

REPORT P87

PLANNING COMMITTEE

01.05.2007

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: 07/00097/LBC
Applicant: Mrs S Martin
Location: 2 Main Street Kirkby Mallory Leicester Leicestershire LE9 7QB
Proposal: INTERNAL ALTERATIONS TO LISTED BUILDING AND DEMOLITION OF OUTBUILDING

Introduction:-

This is an application for Listed Building Consent at No. 2 Main Street, Kirkby Mallory. This application accompanies a full application for the conversion and erection of buildings to create 10 letting rooms at 2-4 Main Street (07/00098/FUL), which is presented separately as the next item on this agenda.

No. 2 Main Street is a prominent Grade II listed, three storey building at the junction of Main Street and Peckleton Road. The listing describes the property as a late 18th Century house in red brick painted white with a plain tile roof. The property has three storeys with reduced proportions to the second floor.

The application proposes internal alterations to create a lounge and dining room for the use of the residents of the letting rooms. The internal alterations include the closure of a recent opening and reversion of the layout of cellar steps, the creation of a public disabled WC and the erection of new staircase from the cellar for use as a fire escape.

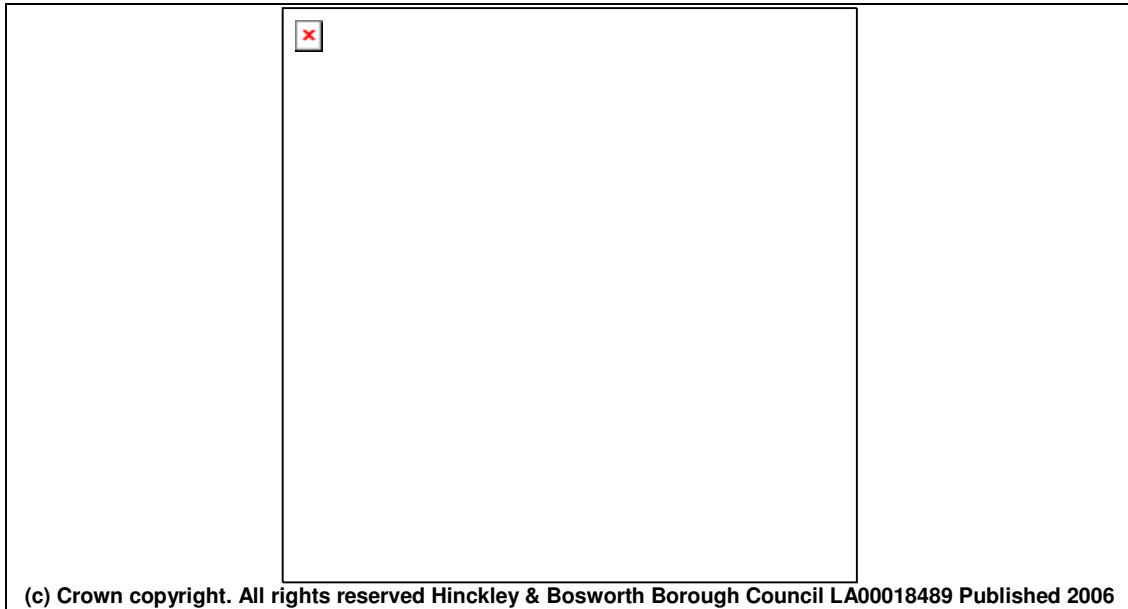
An existing outbuilding is also proposed to be demolished and replaced by a single storey building.

The application has been accompanied by a design and access statement and a justification for the works to the listed building.

History:-

99/00710/CONDIT	Continued residential use of existing property without compliance with condition 5 of planning permission 87/1037/4 (restricted occupation)	Refused	15.09.99
97/00843/LBC	Demolition of wall and alterations to outbuilding	Approved	19.11.97
93/0382	Alterations to listed building	Approved	27.05.93
87/1037/4	Change of use from shop to granny annexe	Approved	24.11.87
87/0843/4	Change of use from shop and outbuildings to bungalow	Refused	22.09.87

87/0811/4	Detached house and double garage	Approved	29.09.87
80/1616/4	Conversion of house to restaurant and ancillary living accommodation	Approved	24.02.81



Consultations:-

No objection has been received from:-

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

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

Historic Buildings Panel
LCC Museums
Ancient Monument Society
Society of Ancient Buildings
Georgian Group
Victorian Society
Council for British Archaeology.

The Borough Council's Conservation Officer has been involved in pre-application discussions with the applicant and considers the proposals to be acceptable.

Site notices have been posted and neighbours notified. 3 Letters of objection have been received raising the following concerns:-

- a) Disruption to surrounding domestic properties from vehicle movements
- b) Proposal will cause parking on Main Street to the detriment of highway safety
- c) Main Street is already a busy road used as a 'rat run' from A47 to A447
- d) Dangerous access to Main Street
- e) Affect of new build on light received by neighbouring property
- f) Impact on privacy of neighbouring property

- g) Already ample bed and breakfast accommodation in the area
- h) Impact on the capacity of the private sewer
- i) No staff, delivery or disabled parking provision.
- j) Potential for new build to be converted to a bungalow
- k) Development not suitable for the character of the Grade II listed building.

Development Plan Policies:-

National Policy

Planning Policy Guidance Note 15 - Planning and the Historic Environment sets out national planning policy in relation to listed buildings and conservation areas. The Policy states that Local Authorities should expect developers to assess the likely impact of their proposals on the special interest of the site or structure in question.

Structure Plan

Environment Policy 1 sets out broad policy for protecting and enhancing the historic and natural environment.

Local Plan

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

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 BE4 concerns alterations to listed buildings. This states that planning permission will be granted for alterations to listed buildings only if it can be demonstrated that the proposal would not detract from the architectural or historical character of the building.

Policy BE5 relates to the setting of listed buildings. This 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.

Appraisal:-

This application for Listed Building Consent refers only to the internal works to No. 2 Main Street and the demolition of the outbuilding. The remaining aspects of this development are relevant to the full application which has been presented separately on this agenda. The majority of the objections listed therefore are considered more relevant to the full application.

Neither the internal characteristics of the building nor details of the outbuildings are contained within the listing. The outbuilding has been subject to a historical survey which concludes that it dates from the mid 19th Century and has been substantially altered over time. Insufficient structural details survive to enable an informed interpretation to be made of its original function. The Borough Council's Conservation Officer has raised no objection to the proposed demolition or internal works and has been part of pre-application discussions. Conditions are included for further details of materials and finishes.

The proposed alterations to the listed building do not alter its external appearance and will therefore not impact upon the features mentioned in the listing, and consequently does not detract from the its architectural or historical character.

Given the above it is considered that the proposal is acceptable and in accordance with adopted Local Plan policy.

RECOMMENDATION:- Permit subject to the following conditions:-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, BE4 and BE5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Notwithstanding the submitted drawings, details, at a scale of 1:10 or similar, of the following shall be submitted to the Local Planning Authority and approved in writing.
 - a) New windows and doors for both the conversion and new build, which shall be timber
 - b) works to internal timber staircase
 - c) details and materials of the proposed gates and entrance wall
 - d) details of the new opening and door to kitchen

The scheme 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 To ensure that the development has a satisfactory external appearance to accord with policy BE1, BE4 and BE5 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 This decision does not imply nor grant consent for any advertisements to be displayed on either building. These may require separate planning permission and listed building consent. The applicant is advised to contact the Local Planning Authority should any advertisement be required.

Contact Officer:- Mr P Metcalfe Ext 5740

Item: 02

Reference: 07/00098/FUL

Applicant: Mrs S Martin

Location: 2 Main Street Kirkby Mallory Leicester Leicestershire LE9 7QB

Proposal: DEMOLITION OF EXISTING OUTBUILDINGS, CONVERSION OF EXISTING DWELLING INTO 5 LETTING ROOMS, ERECTION OF SINGLE STOREY BUILDING FOR USE AS 5 LETTING ROOMS AND FORMATION OF CAR PARKING

Introduction:-

This is a full application for the conversion of a single dwelling to five letting rooms and the erection of a single storey building to accommodate a further five letting rooms at 2-4 Main Street Kirkby Mallory.

This application is accompanied by an application for listed building consent for internal alterations to No. 2 Main Street to create a residents lounge and dining room (07/00097/LBC) which will be presented separately in this agenda.

No. 2 Main Street is a prominent Grade II listed building located at the junction of Main Street and Peckleton Lane. The property is three storey with reduced proportions to the second floor. Adjacent to this, No. 4 Main Street is a single storey building with a narrow street frontage. The site is bounded by residential properties to all sides with further modern residential development on the opposite side of Main Street.

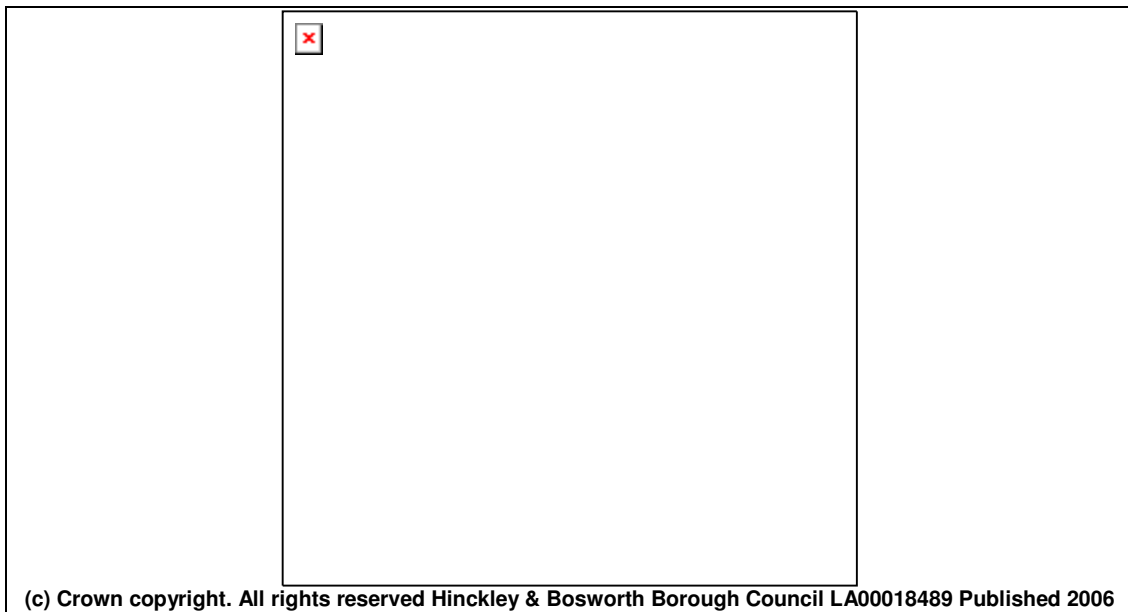
The application proposes conversion of No. 4 to five letting rooms, the demolition of an outbuilding to the rear of No.2 and its replacement with a single storey building to accommodate five further letting rooms. The existing garden is proposed to be laid out for car parking.

