

**REPORT P2**

**PLANNING COMMITTEE**

**29.05.2007**

**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:** 07/00022/COU

**Applicant:** Mr And Mrs N Pickup

**Location:** Linton Farm Merrylees Road Thornton Leicestershire

**Proposal:** **RETROSPECTIVE APPLICATION FOR THE SITING OF AGRICULTURAL WORKERS CARAVAN, ENGINEERING WORKS TO CREATE EXTERNAL STORAGE AREAS AND EXERCISE AREAS FOR ANIMALS, AND CHANGE OF USE OF LAND AND BUILDINGS TO A MIXED USE OF AGRICULTURE AND EQUESTRIAN**

**Introduction:-**

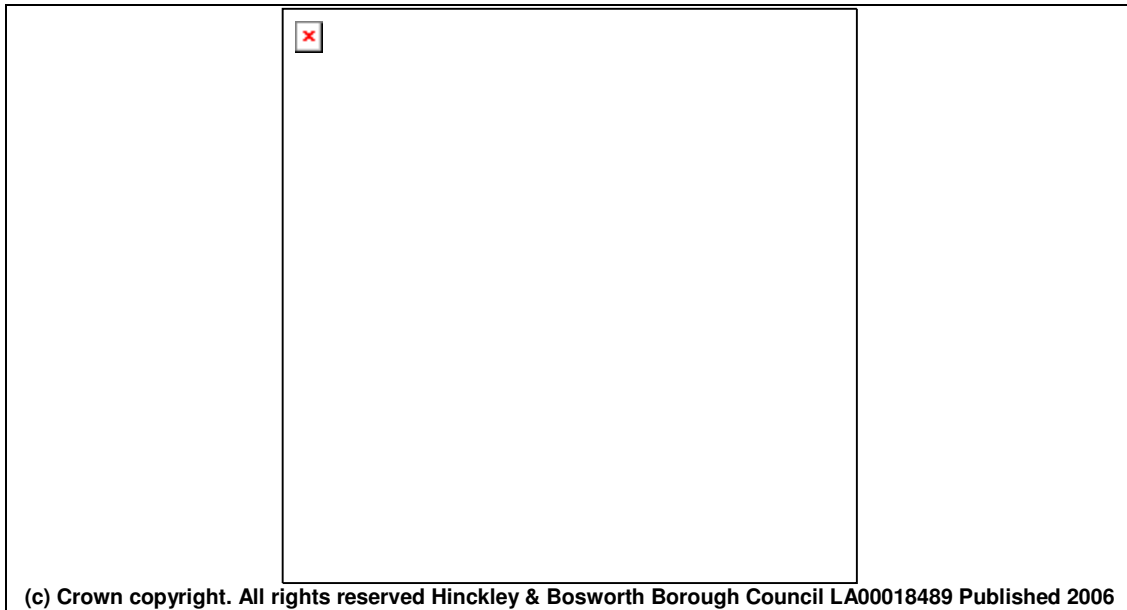
This is a retrospective application for the erection of an agricultural workers caravan, engineering works to provide external storage and exercise areas for animals and change of use of land and buildings to a mixed use of agriculture and equestrian. A separate application for change of use of land and buildings (reference 07/00023/COU) relates to the entire land holding and follows this item on the agenda. Linton Farm covers an area of almost 47 hectares and is located in open countryside to the south and southwest of Thornton on the west side of Merrylees Road. There are isolated farmhouses to the east, further residential properties to the southernmost point, Merrylees Industrial Estate to the southwest and Hanson brickworks to the west. The existing complex of farm buildings is located immediately to the west of Merrylees Road and is reached from an existing farm access to Merrylees Road.

The land and buildings previously formed part of a much larger holding comprising of Lindridge, Linton and Church Farms, which have more recently been sold as a number of smaller lots. The farm complex at Linton Farm comprises of agricultural buildings only, the residential property formerly associated with this land was sold off separately. Planning permission for a permanent agricultural workers dwelling has previously been granted on this site but was never implemented, planning permission has also been granted previously for a temporary mobile home. The applicant has stressed the need for a residence on site due to the calf rearing activities being carried out.

