre
- iv) changes to range of services provided by centres that could be affected impact on number of vacant units in primary shopping areas
- v) potential changes to the quality, attractiveness, physical condition and character of the centre, and to its role in the economic and social life of the community.

The applicant concentrates on the two operators that have expressed a firm interest in the scheme when assessing the impact on the town centre. It is considered that the views of the applicant regarding the likely trade impacts of the proposed Wickes store being small scale are credible. However, there are reservations regarding their views on the impact Matalan will have on the town centre. The applicants contend that Matalan offers a unique retail offer, similar to that of a catalogue and that membership is a requirement. However, whilst membership is a requirement, this can be obtained for a nominal fee of £1 and is unrestricted. Therefore, the impacts associated with the proposed Matalan are comparable to that of any other clothing retailer. The applicant does not attempt to quantify the trade impacts associated with Matalan, but instead concludes it will pose no threat to the vitality and viability of the town centre. Officers consider that Matalan does not offer a unique retail offer and will compete with existing clothing outlets in Hinckley town centre, these include Bon Marché, New Look, Dorothy Perkins, Adams Kids, Ethel Austin and Peacocks. It is therefore considered that a Matalan located out of centre could potentially divert trade from the town centre thus adversely affecting its vitality and viability.

Other end users have been suggested, although not confirmed, it is considered other end users such as TK Maxx would have the potential to divert trade from the same range of existing clothes stores in Hinckley town centre that Matalan would. However, an end user such as Pets at Home is unlikely to adversely affect the Town Centre for similar reasons to that of Wickes.

Hinckley retail market has stagnated in recent years, therefore caution should be given before permitting any retail schemes that would further undermine the town centre's vitality and viability.

In summary, trade impacts associated with stores such as Wickes are likely to be small scale and unlikely to affect the long term vitality and viability of the town centre. However, the potential impacts of the proposed Matalan are a concern. Given that the applicants have not quantified the trade impacts associated with Matalan and other clothes and shoes retailers, and given the concerns regarding scale of quantitative need identified by the applicant it is considered that the evidence submitted is insufficient to demonstrate compliance with the impact test.

e) The locations are accessible

It is necessary for local planning authorities to consider the need for accessibility by a choice means of transport, and the impact on car use, traffic and congestion.

The proposal is considered to be easily accessible by public transport, cycling (with extension to existing cycling network) and car. This is further enhanced with the required improvements to public transport bus stops. With regards to pedestrian accessibility, the site is located 270 metres from the Town Centre entrance. The route into the town centre is not well connected as it is physically separated by Trinity Lane. However, there is a good pedestrian crossing facility across this road and on balance this provides a safe and convenient access.

A full Transport Assessment has been submitted by the applicant and the Highway Authority's comments will be reported as a late item.

Other material considerations relating to Planning Policy Statement 6

Planning Policy Statement 6 states that regeneration and employment impacts are capable of being material considerations.

- Regeneration - the site is in a prominent location and has been vacant for a considerable period of time. Evidence submitted indicates that the premises have proved difficult to let for Class B uses. It is therefore considered that redevelopment of the site as proposed would bring benefits in terms of regenerating an underused site in a prominent location.
- Employment - retail warehouse users have typically lower employment densities than Class B users. However, re-use of the site in entirely Class B users is proving unlikely, and the proposed development would result in some employment gain, although only a modest net increase. The scheme does provide some industrial units to the rear of the site and retentions of the large industrial building adjacent.

#### Design and Impact on Surrounding Area

The site currently comprises vacant, unattractive industrial style buildings that due to non-occupation have been neglected. It is considered that this adversely impacts on the visual amenity of the area; therefore re-development of the site would provide opportunity for an environmental gain.

The proposal seeks two distinct uses: small units that are located to the rear of the site behind the existing modern National Grid Building; and the larger retail units. Whilst the design of these units does not form part of the application, indicative elevations have been submitted and the design and access statement discusses the basic design principles.

The retail units are designed in a terrace of 3 with one stand alone unit, which allows flexibility for sub-division to meet changing retailer needs. There is a clear need for the internal height of the buildings to be 6m. It is anticipated that the main façade facing the car park will be unobstructed retail frontage served by a broad colonnade walkway protected by building entrances. Materials are likely to be facing brickwork and composite cladding panels broken up by the main structural grid. The frontage will be accentuated by areas of glazing at the unit entrances. The roof will be a low pitch with a profile sheet finish.

The B8 units are also arranged in terraces, again with an internal height of 6m anticipated. These units are likely to be clad in profiled sheet cladding laid horizontally. Each unit will have a loading door. The roofs will be clad in metal sheets with rooflights. It is proposed that the use of silver metallic finish to the cladding will accentuate the simple clean and crisp lines of the building.