The existing access is to be widened by the removal of two small sections of wall, a separate pedestrian access is to be created alongside the vehicular access.

The application has been accompanied by a design and access statement and justification for the demolition of the outbuilding which is within the curtilage of the listed building.

History:-

99/00710/CONDIT	Continued residential use of existing property without compliance with condition 5 of planning permission 87/1037/4 (restricted occupation)	Refused	15.09.99
97/00843/LBC	Demolition of wall and alterations to outbuilding	Approved	19.11.97
93/0382	Alterations to listed building	Approved	27.05.93
87/1037/4	Change of use from shop to granny annexe	Approved	24.11.87
87/0843/4	Change of use from shop and outbuildings to bungalow	Refused	22.09.87
87/0811/4	Detached house and double garage	Approved	29.09.87
80/1616/4	Conversion of house to restaurant		



Consultations:-

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

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

The Borough Council's Conservation Officer has stated that the impact of the proposal on the listed building is acceptable.

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

Borough Council's Land Drainage Officer
Historic Buildings Panel
LCC Museums
Ancient Monument Society
Society of Ancient Buildings
Georgian Group
Victorian Society
Council for British Archaeology.

Peckleton Parish Council has no objections in principle, but raises the following concerns:-

- a) Ten bedrooms appear to be excessive for the site.
- b) Car parking provision adjacent to a busy cross roads.
- c) Need for a risk assessment to be carried out.

Site notices have been posted and neighbours notified. 5 letters of objection have been received raising the following concerns:-

- a) Impact on the capacity of the private sewer.
- b) Increased noise from additional vehicles parking to the rear on neighbouring properties.
- c) Dangerous access to Main Street.

- d) Potential for on street parking.
- e) Visitors are likely to be bikers with more than one bike per room.
- f) Already ample bed and breakfast accommodation in the area.
- g) Main Street is already a busy road used as a 'rat run' from A47 to A447.
- h) No staff, delivery or disabled parking provision.
- i) Potential for new build to be converted to a bungalow.
- j) Development not suitable for the character of the Grade II listed building.
- k) Use for bed and breakfast not stated.
- l) Use of the site for letting to homeless people from new EU countries.
- m) Affect of new build on light received by neighbouring property
- n) Impact on privacy of neighbouring property

Development Plan Policies:-

National Policy

Planning Policy Statement 7 - Sustainable Development in Rural Areas sets out national planning policy for rural areas, county towns, villages and the undeveloped countryside.

This Policy states that tourism and leisure activities are vital to many rural economies as they support local businesses, create employment and sustain local heritage. In terms of accommodation, the Policy expects most accommodation requiring new buildings to be located in, or adjacent to, existing towns and villages.

Planning Policy Guidance Note 13 - Transport sets out the objective of promoting sustainable travel choices and reducing the need to travel. The Policy states that reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices. Further to this, the Guidance states that Local Authorities should "not require developers to provide more spaces than they themselves wish".

Planning Policy Guidance Note 15 - Planning and the Historic Environment sets out national planning policy in relation to listed buildings and conservation areas. The Policy states that Local Authorities should expect developers to assess the likely impact of their proposals on the special interest of the site or structure in question.

A Good Practice Guide on Planning for Tourism was published in 2006 which has replaced Planning Policy Guidance Note 21 - Tourism. Annex A refers to tourist accommodation and refers back the guidance set out in PPS7 with regards to location.

Structure Plan

Environment Policy 1 sets out broad policy for protecting and enhancing the historic and natural environment.

Leisure Policy 2 relates to leisure and tourism development. The Policy supports new tourism facilities which aim to draw more local visitors and tourists to the plan area. The Policy states that in rural areas in particular, tourism can provide a valuable economic contribution.

Local Plan

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

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 BE5 relates to the setting of listed buildings. This 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.

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 REC21 - Tourist Accommodation states that within settlements, permission will be granted for overnight tourist accommodation provided that proposals satisfy plan criteria for design, siting and highways considerations.

Policy REC22 relates to hotels, motels, guest houses and conference centres. This states that permission will be granted unless the proposal is contrary to environmental and highways considerations; it would adversely affect the amenities of surrounding residents or the development does not fall within a defined settlement boundary.

Appendix D of the Local Plan sets out vehicle parking guidelines. The residential property should be served by three spaces and the letting rooms should have one space per bedroom.

Appraisal:-

The site is within the settlement boundary of Kirkby Mallory. National and local policy is supportive of tourism uses within existing settlements, therefore development is acceptable subject to the Policies highlighted above.

The conversion of no.4 looks to retain the existing openings and therefore will have little visual impact. The new build element is single storey and positioned to the rear of the site. The adjoining property, 3 Peckleton Road, has a single storey out building in a similar position therefore there will be little impact on the neighbouring garden. As the building is single storey there are no overlooking concerns even though the application site is slightly higher than the surrounding properties. The design of the single storey building is considered suitable as a replacement for the demolished outbuilding.

Amended plans have been received which have rearranged the car parking layout to reduce the impact on no.s 1 and 3 Peckleton Road. No. 1 is a house with an extension which projects to the rear property boundary with a conservatory closest to the application site. No. 3 is a bungalow which at its nearest point is 4.5 metres from the application site.

Alterations have resulted in a reduction of spaces from 13 to 11. The revised layout includes considerable landscaping to both neighbouring boundaries and proposes two metre high double close boarded acoustic fencing to the boundary with no. 1. It is considered that while further parking spaces could be accommodated this would be to the detriment of the amenity of the neighbouring properties and that this revised proposal strikes the right balance between car parking provision and protection of neighbouring properties. Environmental Health Officers have also not raised any concerns, in terms of noise and disturbance to neighbours.

National policy advocates maximum parking standards therefore refusal of the application in terms of lack of parking would be difficult to defend at appeal. It is acknowledged that some of the occupiers of the rooms will arrive by motorbike, therefore it is considered that

as the site provides the opportunity for further ad-hoc bike parking this should ease any parking concerns.

While highways comments on the amended scheme are awaited and will be reported as a late item, Highways Officers have indicated that under provision of spaces would not be considered as grounds for refusal in this location. Concerns raised regarding the access to the site have been addressed through amendments to the access width. This now meets standards required by County Council.

As the proposal is situated within the settlement boundary, the objections raised on need and existing over supply are not considered grounds for refusal. Competition is not considered to be a planning issue.

The change of use of the new building to a separate residential property would require a further planning application and would be considered on its merits at that time.

Conclusions

Policy supports such uses in these locations close to many tourist facilities. The new build element and the conversion of no. 4 Main Street are considered to be acceptable in design terms. The revised plans have set the car parking areas away from neighbouring boundaries and addressed noise concerns through landscaping and acoustic fences. The proposal is acceptable to highways though revised comments are awaited on the amended plans.

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

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, T5, REC21 and BE5 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 letting rooms 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 approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 4 The car parking and any turning facilities shown within the curtilage of the site shall be provided and marked out before the development is brought into use and shall thereafter permanently remain available for such use.
- 5 Before first occupation of the letting rooms 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.

- 6 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.
- 7 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 2 metre control radii on the north westerly side of the vehicular access and then the vehicular crossing fully reinstated to the satisfaction of the Highway Authority.
- 8 Before first occupation of the letting rooms hereby permitted, the acoustic boundary treatment shown on approved plan 06/157/04E shall be constructed. The acoustic fencing shall then be so maintained at all times.
- 9 Notwithstanding the submitted drawings, details, at a scale of 1:10 or similar, of the following shall be submitted to the Local Planning Authority and approved in writing.
 - a) New windows and doors for both the conversion and new build, which shall be timber
 - b) details of the new opening and door to kitchen

The scheme 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 To ensure that the development has a satisfactory external appearance to accord with policy BE5 of the adopted Hinckley & Bosworth Local Plan.
- 3 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.
- 4 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 5 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in accordance with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 6 To enable a vehicle to stand clear of the highway to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 7 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway. In addition the improvement of the crossing is required as the development hereby approved will increase the vehicular use of the access to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property.
- 9 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and BE5 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended

and the local office of Natural England contacted for advice.

- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (01530 262380)
- 5 This decision does not imply nor grant consent for any advertisements to be displayed on either building. These may require separate planning permission and listed building consent. The applicant is advised to contact the Local Planning Authority should any advertisement be required.

Contact Officer:- Mr P Metcalfe Ext 5740

Item: 03
Reference: 07/00131/FUL
Applicant: Cotswold Estates Ltd.
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:-

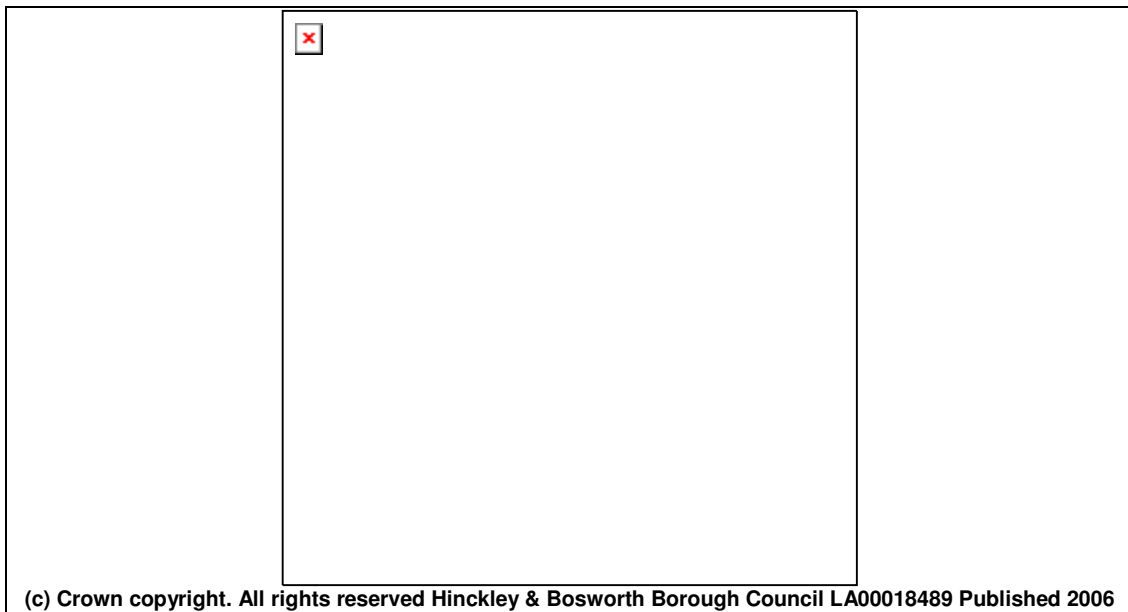
Members will recall that this application was presented at the last Planning Committee meeting and it was resolved that planning permission be granted subject to a Section 106 Agreement being signed to secure contributions towards off site public open space provision, health, library, civic amenity facilities and towards the car parking shortfall. Since the earlier resolution there have been ongoing discussions about the car parking shortfall arising from this development and accordingly this element of the report has been amended. The previous committee report follows and has been amended to reflect the discussions.