**History:-**

80/0277/4	Siting of Temporary Mobile Home	Approved	21.04.80
80/0278/4	Erection of Agricultural Dairy Unit	Approved	21.04.80
82/0123/4	Retention of Permission for a Temporary Dwelling	Withdrawn	12.05.82
83/0163/4	Extension of Agricultural Dairy Unit comprising Cubicle and Feeding Accommodation and Slurry Storage	Approved	12.05.83
94/00789/OUT	Erection of Agricultural Workers Dwelling	Approved	14.12.94
97/00881/OUT	Erection of Agricultural Dwelling	Approved	07.01.98
00/00413/REM	Erection of Agricultural Dwelling	Approved	12.10.00

02/00269/FUL	Erection of Steel Portal Framed Agricultural Building	Approved	28.03.02
06/00397/COU	Erection of Agricultural Workers Caravan, Engineering Works to create External Storage Areas and Exercise Areas for Animals and Change of Use of Land and Buildings to a Mixed Use of Agriculture and Equestrian.	Withdrawn	11.09.06



### Consultations:-

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

Director of Highways, Transportation and Waste Management (Highways)  
 Head of Health and Environment  
 Council's Land Drainage Consultant.

No response has been received at the time of writing this report from Central Networks.

Director of Resources (Property) considers that the holding currently passes the functional test for a temporary dwelling and will continue to pass this test in the future if the livestock numbers are sustained. However, he states that the holding is clearly financially un-viable at present and will remain so if the proposed increases are implemented, and will not be capable of sustaining the cost of a permanent dwelling in the future unless the returns from agriculture and equestrian DIY livery improves significantly. He points out that government guidance in Annex A of Planning Policy Statement 7 does not require that the unit passes the financial test for a caravan or mobile home but that such a dwelling should only be allowed for a maximum period of three years after which time if the enterprise is not then financially viable, and able to sustain the cost of a permanent dwelling, the mobile home should be removed from the holding. He concludes that there is agricultural and equestrian support for the retention of the mobile home for a period of up to three years to enable the applicants to establish a viable business. However, it should be made clear to the applicants that if the enterprise is not able to sustain the cost of a permanent dwelling after the three year period the consent is unlikely to be renewed. He considers that the change of use to include equestrian should be considered on normal planning grounds as it would

not affect the agricultural nature of the holding but that, if approved, it may be appropriate to make this a temporary permission to run with the permission for the mobile home.

Site notice posted and neighbours notified, one letter of objection received raising the following issues:-

- a) Reduction in privacy and amenity
- b) increase in traffic
- c) increase in noise
- d) possibility of on-street parking and road safety issues.

## **Development Plan Policies:-**

### Government Guidance

Planning Policy Statement 7: Sustainable Development in Rural Areas sets out the Government's planning policies for rural areas. Paragraph 10 of PPS7 makes it clear that isolated new houses in the countryside require special justification for planning permission to be granted. Annex A to PPS7 provides further advice and outlines the need for a functional and financial test to be applied to applications for dwellings in the countryside to ensure that the dwelling is required on site and cannot be provided in a nearby settlement and that any proposed enterprise has a sound financial basis to support the dwelling and its occupants.

### Local Plan

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

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

Policy RES11 states that proposals for the development of a residential mobile home will be considered according to the same criteria applied to new dwellings. In exceptional circumstances planning permission may be granted for a mobile home for a limited period in connection with the development of an agricultural holding.

Policy RES12 states that in assessing planning applications for dwellings required to accommodate a person employed in agriculture, consideration will be given to: the nature of the holding and the necessity for the person to live on site, having regard to the security and efficient operation of the holding; the viability of the holding to sustain the worker in full time employment; the availability of suitable alternative accommodation in the local housing market.