It is considered that, if planning permission were to be granted, careful consideration should be given to the design at the detailed stage to ensure an appropriate form of development ensues. However, the indicative designs proposed are considered to be relatively typical to that normally found on retail parks and would provide an improvement to the visual appearance of the site and the surrounding area. It is further considered that the design of the drive through takeaway unit on the site frontage should offer a more interesting design to the retail units to ensure a positive contribution is made to the street scene.

The B8 units will largely be seen from Clarendon Park, due to the location behind the National Grid building. The design of these units is therefore also important. Any impact on the openness of Clarendon Park by bringing built form closer to it can adequately be mitigated by comprehensive landscaping, which will be addressed later in this report.

### Highways Considerations

The applicant submitted a Transport Appraisal with the planning application, which addresses the location and accessibility to the application site. It also addresses traffic generation and methods of sustainable transport. Whilst comments are yet to be received from Highways, comments on the previous scheme indicated that subject to appropriate highway improvement works and contributions to the wider transportation infrastructure relating to accessibility of this site to the town centre, in line with the findings of the Transport Appraisal the proposal may be acceptable. These improvements include the provision of a right hand turning lane. There will also be a need to provide financial contributions towards the improvements of methods of public transport, namely improvements to bus stops in the area, and the Star Trak public transport information system.

In addition to the above the Transport Framework Assessment report by White Young Green, commissioned by the Borough Council and County Council, identifies a need for contributions towards highway improvements and town centre parking. However, as this report is in early stages of preparation and is not adopted or approved by the Borough Council it is not considered that the contributions identified at this stage have been fully appraised and will need further detailed analysis. This work has been commissioned. There will, however, be a requirement for financial contributions towards the shortfall of parking on the site.

The Cyclists Touring Club has identified need for additional cycle lane facilities to the front of the site. This is in line with the Borough Council's adopted Hinckley Area Cycling Network Plan. This requires improvements to existing cycle routes giving special attention



to points where motor vehicles and cyclists compete for space. It is considered that if planning permission were to be granted a planning condition could be imposed that requires the provision of a cycle lane to the front of the site.

### Drainage Considerations

Previously the Environment Agency raised concerns that a flood risk assessment had not been carried out, which is normally required for large schemes. This current application included a flood risk assessment to address the Environment Agency's concerns. Comments however have not yet been received from the Environment Agency, these will be reported as a late item.

### Landscaping

The application proposes to provide boundary planting to the road frontage to improve the visual appearance of the street scene whilst not creating a visual barrier. This planting would be low shrubs set back behind an avenue of Birch Trees with grassed areas to reflect the playing field opposite.

The proposed boundary planting to the north-east and north-west will create a landscape buffer between the development and Clarendon Park. The application proposes landscaping works to the north-west and possible maintenance thereof to a cost of no more than £32,500 in total.

Further planting is proposed within the car park, which will assist with the softening of what will be large hard surfaced car park.

Hard landscaping within the site is proposed and will consist of brick paviours along the colonnade walkway with walkways extending into the customer parking area. The car park areas themselves are proposed as tarmacadam with feature bands of block paving to highlight pedestrian routes and around landscaping. All surface junctions will be level to allow access for disabled persons, wheelchairs, prams and trolleys. The service yard to the rear will be finished with brushed concrete.

All areas will be illuminated from low level lighting to avoid the spread of light pollution beyond the site boundaries.

It is considered that the proposals for soft and hard landscaping are comprehensive and as such would be acceptable subject to conditions.

### Financial Implications

As the development does not include residential, there are no specific requirements for developer contributions other than that addressed in the highway considerations and landscaping section above.

### Conclusion

Officers consider that the genuine 'bulky goods' retail component of the proposed scheme could be supported and is unlikely to have any unacceptable impacts on Hinckley town centre. However, in advance of the findings from the Retail Capacity Study, there are reservations in relation to each of the need, sequential and impact tests, which are not considered to be outweighed by the likely regeneration and employment benefits of the scheme.

With the above in mind officers consider that the scheme in its current form cannot be supported however it is acknowledged that the scheme does have some merits and therefore discussions have taken place with the applicant to negotiate the quantum of

proposed Matalan floorspace. The applicants have indicated that they would be prepared to halve the quantum of clothes and shoes retail floorspace by relinquishing the proposed mezzanine floor in Unit C, however revised details have not been submitted at the time of writing the report. The effect of this would be to reduce the overall quantum of retail floorspace to around 80,000 square feet. Subject to the applicant confirming the revision to the scheme officers consider they are able to support the scheme subject to stringent planning conditions restricting the gross retail floor area and the net retail sales area, types of goods sold and a maximum quantum of clothes and shoes floorspace in order to protect the vitality and viability of the town centre.