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	07.07.05
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.

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.

Following discussions with the applicant it has been considered that the shortfall of car parking spaces for the ground floor retail element should not be taken into account in calculating the shortfall. The provision of car parking for individual shops in the town centre is for the main, uncharacteristic and is therefore not considered in the shortfall. The revised contributions therefore proposed relate to the shortfall of residential car parking spaces only which is 12 spaces in total equating to a contribution of £24 000 towards improvements to town centre car parking.

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 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: 04
Reference: 07/00180/FUL
Applicant: Mr Stephen Williams
Location: Paul James Knitwear 13 Hill Street Barwell Leicester Leicestershire
Proposal: RESIDENTIAL DEVELOPMENT OF 11 NO. 2 STOREY DWELLINGS

WITH GARAGES AND A TWO STOREY BLOCK OF 6 FLATS, PARKING AND ASSOCIATED WORKS

Introduction:-

This is a full planning application for the construction of eleven houses and a block of six flats with associated car parking and access.

The total site measures 0.2 hectares and lies within the settlement boundary of Barwell. The site is on the corner of the junction of Dawson's Lane and Hill Street and until recently housed a former Victorian hosiery factory which has now been demolished. The site is surrounded by residential properties on three sides and there are modern factories and warehouses to the south on the opposite side of Dawson's Lane. The land falls steeply from north to south.

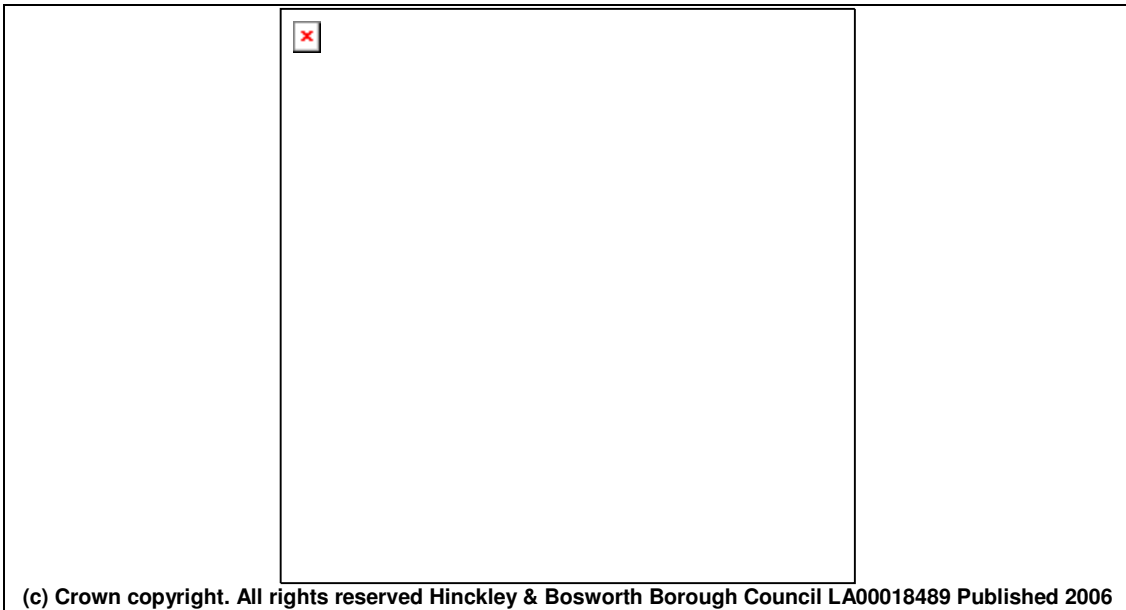
The scheme comprises of eleven houses, all of which have two bedrooms and two car parking spaces. A terrace of three properties is proposed along Hill Street to the immediate south of No. 11 Hill Street. A further five houses of varying designs are proposed along the eastern boundary of the site, with the proposed gardens abutting the boundary of Dawson's Lane. A terrace of three properties is proposed within the centre of the site with the rear elevation and gardens bounding Dawson's Lane. Finally, as now amended, the scheme features a two storey block of flats at the prominent corner of Dawson's Lane and Hill Street. The building has been designed to form a prominent feature at this point to reflect the former hosiery building scale. The building has been designed to be dual aspect in order to successfully address both the Hill Street and the Dawson's Lane streetscapes.

As a result in the change in levels across the site a retaining wall is proposed along the southern boundary of the site adjacent to Dawson's Lane. The design of the wall has been modified somewhat since originally submitted, with the height being decreased and railings and brick detail being introduced to break up the length of the wall. As a result of the topography of the site the proposed vehicle access is taken from Hill Street between the proposed terrace of houses and the block of flats. This particular access arrangement has already been considered as part of the previous outline permission.

The application has been submitted with a report on a desk study and ground contamination investigation along with a design and access statement. The design and access statement concludes that, '...the proposal will provide an imaginative and innovative development of new build dwellings which will improve the amenity of the area.'

History:-

06/01413/CONDIT	Variation of condition 3 (xii) of outline planning permission 06/00539/OUT to omit the requirement for the 1.8m footpath along the boundary of Dawson's Lane	Approved	15.03.07
06/00539/OUT	Demolition of factory and erection of residential units	Approved	09.08.06
05/00927/OUT	Residential Development	Withdrawn	
04/00816/OUT	Demolition of factory and erection of 33 flats	Withdrawn	



Consultations:-

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

Environment Agency
Severn Trent Water

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

- a) Head of Commercial and Support Services - based on the scale of this development in respect of additional users of the existing library facilities a contribution of £846 towards the costs of books, materials and other facilities is required.
- b) Director of Highways, Transportation and Waste Management - the nearest civic amenity site is Barwell. Contributions are required at a rate of £41.13 per dwelling equating to £699 (to the nearest £).
- c) Director of Children and Young Peoples Service - as the development includes two bedroom houses there is a requirement for a contribution towards education and this will be reported as a late item.

Hinckley and Bosworth Primary Care Trust have requested a financial contribution towards the provision of appropriate levels of health care, which is essential part of any sustainable community and the required figure will be reported as a late item.

Two letters of objection have been received raising the following concerns:-

- a) confirmation of the boundary treatment height and timing
- b) proximity of plot 6 to No.11 Hill Street
- c) loss of light to kitchen window of No. 11 Hill Street
- d) assurances required that there will be no windows added to the side elevation of plot 6 in the future.
- e) overlooking of the existing bathroom window of No. 11 Hill Street
- f) insufficient car parking provision.

Development Plan Policies:-

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

Policy EMP1(c) of the adopted Hinckley and Bosworth Local Plan encourages alternative uses on employment sites where environmental problems have been experienced.

Policy RES5 of the adopted Hinckley and Bosworth Local Plan makes provision for the development of sites within settlement boundaries so long as they accord with the policies within the plan which relate to siting, design and layout of new development.

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

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.

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 the development proposals or of financial contributions towards off-site provision. In this case the developer is required to provide a contribution of £17374 towards off-site provision.

Appraisal:-

The main issues in the determination of the application are the principle of development, siting and amenity, design of houses and highway safety.

The site already benefits from outline planning permission and therefore the principle of residential development has already been established along with the proposed vehicular access into the site from Hill Street.

Siting and amenity

The scheme results in a terrace of three properties a central vehicle access and a block of six flats which front onto Hill Street. A terrace of three properties is proposed along the southern boundary of the site, which backs onto Dawson's Lane. A further five properties are proposed along the eastern boundary of the site. The site layout is to some extent governed by the topography of the site which drops north to south down Hill Street.

The houses along Hill Street are sited at least 17m from the properties on the other side of the road and it is considered that this will not have an adverse impact on the amenity of the occupants of these properties.

Following discussions during the course of the application the scheme has been amended to address officers concerns about the treatment of the corner of Hill Street and Dawson's Lane. The earlier proposals incorporated a further terrace of three houses which faced onto Hill Street. This element was considered to represent a weakness in the overall scheme. Officers are keen to see a more prominent building at this corner which not only addresses the street scene of Hill Street and Dawson's Lane but also reflects the scale of the previous building.

The scheme has now been amended to incorporate a two storey block of flats at this corner point. The proposed building has been designed to address both roads with gables projecting onto Hill Street and Dawson's Lane and fenestration has also been successfully added to both elevations. The scale of the development has been carefully considered, the height of the buildings have been increased over that of the houses previously proposed. Due to the corner position of the site there is an opportunity to develop a more prominent building to which would in turn create a successful design solution to the site

Consideration also needs to be given to the relationship between the proposed flats and the existing residential properties. No. 18 Hill Street, a two storey house, is directly opposite the proposed block of flats at the southern end of Hill Street. The scheme retains a 14 metre separation gap between the proposed flat building and No. 18 Hill Street. The resulting 14 metre gap is across Hill Street itself between the frontage of the two properties and is considered to be acceptable as there will not be a loss of amenity to the occupants of No. 18 Hill Street, particularly as at this point the flats have bedroom windows facing onto Hill Street, which are unlikely to be used as much as a living room. To the south-west of the flat building is No. 1 Hawthorne Way, a two storey house which is at a lower level than the application site. There is a distance of 21 metres from the south facing elevation of the flats and the rear elevation of No. 1 Hawthorne Way. No. 1 Hawthorne Way is also contained within a 2 metre high boundary wall which would prevent any direct overlooking of their associated amenity space. Moreover, the rear elevation of the properties along Hawthorne Way comprise of a second bedroom and bathroom window, which is obscure glazed. Given the separation distance between the proposed flats and the existing houses and the existing boundary treatments the relationship will not result in a loss of privacy to the occupants of properties along Hawthorne Way. In addition the proposed scale of the flat building would not appear overbearing when viewed from the neighbouring properties.