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

to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy NE10 states that development within Local Landscape Improvement Areas should include comprehensive landscaping proposals including a proportion of native tree species either within or at the boundary of the development site. Policy NE22 provides further criteria for the consideration of development proposals within the National Forest.

### **Appraisal:-**

The dwelling previously associated with this land holding has been sold off separately and therefore the application seeks to provide on-site accommodation for this unit. The principle activity being carried out on the farm is the rearing of cattle and sheep. As animals have already been moved onto the holding the applicant has stressed the need for residential accommodation on site to provide essential cover due to the nature of these activities and for security purposes. A mobile home has therefore been sited between the existing farm buildings and Merrylees Road close to the existing vehicular access to the farm. Annex A to PPS7 states that if a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan or other temporary accommodation. The applicant states that the siting has had regard to reducing its impact on the appearance of the landscape by locating it close to the existing buildings and the need to show a presence on site and to secure the access to it. As such the proposal is considered to meet most of the criteria required by policies RES11, RES12 and NE5. The financial viability required by policy RES12 and PPS7 is discussed below.

The applicant has provided stocking levels and financial information for an assessment to be made regarding the functional and financial tests required by PPS7 for a dwelling in the countryside. An agricultural appraisal provided by the County Councils' Land Agent states that the holding currently passes the functional test and will continue to pass this test in the future if the livestock numbers are sustained but that the enterprise is financially un-viable at the present time and will remain so even if the proposed increases are implemented, and will not be capable of sustaining the cost of a permanent dwelling in the future unless the returns from agriculture and equestrian DIY livery improves significantly. It is not a requirement of Annex A of PPS7 that the unit should pass the financial test for a caravan or mobile home, however, the Annex states that a caravan/ mobile home should only be allowed for a maximum period of three years after which time if the enterprise is not then financially viable, and able to sustain the cost of a permanent dwelling it (the mobile home) should be removed from the holding.

The appraisal concludes that there is agricultural and equestrian support for the retention of the mobile home for a period of up to three years to enable the applicants to establish a viable business. However, it should be made clear to the applicants that if the enterprise is not able to sustain the cost of a permanent dwelling after the three year period the permission is unlikely to be renewed and the mobile home removed from the site. In view of these recommendations the granting of a temporary permission would appear to be appropriate in this case.

The appraisal also recommends that consideration should be given to making the change of use to include equestrian as a temporary permission to run with the permission for the mobile home to enable the use to be returned to purely agricultural if the unit is unable to sustain the cost of a permanent dwelling after the three year permission has expired.

In addition to the mobile home, engineering operations have already been carried out to the immediate north of the farm complex involving the levelling of the land and provision of a crushed hardcore base to provide external bale storage for silage and haylage and to improve circulation around the farm complex itself. The provision of such a storage area is

acceptable in principle given the existing use of the buildings and land and its location at the foot of sloping ground and adjacent to the existing farm complex minimises its impact on the appearance of the landscape. It is the intention of the applicant to screen this area further by the introduction of additional planting along the boundary to Merrylees Road.

The formation of an exercising manege close to the southwest (rear) of the complex is again well related to existing buildings to minimise its impact on the landscape and will be further screened by additional landscaping. The location of the manege is such that it is a considerable distance from residential properties to the north and south and should not therefore give rise to adverse affects on residential amenities. It is intended to provide livery on site with 10 internal bays within a small part of an existing agricultural building on the site. This will inevitably lead to an increase in the use of the existing farm access and additional traffic movements to and from the site but the Highway Authority has no objection subject to standard conditions and the level of traffic is not considered likely to exceed the capacity of the highway network or adversely affect the rural character of the area. There is also a potential for sufficient parking provision within the site. The proposal is therefore considered to meet the criteria of policies BE1, BE22, NE5 and NE10.