**RECOMMENDATION: That subject to no significant objections from the Highway Authority or Environment Agency and receipt of an acceptable Unilateral Undertaking to include landscaping to Clarendon Park, preservation of a B Class Use for both the National Grid building and the new B8 units, contribution to improvements to 'Methods of Public Transport', and contribution towards Highway Improvements and Town Centre Parking, the Head of Culture and Development be granted powers to issue Planning Permission subject to the conditions below. Failure to submit a Unilateral Undertaking that satisfactorily meets the need detailed above by the 23rd May 2007 may result in the application being refused.**

**SUMMARY OF DECISION** - The proposal is in conformity with Policies RET1, EMP1, BE1, NE2 and T9 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:
  - i) The scale of each building proposed in relation to its surroundings.
  - ii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

- 3 The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.
  - i) The external building materials
  - ii) The method of disposal of surface and foul water drainage, which shall be on separate systems
  - iii) The provision to be made for screening by walls and fences
  - iv) The phasing of the development

- v) The floor levels of the proposed units in relation to the existing ground level and the finished levels of the site.
- vi) The provision to be made for the storage of refuse and/or recycling facilities

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

- 4 This permission relates to the application as endorsed by additional plan No.422.19.02 Rev A received by the Local Planning Authority on 12th March 2007.
- 5 The overall amount of A1 floorspace shall not exceed 9,195 square metres in total, including mezzanine floors.
- 6 The A1 floorspace hereby permitted shall not be used for the sale of food.
- 7 The maximum quantum of floorspace used for the sale of clothing, footwear, household goods and furnishings shall not exceed 1,874 square metres gross.
- 8 The maximum quantum of floorspace (net sales area) used for the sale of clothing, footwear, household goods and furnishings shall not exceed 1,499 square metres, this being 80 percent of the maximum gross allowable.
- 9 The first occupier of any unit retailing all or any of the following items: clothing, footwear, household goods and furnishings shall be Matalan.
- 10 No more than 50% of the A1 retail floorspace shall be constructed until the B8 warehousing units have been completed and made available for occupation.
- 11 There shall be no storage of materials, plant, oil drums, tyres or waste materials of any description on the open area of the site, unless otherwise indicated on the approved plan.
- 12 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- 13 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 14 Details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The submitted details shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless approved otherwise in writing by the Local Planning Authority.
- 15 No development shall take place until details of measures to be taken to prevent the deposit of materials, i.e. mud from vehicles leaving the site during construction works being deposited on the public highway, have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be retained and fully implemented for the duration of the construction period.

- 16 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.
- 17 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 18 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 19 Notification of the commencement of development should be given in writing not less than 14 days before development commences.
- 20 No development shall take place until a scheme for ventilation of the premises, which shall include installation method, maintenance and management has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details before the premises are first brought into use for the development hereby approved and maintained in use thereafter.
- 21 Development shall not begin until a scheme for protecting the neighbouring dwellings from noise from the development has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before the site comes into operation.
- 22 Prior to commencement of development a scheme shall be submitted to provide a cycle lane to the front of the site. The approved cycle lane shall be provided before occupation of the first unit hereby approved.

**Reasons :-**

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990.
- 2 & 3 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 4 To define the permission.
- 5 - 9 To protect the vitality and viability of Hinckley Town Centre to accord with Policy Retail 1 of the adopted Hinckley and Bosworth Local Plan.
- 10 To protect the employment status of the site to accord with Policy EMP1 of the adopted Hinckley and Bosworth Local Plan.
- 11 To ensure that the site does not deteriorate into an untidy condition.
- 12 To avoid water pollution.
- 13 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

- 14 To protect the appearance of the area, the environment and local residents from nuisance from artificial light to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 15 In the interests of road safety to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 16 To ensure adequate consideration is given to ground contamination issues to avoid the risk of contamination in connection with the new development to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 17-19 To ensure adequate consideration is given to ground contamination issues to avoid the risk of contamination in connection with the new development to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 19 To ensure adequate consideration is given to ground contamination issues to avoid the risk of contamination in connection with the new development to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 20&21 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 22 To improve existing cycle routes at points where motor vehicles and cyclists compete for space to accord with Policy T9 of the adopted Hinckley and Bosworth Local Plan and the adopted Hinckley Area Cycling Network 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 In relation to condition advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
- 4 The noise assessment required by Condition 21 should consider hours of operation, deliveries, site layout, building design (inclusive of opening e.g. roller shutter doors) etc.

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