The residents of No. 11 Hill Street to the immediate north of the application site have raised concerns about the resulting relationship with their property. Plot No. 6 would be closest to No. 11 Hill Street and the scheme retains a gap of 4m between the two houses. Plot No. 6 is to be built at a lower level than the neighbouring property. There is a window to the side elevation of No. 11 Hill Street which it is understood serves a kitchen area. It is considered that the separation between the two properties and the fact that the new property is to be built at a lower level the resulting relationship between the two houses is typical of the area and will not result in a loss of amenity to the occupants of No. 11 Hill Street to warrant refusal of the planning application.

The terrace of three houses that back onto Dawson's Lane also face into the internal parking and planting area within the site. The proposed orientation of these houses is governed by the topography of the site as the southern boundary with Dawson's Lane comprises of a retaining wall. Along Dawson's Lane itself there are industrial uses and the proposed orientation and siting of the houses is necessary to protect the future residents from any potential noise disturbance along Dawson's Lane. As discussed because of the change in levels across the site a retaining wall is required along the southern boundary of the site. The retaining wall has two elements, comprising of a 2m high brick wall with a 1.8m close boarded fence on top of the wall or a 0.8m high railing on top of the wall. The wall is broken up with the piers and brick detailing. The retaining wall is an engineering requirement given the difference in the levels across the site. Following discussions with the applicant some amendments have been made to the retaining wall. Some elements have been opened up to feature railings and brick detailing has also now been incorporated into the lower elements of the wall. The central section of the wall remains 2m high with a close boarded fence on top, which is considered necessary to retain the privacy of the proposed houses given the relationship with the factory opposite on Dawson's Lane.

Finally, a terrace of properties is proposed along the eastern boundary of the site, with No. 1 Dawson's Lane being the nearest property. The proposal achieves a separation distance of between 13m and 14m between the end west facing elevation of No. 1 Dawson's Lane

and the dwellings proposed. This relationship is considered to be acceptable and will not result in a loss of privacy or amenity to the occupants of No. 1 Dawson's Lane to warrant refusal of the application.

Design

All of the proposed houses are two storey and are simple in design. Architectural details such as arched window heads, stone cills, brick corbelled eaves, chimneys and gables are incorporated into the house designs to reflect features within the locality. It is considered that the proposal would result in a scheme that is well integrated into the surroundings, offering a good quality standard of security and amenity for the future residents.

In addition the design of the block of flats has been carefully considered and the design picks up on local features to create a successful design solution to the site.

Access and parking considerations

Director of Highway, Transport and Waste Management raised no objection to the initial scheme and any further comments about the proposal will be reported as a late item. In accordance with the adopted Local Plan vehicle parking standards the flats would require two spaces each which results in a shortfall of five spaces. The proposed flats have one space per dwelling and a single visitor space. The site is sustainable with local amenities closeby along with access to public transport. On this basis it is considered that an objection on highway grounds could not be sustained.

The proposed access reflects that approved as part of the earlier outline permission and is therefore considered to be acceptable.

Developer Contributions

The application proposes a total of eleven houses and a block of six flats, therefore contributions towards libraries of £846 and civic amenity of £699 are required along with education and health. The contribution figures for health and education will be reported as a late item. In addition due to the limited space available on site it is not possible to provide any onsite open space. As there is a net gain of 17 dwellings contributions will be required towards the provision of open space. A contribution towards play and open space provision would equate to £21, 097.

Conclusion

The scheme will result in a form of development that reflects the scale and design of surrounding properties. The amended proposal also now creates a successful design solution to this site which is constrained by the levels difference and the surrounding land uses. The proposed siting would not have an adverse impact on the surrounding properties and is therefore considered to be acceptable.

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 the Head of Culture and Development be granted powers to issue Planning Permission subject to the conditions below. Failure to complete the agreement by 16 May 2007 may result in the application being refused:-

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 This permission relates to the application as revised by amended plans 1372/1c, 1372/3c, 1372/4b, 1372/5c and 1372/6c received by the Local Planning Authority on 12 April 2007.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed development shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 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.
- 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 Notification of the commencement of development should be given in writing not less than 14 days before development commences.
- 8 The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewerage have been carried out in accordance with the details to be submitted to and approved by the Local Planning Authority in writing.
- 9 The development hereby approved shall not commence until a method statement detailing remediation requirements, including measures to minimise the impact on the ground and surface waters, using the information obtained from the site investigation has been submitted to the Local Planning Authority prior to the remediation being carried out on site. Appropriate validation of the remedial scheme shall be submitted to the Local Planning Authority for written approval.

- 10 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- 11 No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- 12 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the Highway boundary and shall be hung so as to open inwards only.
- 13 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
- 14 The/All existing vehicular access(es) shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossings reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.
- 15 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.
- 16 The car parking and any turning facilities shown within the curtilage of each dwelling or shared spaces shall be provided before the dwellings are first occupied and shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.
- 17 Before the first occupation of any dwelling 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.
- 18 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 7 metres behind the highway boundary and shall be so maintained at all times.
- 19 Before first occupation of the dwellings hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.
- 20 No part of the development hereby approved shall be occupied until visibility splays of 2.4 metres shall be provided at the junction of the access with maximum achievable (Road/Street/Lane etc). These shall be in accordance with the standards contained in Places, Streets and Movement and the current Local Highway Authority design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays
- 21 Any shared private drives serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary and have 4 metres control radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times.

- 22 Prior to the first occupation of the dwellings hereby approved, the eastern junction radius and alignment between Hill Street and Dawson's Lane shall be improved to provide a 6 metres radii as shown in drawing 1372/1a.
- 23 Prior to the development commencing further details of the proposed boundary treatment and retaining wall along Dawson's Lane shall be submitted to and approved in writing by the Local Planning Authority.
- 24 None of the proposed dwellings shall be occupied until works for the disposal of surface water and foul water have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 25 For the period of the construction of the development, vehicle parking facilities shall be provided within the site for all vehicles associated with the development shall be parked within the site.
- 26 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 approved details and shall be provided and fully operational at the site at all times during the construction works.
- 27 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission and for the avoidance of doubt.
- 3 To ensure that the development is of a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 To define the permission and for the avoidance of doubt.
- 5&6 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure that the site is not contaminated and to safeguard the health of future occupiers to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure satisfactory provisions are made for the drainage of the site.
- 9 To ensure the site is suitable for its intended use, and to protect surface and groundwater quality in the area.
- 10&11 To prevent pollution of the water environment.
- 12 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.

- 13 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
- 14 To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.
- 15 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.
- 16 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.
- 17 To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.
- 18 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
- 19 In the interests of pedestrian safety.
- 20 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
- 21 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.
- 22 In the general interests of Highway safety including pedestrian safety.
- 23 In order for the Highway Authority to assess the suitability of any retaining structure adjacent to Dawsons Lane.
- 24 To ensure that adequate off street parking provision is made to reduce the possibilities of development on the site leading to on-street parking problems in the area during construction to accord with Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 25 To ensure satisfactory provisions are made for the drainage of the site.
- 26 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 & Bosworth Local Plan.
- 27 To prevent pollution of the water environment to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of 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: 05

Reference: 07/00235/OUT

Applicant: Mr And Mrs A J Spencer

Location: 40 Kingsfield Road Barwell Leicester Leicestershire LE9 8GR

Proposal: PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF FOUR DWELLINGS ON LAND TO THE REAR

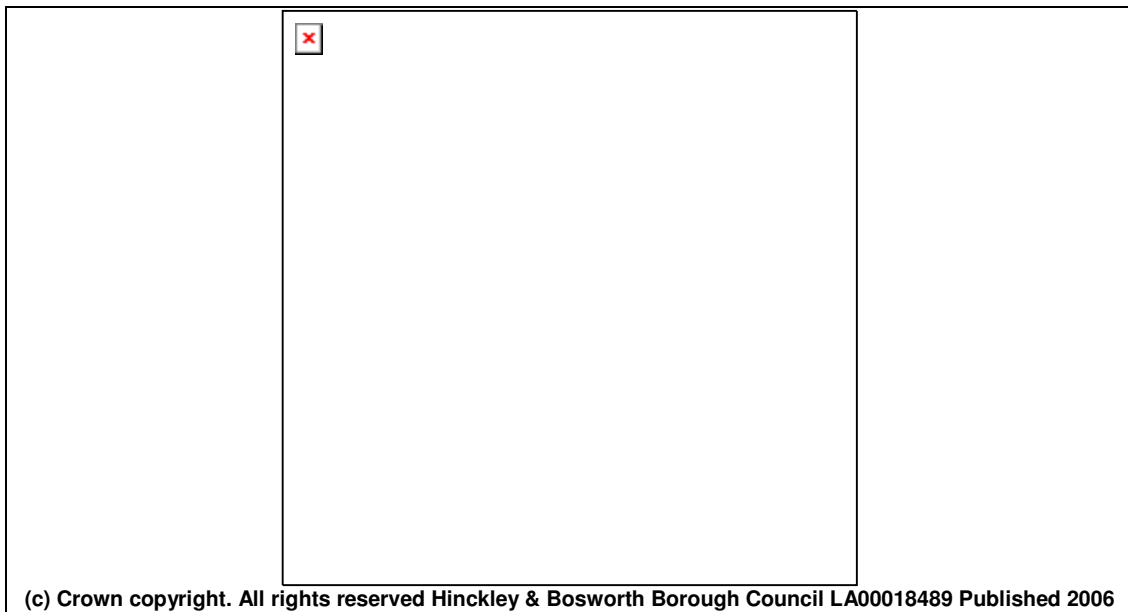
Introduction:-

This is an outline application for the demolition of an existing detached bungalow and the erection of four new dwellings on the existing plot and land to the rear, incorporating a new access road. The application seeks approval for layout and access only at this stage with all other matters reserved. The site measures approximately 0.2 hectares in total and is located between residential properties on Kingsfield Road and Greenhill Drive and at the end of a turning head on Red Hall Drive. Members may recall a similar previous application was refused due to the impact of the proposed access off Red Hall Drive on an adjacent Oak tree protected by a Tree Preservation Order. An Appeal against that decision was subsequently dismissed by the Planning Inspector. This application seeks to address that issue by creating a new access from Kingsfield Road thereby avoiding any impact on the protected Oak.