### Conclusion

The proposals seek to re-establish agricultural activity on the farm and to provide additional equestrian/recreational activity as a supplemental use, along with additional environmental improvements across the holding. Whilst the holding currently passes the functional test for the siting of a mobile home in terms of livestock numbers it is not currently considered to be financially viable to support a permanent dwelling, even with the supplemental equestrian use. However, Annex A of PPS7 makes it clear that the unit does not need to pass the financial test for a mobile home and that it is reasonable to allow a temporary permission in such circumstances to provide an opportunity for the applicant to further establish the agricultural business within the temporary period allowed. In general terms the proposals, including the change of use to include equestrian use, satisfy the criteria of the relevant Development Plan Policies and Planning Policy Statement 7 and therefore are recommended for approval subject to conditions.

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

**SUMMARY OF DECISION** - The proposal is in conformity with Policies BE1, BE22, RES11, RES12, NE5, NE10 and T5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 This permission is limited to the period expiring on 24th June 2010. Immediately on the expiry of that period the mobile home hereby permitted shall be removed unless in the meantime a further planning permission has been granted.
- 2 The occupation of the mobile home shall be limited to the person(s) wholly or mainly employed, or last employed locally in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in accordance with the approved details.
- 3 Notwithstanding the submitted details, the vehicular access shall be formed with a minimum of 10 metre control radii and a minimum width of 6 metres for at least the first 10 metres behind the highway boundary.
- 4 Before first use of the development hereby permitted the access drive and any turning space shall be surfaced in tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and shall be so maintained at all times in the future.

- 5 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 15 metres behind the carriageway edge and shall be hung so as to open inwardly only.
- 6 Within three months of the date of this permission, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate the proposed species, plant numbers, plant size and their disposition on the site.
- 7 The approved landscaping scheme shall be carried out in accordance with the approved details and during the first appropriate planting season following the date of this permission. The scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs that 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.

**Reasons :-**

- 1 The site lies within an area where the Local Planning Authority would not normally grant permission for residential development and in accordance with the proper development of the site to accord with polices RES11 and RES12 of the adopted Hinckley and Bosworth Local Plan.
- 2 The site lies within an area where the Local Planning Authority would not normally grant permission for residential development. But for the special circumstances of the applicant the Local Planning Authority would not have been prepared to grant permission to accord with policies RES11 and RES12 of the adopted Hinckley and Bosworth Local Plan.
- 3 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to enable vehicles to enter and leave in a controlled manner in the interests of road safety to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 4 To reduce the possibility of deleterious material (loose stones etc) being deposited in the highway and in the interests of road safety to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To enable a vehicle to stand clear of the highway whilst the gates are opened and closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6 To enhance the appearance of the development to accord with policy NE5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE5 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

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

- 4 In relation to Condition 1, the applicant is advised that the permission for the siting of a mobile home is for a temporary period only and to provide the applicant with an opportunity to establish a financially viable agricultural business capable of sustaining a permanent dwelling within the site. The mobile home must be removed from the site on the expiry of this period unless planning permission for a permanent dwelling has been granted in the meantime.

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

**Item:** 02

**Reference:** 07/00023/COU

**Applicant:** Mr And Mrs N Pickup

**Location:** Linton Farm Merrylees Road Thornton Leicestershire

**Proposal:** CHANGE OF USE OF LAND AND BUILDINGS TO A MIXED USE OF AGRICULTURE AND EQUESTRIAN

#### **Introduction:-**

This is an application for the change of use of land and buildings to a mixed use of agriculture and equestrian. A separate application for the erection of an agricultural workers caravan, engineering works to provide external storage and exercise areas for animals (reference 07/00022/COU) is to be considered as a separate item on the agenda. Linton Farm covers an area of almost 47 hectares and is located in undulating open countryside to the south and southwest of Thornton on the west side of Merrylees Road. There are isolated farmhouses to the east, further residential properties to the southernmost point, Merrylees Industrial Estate to the southwest and Hanson brickworks to the west. The existing complex of farm buildings is located immediately to the west of Merrylees Road and is reached from an existing farm access to Merrylees Road.

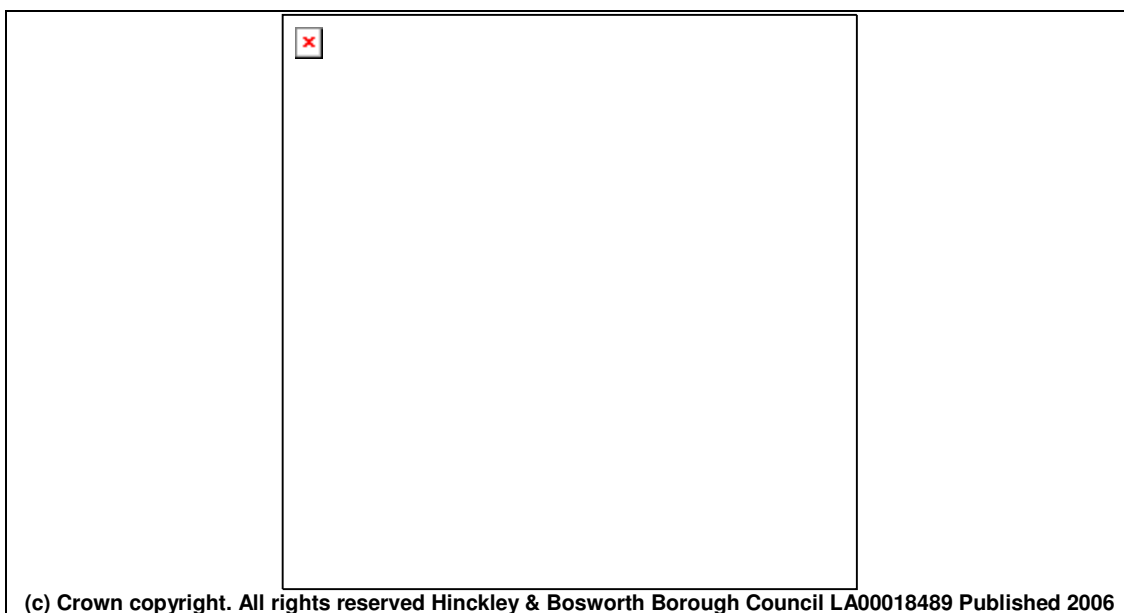
The application seeks to establish a horse-riding track around and across the land holding to provide an additional facility to the stables and manege to be considered in the separate report on this agenda.

#### **History:-**

80/0277/4	Siting of Temporary Mobile Home	Approved	21.04.80
80/0278/4	Erection of Agricultural Dairy Unit	Approved	21.04.80
82/0123/4	Retention of Permission for a Temporary Dwelling	Withdrawn	12.05.82
83/0163/4	Extension of Agricultural Dairy Unit comprising Cubicle and Feeding Accommodation and Slurry Storage	Approved	12.05.83
94/00789/OUT	Erection of Agricultural Workers Dwelling	Approved	14.12.94



97/00881/OUT	Erection of Agricultural Dwelling	Approved	07.01.98
00/00413/REM	Erection of Agricultural Dwelling	Approved	12.10.00
02/00269/FUL	Erection of Steel Portal Framed Agricultural Building	Approved	28.03.02
06/00397/COU	Erection of Agricultural Workers Caravan, Engineering Works to create External Storage Areas and Exercise Areas for Animals and Change of Use of Land and Buildings to a Mixed Use of Agriculture and Equestrian	Withdrawn	11.09.06



### Consultations:-

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

Director of Highways, Transportation and Waste Management (Highways)  
Head of Health and Environment.

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

Council's Land Drainage Consultant  
National Forest Company.

Central Networks highlight the presence of overhead power lines but do not object to the proposals in principle provided that statutory safety clearances to any of their apparatus is maintained and proximity safety requirements are met.

Director of Environment and Heritage Services (Rights of Way) highlights the presence of existing public rights of way R71 and R72 that cross the site and suggests conditions be added to protect them should permission be granted.

Director of Resources (Property) states that consideration should be given to making the change of use to include equestrian as a temporary permission to enable the use to be returned to purely agricultural if the applicant is unable to sustain a financially viable business activity on the site.