A Design and Access Statement, Highway Statement, Arboricultural Statement and Site Survey have been submitted in support of the application. The design statement states that the proposed development has been determined by government advice, development plan policy and the constraints offered by the site and concludes that the proposal represents an efficient use of the land at a density that is consistent with the character of the area. The Arboricultural Statement confirms that adequate distances are provided between the protected Oak tree and proposed development, and that amenities of the proposed dwellings should not be unduly affected by it.

History:-

04/01142/OUT	Residential Development of Four Dwellings Appeal Dismissed	Refused	02.12.04
04/00437/OUT	Residential Development	Withdrawn	30.06.04



Consultations:-

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

Director of Highways, Transportation and Waste Management
Director of Environment and Heritage Services (Landscape Officer).

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

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

Neighbours notified, 3 letters received together with a petition from the occupiers of 19 dwellings on Kingsfield Road making objections on the following grounds:-

- a) increase in traffic and pollution
- b) close to narrow and dangerous corner
- c) previous application refused
- d) lack of fencing
- e) loss of light
- f) loss of privacy and amenity
- g) amenity areas too small and out of character
- h) loss of wildlife and vegetation
- i) proximity to existing dwellings
- j) loss of views
- k) no affordable or elderly housing provided.

Development Plan Policies:-

The site is within the settlement boundary of Barwell as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 of the adopted Local Plan seeks to secure attractive development and to safeguard and enhance the existing environment. Development should: complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features; avoid the loss of open spaces and features

that contribute to the quality of the local environment; incorporate landscaping to a high standard; ensure adequate highway visibility for road users and adequate provision for on and off street parking for residents and visitors together with turning facilities; not adversely affect the occupiers of neighbouring properties and not prejudice the comprehensive development of a larger area of land of which the development forms part.

Policy RES5 of the adopted Local Plan states that planning permission will be granted for new residential development if the site lies within a settlement boundary as defined on the proposals map of the adopted Local Plan and the siting, design and layout of the proposal do not conflict with relevant plan policies.

Policy NE12 of the adopted Local Plan states that proposed development should take into account the existing landscaping features of the site and should make provision for further landscaping where appropriate.

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

Policies REC2 and REC3 of the adopted Local Plan and the Council's Supplementary Planning Guidance for Play and Open Space require a financial contribution towards formal and informal public open space if it cannot be provided within the site.

The Borough Council's Supplementary Planning Guidance on New Residential Development provides further guidance for developers on density, design, layout, space between buildings and landscaping/boundary treatments along with highways and parking. Housing developments should make efficient use of land and be of appropriate density taking into account the general character of the surrounding area and the provision of necessary open spaces.

Appraisal:-

The Principle

The principle of residential development on sites within established settlement boundaries is acceptable subject to the siting, layout and design meeting relevant plan policies. The site area of 0.2 hectares equates to a density of only 20 dwellings per hectare which is lower than government guidance and local plan policy, however, given the constraints posed by the shape and orientation of the site in relation to existing neighbouring properties and the protected Oak tree together with the requirement for the creation of a new vehicular access, the density is considered to be acceptable and in keeping with the character of the area and continues the form of development of Red Hall Drive.

Siting and Layout

The proposed layout provides for a new vehicular access adjacent to the existing bungalow, 42 Kingsfield Road, and indicates the provision of a new 1.8 metre high wall with additional landscaping to screen the rear garden and non-habitable room windows on the side elevation in order to reduce the impact of the new access on the amenities of the occupiers. Whilst the proposed development will undoubtedly create an increase in activity adjacent to No. 42, given the proposed screening proposals this is not considered sufficient to warrant refusal of the application. The siting of Plot 1 to replace the demolished bungalow maintains the street scene along Kingsfield Road whilst providing adequate visibility splays for the new vehicular access. Whilst there are some windows to habitable rooms on the ground floor of the adjacent dwelling, 38 Kingsfield Road, the replacement dwelling would be no nearer to these windows than the existing situation, and, even though

the projection is greater, is not considered unduly detrimental to the amenities of this dwelling.

The siting of Plots 3 and 4 provides adequate separation distances to existing properties on Greenhill Drive that meet the requirements of the Council's Supplementary Planning Guidance on New Residential Development whilst being well related to the existing two storey dwellings on Red Hall Drive. The possible loss of light to a shower room of 19 Red Hall Drive is not considered to be unduly detrimental to warrant amendments to the layout of the site. Similarly, Plot 2 relates well to existing properties on Red Hall Drive and has been sited to avoid any impact on the protected Oak tree or be unduly affected by it. Indicative elevations have been provided for Plot 2 to demonstrate that the separation distances of 18.5 and 22.5 metres to the existing bungalow 42 Kingsfield Road are adequate in this case as there are no main windows at first floor level on the elevations facing No. 42. This plot is also shown as having a dual frontage to provide a focal building on entry to the site. Whilst there are views from Plot 2 over the rear gardens of the existing dwellings along Kingsfield Road, these are at sufficient distances to maintain a degree of privacy.

As this application seeks planning permission for access and layout only, the design of the dwellings together with boundary treatments and landscaping can be considered at the reserved matters stage with details required by appropriately worded conditions. The applicant has indicated that the trees close to the boundary with the dwellings on Greenhill Drive are to be retained. Adequate private amenity and parking areas are provided to all plots.

Highway Issues

The proposed new vehicular access provides adequate visibility and width to serve the proposed number of dwellings and is not considered likely to generate traffic that would exceed the capacity of the highway network or impair road safety. Provision is made within the site for adequate off-street parking for each plot together with turning facilities therefore the development is considered unlikely to lead to additional on-street parking on Kingsfield Road.

Other Issues

The site is currently overgrown and un-maintained and much of the existing vegetation on the site itself is not of any particular quality. The proposed development seeks to retain the more important trees and bushes and further landscaping within the development can be controlled by an appropriately worded condition.

The scale of the development is too small to require the provision of affordable housing.

Developer Contributions

To comply with policy REC3 of the adopted Local Plan, the Supplementary Planning Guidance on Play and Open Space and in line with the objectives of both the Green Space Strategy and recommendations of the Parish Public Open Space Quantity/Accessibility Audit 2005, a financial contribution of £3,723 (£1241 per additional dwelling) towards the provision and maintenance of informal public open space provision will be required in this case.

Conclusion

The proposed development is considered to meet relevant policy requirements and to strike an acceptable balance between providing for the more efficient use of land whilst still being in keeping with the character of the area. The layout is considered to take into account the

most important aspects and be sensitive to the existing surrounding properties whilst providing an attractive environment for future occupiers of the site. The access to the site is considered to provide adequate visibility to serve this small-scale development. The proposal is recommended for approval subject to conditions.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policies BE1, RES5, T5, NE12 and REC3 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.
 - iii) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

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.
 - a) The design and external appearance of the proposed buildings
 - b) The external building materials
 - c) The provision to be made for vehicles parking on site
 - d) The method of disposal of surface and foul water drainage which shall be on separate systems
 - e) The provision to be made for landscaping of the site
 - f) The existing trees and hedges on the site which are to be retained
 - g) The provision to be made for screening by walls and fences which shall include a 1.8 metre high brick wall along the boundaries of the site access as indicated on the approved plan No. 02-1555-04D
 - h) The floor levels of the proposed buildings in relation to the existing ground level and finished floor levels of the site.

Prior to completion the development shall be implemented in accordance with the approved details agreed in writing by the Local Planning Authority. 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 revised by amended plan No. 02-1555-04D received by the Local Planning Authority on 29th March 2007
- 5 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

- 6 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.
- 7 Before any development is commenced on the site, including site works of any description, the Oak tree to the fore of 21 Red Hall Drive shall be securely fenced off by protective fencing on a scaffolding framework in accordance with B.S. 5837:2005 erected in a circle round the tree at a radius from the bole of 9.6 metres as shown on the approved plan or to coincide with the extremity of the canopy of the tree, whichever is the greater. Within the area so fenced off, the existing ground level shall be neither raised nor 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.
- 8 None of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.
- 9 A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 10 The car parking and turning facilities shown on the approved plan No. 02-1555-04D shall be provided before first occupation of any dwelling and shall remain available for such use at all times thereafter.
- 11 Before first occupation of any dwelling hereby approved, car parking provision shall be made within the curtilage of the dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking, unless otherwise agreed in writing by the Local Planning Authority.
- 12 Before first occupation of any dwelling, its access drive and any turning space shall be surfaced with tarmacadam, concrete or other similar hard bound material for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times thereafter.
- 13 Before first occupation of any dwelling hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the vehicular access with nothing within those splays higher than 0.6 metres above ground level, and shall be so maintained at all times thereafter.
- 14 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.
- 15 The shared private drive shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary and have 4 metres control radii at its junction with the

adopted road carriageway. The access drive once provided shall be so maintained at all times

- 16 Before development commences, 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 shall include full details of the routes to be taken by construction traffic, the provision of vehicle parking and turning facilities within the site, full details of wheel cleansing and road sweeping measures, supervision procedures and hours of operation. The schedule shall be implemented in accordance with the approved details and be operational on the site at all times during the construction period
- 17 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.

Reasons :-

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 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 To prevent pollution of the water environment.
- 6 To prevent the possibility of surface water from the site being deposited in the highway causing danger to road users.
- 7 The Oak tree is subject to a Tree Preservation Order and this condition is necessary to ensure that proper steps are taken to safeguard the tree during the course of development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that the existing trees and bushes on the site are retained and protected to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 9 To ensure that adequate provision is made for the future management and maintenance of the communal areas of the site and in the interests of visual amenity to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 10 To ensure that adequate car parking and turning facilities are available and ensure that vehicles may enter and leave the site in a forward direction in the interests of highway safety to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 11 To ensure that adequate off-street parking facilities are available to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 12 To reduce the possibility of deleterious materials (loose stones etc) being deposited in the highway and in the interests of highway safety to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 13 In the interests of road safety to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

- 14 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of highway safety to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 15 To ensure that vehicles entering and leaving the site may pass each other clear of the highway in the interests of road safety to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 16 To minimise the impact of the development on the amenities of the local area during the course of construction and in the interests of highway safety to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 17 To ensure that the development contributes towards the provision of public play and open space facilities within the vicinity of the site to accord with policies REC3 of the adopted Hinckley & Bosworth Local Plan and the Council's Supplementary Guidance on Play and Open Space.

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 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)
- 5 In relation to Condition 16, a financial contribution of £3,723 (£1241 per additional dwelling) is required towards informal public play and open space provision and maintenance. This can be provided by a one-off payment or secured by the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.
- 6 This planning permission does not grant or imply consent for Plan No. 02-1555-05A accompanying this application relating to Plot 2, which is for illustrative purposes only.