Site notice posted and neighbours notified, two letters received raising the following issues:

- a) Potential reduction in residential privacy and amenity
- b) potential increase in traffic
- c) potential increase in light and noise pollution
- d) hours of use
- e) landscaping/screening may not be implemented
- f) possibility of on-street parking and road safety issues
- g) need for an equestrian use.

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

#### Government Guidance

Planning Policy Statement 7 (PPS7) recognises that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises, and states that local planning authorities should be supportive of farm diversification schemes that contribute to sustainable development objectives, help to sustain the agricultural enterprise, and are consistent in their scale with their rural location. Horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economies.

#### Local Plan Policies

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

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

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

Policy NE10 states that development within Local Landscape Improvement Areas should include comprehensive landscaping proposals including a proportion of native tree species either within or at the boundary of the development site. Policy NE22 provides further criteria for the consideration of development proposals within the National Forest.

### **Appraisal:-**

The principle activity currently being carried out on the farm is the rearing of cattle and sheep. The diversification of part of the holding for recreational uses such as equestrian

activities would appear to be acceptable in principle and in terms of both government guidance in PPS7 and local plan policies, provided that such activities remain subordinate to the main agricultural operations on the land and do not replace them.

This application seeks to establish a mixed use of agriculture and equestrian on the site and to establish a horse-riding track around and across the land holding. Following neighbour representations regarding the proximity of the proposed horse-riding track to some residential properties, the applicant has submitted amended plans that move the track away from the houses to the north and south. The location of the horse-riding track is now considered to be an acceptable distance from residential properties to the north and south and should not therefore give rise to adverse affects on residential amenities. The applicant has stated an intention to maintain the intersections of the proposed track with the public rights of way that cross the land.

It is intended to provide livery on site with 10 internal bays within a small part of an existing agricultural building on the site. This is likely to lead to an increase in the use of the existing farm access and additional traffic movements to and from the site but the Highway Authority has no objection subject to standard conditions and the level of traffic is not considered likely to exceed the capacity of the highway network or adversely affect the rural character of the area. There is also a potential for sufficient parking to be provided within the site. No proposals have been submitted within the application for any additional lighting that could potentially create light pollution in this rural location. The proposal is therefore considered to meet the criteria of policies BE1, BE22, NE5 and NE10.

The Agricultural Appraisal provided by the Director of Resources (Property) states that consideration should be given to making the change of use to include equestrian as a temporary permission to run with the permission for the mobile home to enable the use to be returned to purely agricultural if the unit is unable to sustain the cost of a permanent dwelling after the three year permission has expired. However, small scale equestrian activities are considered to be acceptable in general terms in countryside locations and it is not considered appropriate in this case to grant a temporary permission.

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

**SUMMARY OF DECISION** - The proposal is in conformity with Policies BE1, BE22, NE5, NE10 and T5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 This permission relates to the application as revised by amended plan No. MB/Pickup/00023A, detailing amendments to the position of the proposed riding track, received by the Local Planning Authority on 23rd April 2007.
- 3 No horse manure or other waste materials shall be burnt on the site at any time.
- 4 Notwithstanding the submitted details, the vehicular access shall be formed with a minimum of 10 metre control radii and a minimum width of 6 metres for at least the first 10 metres behind the highway boundary.
- 5 Before first use of the development hereby permitted the access drive and any turning space shall be surfaced in tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and shall be so maintained at all times in the future.