Contact Officer:- Mr R Wright Ext 5894

Item: 06

Reference: 07/00287/FUL

Applicant: Whitbread Group Plc

Location: Brewers Fayre Trinity Marina Coventry Road Hinckley Leicestershire

Proposal: TWO STOREY HOTEL BLOCK AND ADDITIONAL PARKING

Introduction:-

This is a full planning application for the construction of a two storey hotel on land to the east of the Brewers Fayre public house at the Trinity Marina site. The proposed hotel has 52 bedrooms in total and the application indicates that it would be a Premier Travel Inn. The proposal will result in a total of 113 car parking spaces on the site, which would be available for patrons of the existing public house and the proposed hotel.

The surrounding area is characterised by a mixture of uses. To the west of the application site is The Marina public house, which was granted planning permission in 1990 and has a distinctive architectural style with a series of exaggerated mono-pitch roof planes. Beyond The Marina public house is the Ashby-de-la-Zouch canal. To the north of the site is the marina itself with the associated moorings and the single storey Trinity stores shop. To the east of the site is Trinity House buildings, a series of conventional commercial warehouse buildings that are two storeys. The existing access to the site is from Coventry Road, the access road snakes past the existing petrol station into the site. The access road continues in a northerly direction towards the marina and there is a left hand turn, which leads to the existing public house. To the front of the public house is a gravel car park.

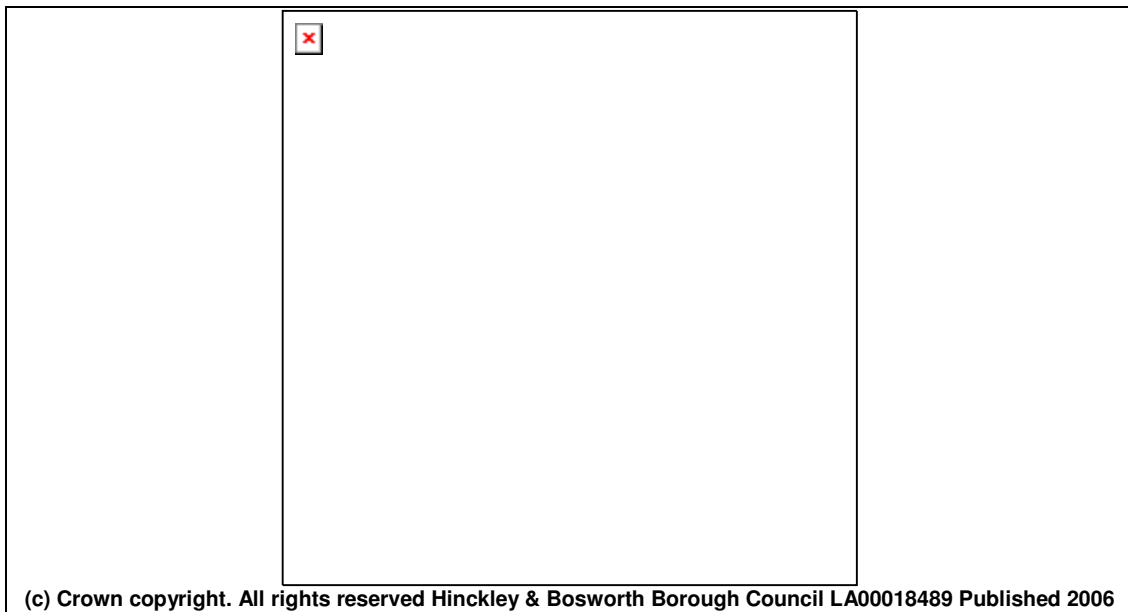
The proposed hotel building is sited on the eastern boundary of the site approximately 4m from the road. The length of the hotel building is 41m at this point and this is adjacent to the eastern boundary. At the southern end the building turns into the site. The proposed entrance and port cochere elements face the canal side.

A Design and Access Statement and a Transport Assessment have been submitted with the planning application. The Design Statement states that the 'building is designed in a distinctive modern idiom to complement the existing Brewers Fayre building and the proposed new commercial development on the opposite side of the canal.'

History:-

05/00190/FUL	Extensions and alterations to existing restaurant and bar	Approved	21.04.05
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In 1995 outline planning permission was granted for the marina, open car sales, public house and restaurant along with hotel/leisure/staff accommodation on the wider marina site. The hotel element was never implemented. The existing Brewers Fayre building was permitted in October 2000 with 60 car parking spaces.



Consultations:-

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

Environment Agency
Severn Trent Water Ltd.

Ashby Canal have also not raised any objections.

British Waterways Birmingham has raised no objection to the proposal and comments that the hotel in this position is well placed in relation to the surrounding area.

The Inland Waterways Association has no objection to the application as the proposed hotel building is set back from the canal and is of an acceptable design.

One objection has been received from a resident of Coventry Road. They object on the following grounds:-

- a) Extra traffic movements will exacerbate existing traffic problems around the entrance to the site.

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

Development Plan Policies:-

The application site is within the Ashby Canal Conservation Area and therefore the provisions of policy BE7 are applicable to the development. 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 compatible with adjacent buildings and spaces, retention of features of historic or characteristic value including boundary walls etc, and the use of appropriate building materials and finishes.

Policy REC6 relates to the Ashby Canal Urban Corridor. The policy states that a strip of land either side of the canal will be protected in order to provide a recreational and wildlife

corridor. Public access to the canal corridor and particularly access for disabled people will be improved wherever appropriate. Development will be permitted in this area provided it is of a high standard of design and is in keeping with the character of the canal.

Policy REC7 of the Hinckley and Bosworth Local Plan relates to marina developments. Policy REC7 states that planning permission for marinas and other commercial developments will be granted in appropriate locations on the Ashby Canal provided that it is not detrimental to the canal's conservation area and is sympathetic to the rural character of the area.

Policy REC21 relates to tourist accommodation within the built up area of settlements. The policy states that permission will be granted for overnight tourist accommodation to be provided by new build or conversion. The proposal should satisfy the relevant plan criteria for design, siting and highways considerations in respect of both residential and recreational development.

Policy RE22 of the Hinckley and Bosworth Local Plan relates to hotels, motels, guest houses and conference centres. The policy permits such proposals within the Borough provided that the development will not adversely affect the amenities of adjoining residents and the proposed development falls within an established settlement boundary.

Appraisal:-

The key issues in the determination of this application are the principle of a hotel at this location, the design of the hotel building, the relationship with the Ashby Canal and the Conservation Area, and highway safety.

Principle

In terms of the principle of the hotel building at this location, policies BE21 and BE22 need to be considered further. The Local Plan policies support the creation of such accommodation within settlement boundaries provided that there is no impact on residential amenity and the development proposal is acceptable in all other respects. The proposed hotel is within the settlement boundary of Hinckley. The immediate surrounding landuses comprise of commercial uses. Therefore the principle of a hotel use at this location is acceptable.

Design

The design of the proposed hotel building was undoubtedly inspired by that of the existing public house. The Trinity public house is the more dominant building in the immediate locality and features a series of exaggerated mono-pitch roof planes and a mixture of facing brickwork, glazing and solid colour panels. The proposed hotel building features an asymmetric mono-pitch roof profile over the length of the footprint maintaining the lower eaves line to the west elevation. The footprint of the building 'cranks' on plan to allow the entrance and the porte cochere elements to address the waterside and to frame the site thereby creating a strong identity for the whole development. As the proposed hotel comprises of a repetition of bedrooms there is a resulting uniformity in the elevations and the fenestration. The hotel building proposes the use of buff coloured brickwork panels together with contrasting render panels to break up the uniformity of the elevations. It is considered that the resulting design of the proposed hotel complements The Trinity pub and is of a distinctive design which has addressed the site and its surroundings, rather than the commonly used design for these types of hotels.

Conservation Area and relationship with the canal

The site is within the Ashby Canal Conservation Area, which covers the length of the canal and has a diverse character along its length. On the eastern side of the canal there is a substantial hedge whilst on the west side, the towpath is more open with a higher degree of activity, viewed against the commercial activity.

The proposed hotel is sited away from the canal itself and the entrance and associated porte cochere actually face the canalside. The proposed building is set back from the canal by 35m and the car parking provision by 19m. In the context of this particular part of the conservation area, the proposed hotel building, set back from the canalside and adjacent to the commercial buildings to the east is considered to be acceptable. The proposed siting of the hotel does not have adverse impact on the character and appearance of the Ashby Canal conservation area and to some extent provides a buffer between the canal and the less attractive commercial buildings to the east. It is therefore felt that the development preserves and enhances the character of the Ashby Canal conservation area.

Access and car parking

The existing public house has a total of 60 car parking spaces currently to the immediate east of the public house. The application seeks to increase the car parking to 113 spaces in total. These spaces would serve the existing Trinity Public House and the proposed hotel development. This provision is based on the existing Public House car parking and one additional parking space per new bedroom of the hotel. The provision of one car parking space per bedroom accords with the Local Plan parking guidelines.

A Transport Assessment has been submitted with the planning application. The assessment demonstrates that the junction of Coventry Road and the access road to the Marina has plenty of spare capacity to accommodate the proposed hotel development, and the proposals would not have any adverse impact on the operation or capacity of the junction. In addition the assessment concludes that the traffic impact on the local highway network resulting from the development is insignificant and not considered detrimental to highway capacity or safety.

With respect to the car parking provision, the existing car parking is generally under subscribed and it is considered that the resulting car parking provision is acceptable. Comments received from Highways will be reported as a late item.

Conclusion

The scheme submitted is considered to provide a high quality design, which varies considerably from the standard Premier Travel Inn designs. It is considered that the proposal provides a well-designed scheme that complements the existing Trinity Public House. There are no adverse impacts on the Ashby Canal conservation area and the access and car parking provision is considered to be acceptable.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policies BE7, REC6, REC7, REC21 and RE22 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

- 2 Before any development commences, representative samples of the types and 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 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.

- 4 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

- 5 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.

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 enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

- 5 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer:- Ms H Atkinson Ext 5605

Item: 07

Reference: 07/00302/FUL

Applicant: Mr & Mrs Watts

Location: Holywell Farm Desford Lane Ratby Leicester Leicestershire

Proposal: **REBUILDING REAR ELEVATION, PARTIAL REBUILDING OF SOUTH ELEVATION, REBUILDING AND EXTENSION TO NORTH ELEVATION AND NEW ROOF WITH ALTERATIONS**

Introduction:-

This is an application for the re-building of the rear elevation, partial re-building of the south elevation, re-building, and extension to the north elevation and new roof with alterations to a property known as "Holywell Farm", Desford Lane Ratby. The site is located in an isolated countryside location but within a short distance of Ratby village.