- 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 15 metres behind the carriageway edge and shall be hung so as to open inwardly only.
- 7 Before the development hereby approved is commenced on site, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate the proposed species, plant numbers, plant size and their disposition on the site.
- 8 The approved landscaping scheme shall be carried out in accordance with the approved details and during the first appropriate planting season following the date when the proposed horse riding track is first ready for use. The scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs that 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.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 To safeguard amenities of neighbouring properties to accord with policy BE22 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to enable vehicles to enter and leave in a controlled manner in the interests of road safety to accord with policy BE22 of the adopted Hinckley and Bosworth Local Plan.
- 5 To reduce the possibility of deleterious material (loose stones etc) being deposited in the highway and in the interests of road safety to accord with policy BE22 of the adopted Hinckley and Bosworth Local Plan.
- 6 To enable a vehicle to stand clear of the highway whilst the gates are opened and closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with policy BE22 of the adopted Hinckley and Bosworth Local Plan.
- 7 To enhance the appearance of the development to accord with policy BE22 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE22 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 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)

4 The applicants attention is drawn to the contents of the attached reports provided by Leicestershire County Council in respect of the public rights of way R71 and R72 that cross the application site and Central Networks in respect of the proximity of electrical apparatus on and over the application site.

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

**Item:** 03

**Reference:** 07/00368/FUL

**Applicant:** David Wilson Homes

**Location:** Mill Hill Business Centre 5 Mill Hill Road Hinckley Leicestershire

**Proposal:** DEMOLITION OF EXISTING FACTORY AND ERECTION OF 24 DWELLINGS WITH ASSOCIATED PARKING

**Introduction:-**

This application is for the demolition of the existing factory and the erection of 23 dwellings with associated parking at Mill Hill Business Centre, 5 Mill Hill Road, Hinckley. The site is located on the south side of Mill Hill Road and to the east of Cleveland Road. The site measures approximately 0.2 hectares and currently has accesses from both Mill Hill Road and Cleveland Road. The site is bounded to the southwest, west and north by residential and to the east and southeast by a mixture of residential and industrial units.

The site itself is roughly rectangular in shape and comprises a complex of interlinked industrial buildings arranged around two internal courtyards with a car park to the rear. The largest of the buildings is of 'industrial two storey' construction with a pitched roof located at the northeast corner of the site. The buildings along Mill Hill Road are all two storey but do gradually reduce in height from east to west. The existing elevation to Cleveland Road is predominantly single storey, with the exception of the building at the junction with Mill Hill Road which is two storey.

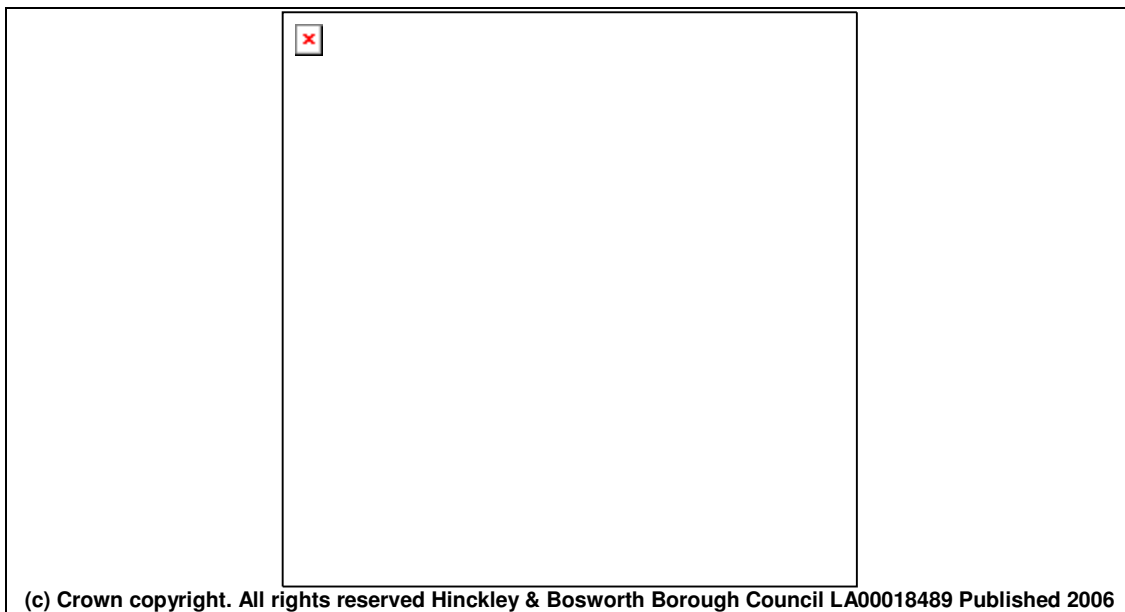
The application proposes to remove all of the existing buildings and erect 16 two-bedroom apartments, 2 one bedroom apartments and 6 three bedroom terrace properties. The buildings fronting Mill Hill Road and the first of the buildings fronting Cleveland Road will be 3 storey apartment blocks. The remainder of the buildings fronting Cleveland Road comprise a further 3 apartments, which will be two storey, and a pair of terrace dwellings, which will be two storey with dormer windows to the front and velux windows to the rear. To the rear of the site in the southeast corner there are a further 4 terrace properties, identical to those proposed fronting Cleveland Road. The scheme includes a total of 25 car parking spaces. The application was amended with revised plans on 11th May to increase the width of the access to 5.25 metres.