In support of this application the applicant has submitted a statement by their agent and a design and access statement. The applicant has also submitted a Structural Engineers report.

The dwelling and outbuildings have been unoccupied for a considerable amount of time and are in a dilapidated condition. The supporting statement indicates that the applicant purchased the site in November 2006. Prior to his purchase of the site he '...undertook extensive investigations as to the viability of restoring the farmhouse...' Furthermore he instructed Consulting Structural Engineers to inspect the dwelling prior to his purchase of it, which they did in May 2003, and that has been submitted as part of this application.

Supporting statements

The access and design statement states that the proposed scheme '...consists of the refurbishment of the existing farmhouse with a first floor extension and roof alterations to provide a five bed dwelling...' over a two and half storey floor plan.

Both the design and supporting statements describe pre-application discussions with officers regarding a first floor extension to the north facing elevation and roof alterations. The informal advice from Officer's was that those works related to the roof appeared not to require planning permission, because they accorded with the provisions permitted under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development Order) 1995 ("the GPDO" as amended). According to the supporting statement, the applicant proceeded to carry out those works that were considered to be permitted development. However, the applicant maintains that it was during the process of

'...removing all the roofing material, timbers and spine wall that the true condition of the house became apparent'. As a result of removing the roof materials there appeared to be a widening gap between the existing stone and brick gables that '...increased further and it was clear that the front and rear sections were not tied together in any way...' and the applicant further states that the '...rotten and collapsed roof and floor joists had caused a large section of the rear wall to spread and bow'.

The supporting statement also explains the personal circumstances of the applicants, and that the consequences of a refusal are severe. The statement outlines the financial implications and concludes that a refusal would have significant effects such as 'bankruptcy' and '...would result in the applicants and their young family becoming homeless'.

The structural engineers report dated May 2003, states that Farming and Agricultural Finance Limited requested the report "...so that a report could be made on the general structural conditions of the buildings". It states that as the main farmhouse had been unoccupied for a considerable amount of time comment was required on the '...condition of primary structure only...' The report covers the main dwelling that is of concern to this application.

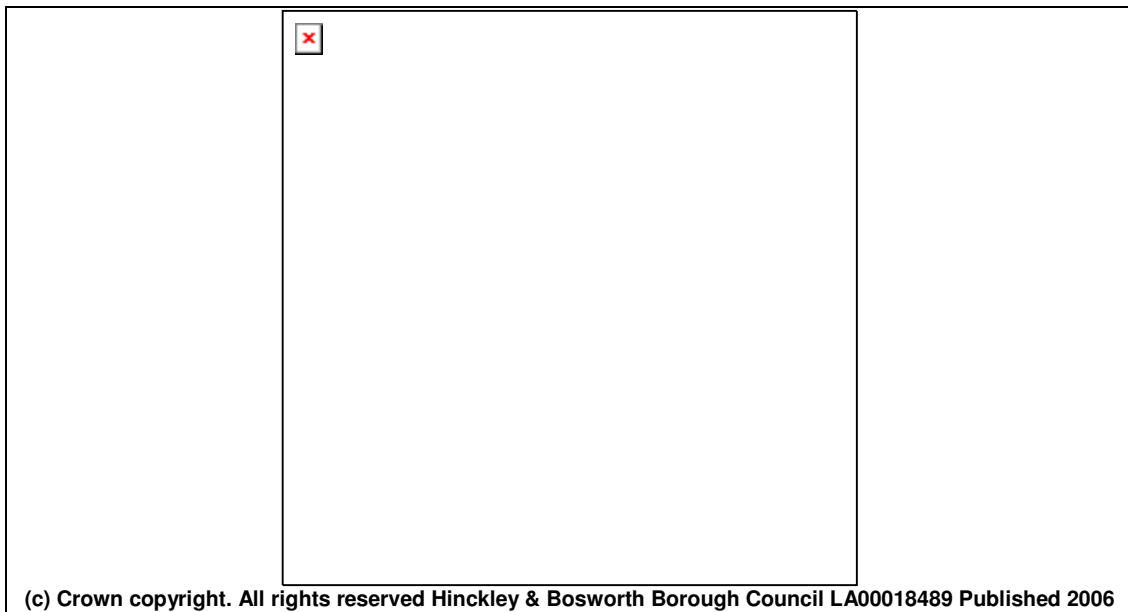
The structural engineers report details the condition of the building internally and externally as it stood in May 2003. The main structural problems to the dwelling the report identified are water penetration on the valley line between the front and rear sections, but it proposed to address the problem of water penetration within the short term. Stripping and reconstruction of the roof using timber sizes to comply with current regulations could refurbish the roof, and it was also possible to replace significant areas of suspended timber floors. As far as the main masonry structure was concerned, the report states that the main problem related to 'weathering' and 'general deterioration'. The report in this issue concluded that 'the general weathering does not at present affect the structural integrity of the brickwork and is more a matter of appearance', and proposed a possible solution of rendering the '...brickwork as part of any refurbishment scheme'.

In terms of the 'cracks' the report states that '...the configuration of the cracks does not suggest subsidence' and any problem may relate to a lack of bonding. It states that these problems could be '...corrected by the installation of reinforcement stitching'. Whilst the report states that some of the top part of the valley wall may require rebuilding, the overall 'condition of the masonry structure' is reasonable for a building of this type and age...' despite its previous neglect.

The report concludes that the main structural problems are not insurmountable to such an extent that the dwelling is structurally unsound and thus requiring demolition and rebuilding, and the report states that '...overall it is judged that the house is capable of restoration'.

History:-

06/00892/FUL	Proposed New Access Drive And Works To Divert Watercourse	Approved	05.10.06
05/00117/CLU	Certificate Of Lawfulness For An Existing Use As A Residential Dwelling House And Its Curtilage	Granted	26.05.05
06/00424/BOC	Enforcement case - appeal pending		



Consultations:-

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

Director of Highways, Transportation and Waste Management.

Ratby Parish Council has no objections to the proposal.

The Borough Council's Building Control Surveyors consider that the farmhouse was suitable for repair and refurbishment prior to its demolition. They also consider that a full plans building regulation application is required.

Director of Environment and Heritage Services (Archaeology) state the site is of historic interest. There are concerns regarding the proposed new access immediately to the southwest of the farmhouse. This is because there are likely to be archaeological remains on the site.

Site notice.

Development Plan Policies:-

Government Guidance

In Planning Policy Statement 1 (PPS1) 'Delivering Sustainable Communities' the government's approach to planning is stated to be the objective of achieving sustainable development whilst protecting the natural and built environment. The guidance to Local Planning Authorities in PPS1 states that development plan policies must be the basis upon which planning applications are determined, unless other material considerations can be demonstrated.

Planning Policy Statement 7 (PPS7) 'Sustainable Development in Rural Areas' states that development in the countryside must be in suitable locations and sustainable.

Structure Plan

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

Local Plan Policies

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

Policy NE5 of the Local Plan seeks to protect the countryside from unwarranted development. The policy seeks to protect the countryside for its own sake.

Policy RES10 states that planning permission for replacement dwelling in the countryside will initially be considered in terms of the countryside policies. The policy applies two criteria that proposals must satisfy and these are that the replacement dwelling needs to be similar in size and scale of the original dwelling, and built on a similar footprint.

Policy BE1 of the Local Plan states that planning permission for development proposals will be granted where they complement or enhances the character of the surrounding area; where they comply with appropriate design.

Appraisal:-

The main issues to consider relate to the impact of the development upon the surrounding countryside, whether the proposal satisfies adopted Development Plan policies and the potential precedent that could be set should planning permission be granted.

The existing dwelling was part of a group of farm buildings. The site lies some distance away from Desford Lane and is very isolated, and the site is accessed off an agricultural farm track. There are various public footpaths from which the development is visible.

Operational development

Initially the applicant proceeded to carry out works that did not require planning permission. However, as he admits in his supporting statement, all but the whole of the front elevation and part of the south facing elevation '...had collapsed over the weekend and the remainder of the brick section was in a dangerous condition'. He also states that '...further investigations revealed that the rear half (the brick section) of the house had been built without a foundation straight onto the clay beneath'. He decided to remove the brickwork and gable ends and lay a new foundation.

The rear elevation (east facing) comprised of gable end brick built wall that was around 14.5 metres in length and 5.7 metres to eaves level. The north-facing wall was approximately 9.5 metres wide, and was 5.8 metres ridge level. The south facing elevation wall that remains is around 3 metres in overall length. Effectively, three walls out of the main four walls of the dwelling have 'collapsed' as alleged by the applicant. It is considered that this amounts to demolition of the existing dwelling, and the works involved reconstructing them amount to a replacement dwelling. These works do not benefit from deemed permission under the GPDO.

The structural engineers report refers to a crack between the front and rear part of the dwelling. The applicant maintains that when he removed the roof structure the three walls collapsed. However, his assertion is not supported by the structural engineers report,

because the report identifies this crack as not affecting the structural integrity of the building. In fact the structural engineer considered that the cracks were configured in such a manner that they did '...not suggest subsidence' and any problem may relate to a lack of bonding. It states that these problems could be '...corrected by the installation of reinforcement stitching'. Instead the applicant then continued to re-build the demolished parts of the pre-existing dwelling despite being advised by officers to the contrary. The Borough Council's Building Control section's consultation reply confirms that the conclusion of the structural engineer's report on the building (as standing in May 2003 or thereabouts) was capable of being repaired and/or refurbished.

However, after the taking of enforcement action involving the serving of a temporary stop notice and the subsequent issuing of an enforcement notice that is now subject to an appeal, this application has been submitted and currently work ceased. The fee paid for the application reflects the fact that this application is for the construction of a replacement dwelling house.

The proposed replacement dwelling

The pre-existing dwelling had an overall footprint of around 14.5 metres by 9 metres. It was two and half storey gable end pitched roof building, and was constructed around a traditional agricultural group of buildings.

The proposed replacement dwelling is also two and half storey (overall height of 9 metres for the main dwelling and around 7.5 metres for the side building) and has a similar footprint. There is on the second floor a new roof terrace being created. The proposal is for a five bedroom dwelling with each bedroom having its own ensuite facility. New patio doors and windows are also proposed.

To the west facing elevation there is also a new outbuilding proposed. This outbuilding appears to be part of the proposed landscaped garden area. The building measures around 4 metres by 4 metres. A small patio area immediately to the north facing elevation on ground floor is also proposed. There are two brick pier entrance gates situated along the western boundary of the site that are approximately 3.5 metres wide. The courtyard immediately to the southwest of the dwelling is also of significant historic interest due to the potential archaeological interest in this area. However, suitable conditions could be imposed to control development in this area, although any work that has already been carried out on the site could have potentially disturbed such remains.

Whilst the access and design statement stated that the works undertaken on this dwelling will be done in such a way as to 'complement' the existing detail, and wherever possible 'maintain the existing structure of the dwelling in its current form', the proposal is to replace the pre-existing building with new external facing materials and very little, if any, original materials have been used so far, because new materials have been utilised for the external facing elevations that have partly been erected to just over first floor level.

Policy considerations

Policy RES10 of the adopted Local Plan specifically relates to replacement dwellings in the countryside. The supporting paragraphs in the Local Plan refer to the requirement of applicants to '...explain the full circumstances...' of the case when applying for replacement dwellings in the countryside, because an 'unjustified' proposal to '...simply demolish an existing building in order to erect a more substantial property...' is not acceptable. Therefore, this proposal is contrary to policy RES10.

The development has an adverse effect on the appearance and character of the landscape, and is contrary to policy NE5 of the Local Plan. The general presumption in these policies is that unless exceptional circumstances can be demonstrated for development in open

countryside planning permission would not be granted as stated in the relevant supporting policy paragraph.

The applicant argues that the proposed development is not much different from what existed before albeit that the new building would be built in accordance to current building regulations. However, it is considered that a precedent would be set should permission be granted contrary to adopted Development Plan policies.

Other material considerations

A Certificate of Lawful Existing Use confirmed that the building (as stood on the date of the application for the Certificate being 7th February 2005) was a residential dwelling and its use and status as such had not been abandoned due to it not being habited for a considerable length of time. This Certificate does not grant or imply permission for the substantial demolition of the building and then construction of a new replacement dwelling. Effectively this Certificate is now irrelevant, as it no longer has a dwelling upon it to which the Certificate relates. This matter is therefore not relevant to the determination of this application.

A similar situation was presented to Members in relation to Watling Street Farm barns, Smockington Hollow, and White Gables Farm, Fenny Drayton. Members considered the Watling Street Farm barns application and determined to refuse it on the grounds that the operational development amounted to the erection of a new dwelling in the countryside, and permitting such works would set a precedent.

The applicant has stated his personal reasons as to why the building was demolished. He also states his regret and is remorseful. In fact he has stated that if this application is refused his financial situation is such that he may be 'bankrupt'. He also is of the view that a refusal would lead to him and his family being made homeless. Whilst one sympathises with the applicant's predicament, the circumstances presented are not material considerations. Refusing this planning application would be proportionate because the development is contrary to adopted Development policies.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, the proposal if approved, would constitute unwarranted and undesirable visual intrusion of new residential development in this part of the open countryside, contrary to policy SP8 of the Leicestershire, Leicester and Rutland Structure Plan (adopted March 2005) and policies NE5 of the Hinckley and Bosworth Local Plan (adopted February 2001).
- 2 The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the Local Planning Authority would also object, but which would consequently be difficult to resist.

Contact Officer:- Mr Ahsan Ghafoor Ext 5775

Item: 08

Reference: 07/00328/FUL

Applicant: The Dixie Grammar School

Location: Playing Fields Barton Road Market Bosworth Nuneaton

Leicestershire

**Proposal: ERECTION OF SPORTS PAVILLION AND EXTERNAL
GROUNDSMAN'S STORE**

Introduction:-

This a full planning application for the construction of a sports pavilion and groundsman's store at the Dixie Grammar School playing fields off Barton Road. The playing fields are accessed from Barton Road and are in between Market Bosworth and Carlton. The site is open countryside with agricultural land surrounding the site and the existing playing fields to the north. There is an existing tennis centre to the immediate east of the site.

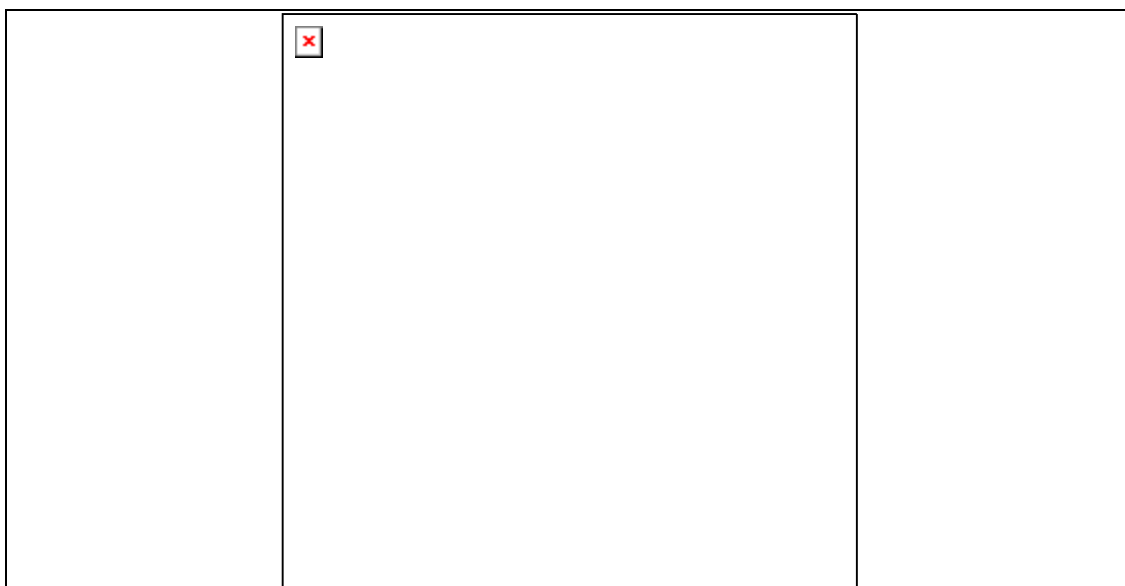
The proposed sports pavilion would be sited adjacent to the tennis centre and comprises of essentially a rectangular building and is single storey being 27 metres in length and has a central ridge height of 6.2 metres. The proposal incorporates a traditional veranda to the front of the building, which permits views across the playing fields to the north. It is proposed that the building be clad in western red cedar, which would allow it to sit comfortably within the countryside landscape.

A Design and Access Statement has been submitted with the planning application. The statement indicates that the clients brief was for a modern building with a traditional external appearance, which is to sit easily in the context of the area. The setting of the building influences the construction materials and the clients desire to be as environmentally friendly as possible.

The Design and Access Statement also provides a justification for the facility at this location. There are currently no on site changing facilities, when using the pitches, the pupils are required to change at school in facilities that are inadequate. In addition, there are no on site for showers; toilets or areas for treating injuries, The Design and Access Statement also highlights the fact that there are no permanent facilities on site for groundsman's equipment/machinery.

History:-

99/00245/FUL	Erection of pavilion, changing/WC facilities, six tennis courts, floodlighting and parking	Approved	21.07.99
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Consultations:-

At the time of writing the report comments had not been received from:-

Severn Trent Water
Leicestershire and Rutland Playing Fields
Sports Council
The Director of Highways, Transportation and Waste Management (Highways).

Initial objections have been received from the Environment Agency about the use of a cess pool as a means of non-mains drainage. The applicant and the Environment Agency have agreed to the use of a septic tank subject to standard conditions with respect to the siting etc.

Development Plan Policies:-

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

Policy NE5 of the adopted Hinckley and Bosworth Local seeks to ensure that the countryside is protected for its own sake. Policy NE5 does allow limited development in the countryside for sport or recreation purposes and only if it does not have an adverse effect on the appearance or character of the landscape.

Appraisal:-

The key issues in the determination of the application are the acceptability of this development within the open countryside, the design of the pavilion building and the impact on the highway.

Siting in open countryside

Policy NE5 of the adopted Hinckley and Bosworth Local Plan states that the countryside will be protected for its own sake and that planning permission will only be granted for development that is important to the local economy, for the change of use, re-use or extension of existing buildings or for sport or recreation purposes.

The principle of this kind of building to be used for sport and recreation purposes is acceptable provided that the development will not have an adverse effect on the appearance or character of the landscape. The area surrounding the application site is predominantly agricultural land. To the south of the site is Old Park Spinney and to north of the proposed building are the existing playing fields. The existing tennis centre and associated floodlighting also form part of the southern boundary of the site. The site is within open countryside albeit there is an existing building and associated access etc surrounding it. Given that there is an existing building on the site and the proposed building is to be used for sport the siting of the building is considered to be acceptable. In terms of the impact on the locality it has been designed to sit easily in the context of the area. The external walls are to be clad in western red cedar which turns grey when weathered and would blend in to the countryside landscape in a way in which brick would not. It is therefore considered that the proposal will not have an adverse effect on the appearance or character of the landscape.

Design

In terms of the buildings design, this is relatively simple, a rectangular building with a principal pitch. A traditional veranda features to the front of the building permits views across the playing fields. The external wall to the veranda is glass, which allows light into tearoom area. As a result of the sites isolated location there is a requirement for the building to be as secure as possible and this has also influenced the design of the building. There are no 'surplus' windows or doors to the building only those considered essential to allow the building to function correctly. The proposed cladding to the facades has therefore been arranged in vertical modules of horizontal boarding, with the width of each module being equivalent to a large door. The overall design of the building has been carefully considered to blend into the surrounding countryside. It is therefore considered that the resulting building will not have an adverse impact on the appearance or character of the landscape.

Highway safety

As stated, Policy NE5 of the Local Plan does permit some development in the countryside provided that the proposal will not generate traffic likely to exceed the capacity of the highway network. The submitted Design and Access Statement states that there is no intention to alter the curriculum as a result of the improvements of the facilities. The statement also anticipates that there will be no substantial increase in traffic to and from the site. The schools fixture list will remain the same as existing. It is therefore unlikely that the improved facilities will result in additional visitors and vehicle movements associated with the site and on this basis the proposal is considered to be acceptable in terms the impact on the highway network.

Conclusion

Taking into account the character of the surrounding countryside and the policy requirements it is considered that the proposal satisfies the criteria of policy NE5. The building is of an interesting design, which would not appear obtrusive within the locality and would provide an improved facility for the school pupils along with the wider community. On this basis it is recommended that planning permission be granted.

RECOMMENDATION :- Permit subject to the following conditions :-

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed pavilion shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - (i) 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.
- 4 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 5 The pavilion hereby approved shall be used by Dixie Grammar School only for school activities and associated fixtures, unless otherwise agreed in writing by the Local Planning Authority

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 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 enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 To define the permission and to enable the Local Planning Authority to control the use of the facility in the interests of the amenities of the area.

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