Information submitted in support of the application includes a design and access statement, a historic buildings assessment, a draft S106 agreement, an ecological appraisal, a contaminated land appraisal and four streetscenes. The historic buildings assessment concludes that the existing buildings are not listed, locally listed or within a conservation area and that there is no policy requirement for their retention. It goes on to describe the building as "a much altered example of a generic building type found throughout England" and that the "residential location derives no value or historic interest from the retained factory buildings". The submitted design and access statement details that the design of

the scheme has been very strongly influenced by the desire to reflect the scale of the existing building whilst ensuring that no adverse affect on the amenity of the local residents arises. When considering design the document states that a very significant aim is that the building assimilates as comfortably as possible into its surroundings. In conclusion the document states that the main principles of providing strong streetscenes, coherent building groups and retaining the character of the area have been stressed and the other constraints to development have been fully assessed in the design process. It states the resulting development will represent an attractive well designed environment for occupiers and visitors which will enhance its surroundings.

**History:-**

04/01487/OUT	Redevelopment of site as 37 no. apartments	Appeal Allowed	23.02.05
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**Consultations:-**

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

The Environment Agency  
Head of Health and Environment  
Natural England  
Severn Trent Water  
The Borough Council's Drainage Engineer.

Leicestershire Constabulary Crime Reduction Officer does not object to the application but makes the following observations:-

- a) provide auto-opening access controlled gates to the bridge link vehicular entrance
- b) provide hit and miss fencing to the rear garden boundary to plots 1 and 2 to give some surveillance from the rear of these dwellings of the parking spaces
- c) provide a lockable gate to the outer entrance position to the alleyway service the rear gardens to plots 21-24
- d) lighting should be provided to illuminate the inner parking court

The Director of Highways, Transportation and Waste Management considers that the proposal is acceptable in principle and car parking is acceptable. However, refusal of the application is recommended as the proposed access has insufficient width to allow two vehicles to pass. In addition to the limited width, the access only has limited vertical clearance of 2.4 metres which would not permit access for a fire appliance or an ambulance which requires a minimum of 3 metres clearance.

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

1. Director of Children and Young People's Service - at present there is a surplus capacity in the local primary, high and upper schools so no education contribution will be required.
2. Head of Commercial and Support Services - based on the scale of this development in respect of additional users of the existing library facilities a contribution of £1,270 towards the cost of books, materials and other facilities is required. This would be spent over a period of 12 months.
3. Director of Highways, Transportation and Waste Management - The nearest civic amenity site is Barwell. Contributions are required at a rate of £42.73 per dwelling, equating to £1,026 (to the nearest £).
4. Natural Life Project Officer - states that as the scheme involves the demolition of a built structure potential bat roosts are, therefore, being destroyed. They recommend that the developer be required to incorporate bat bricks and boxes into the design of the new properties and to plant native trees, common to the area, on site to establish feeding grounds for the bats.

Hinckley and Bosworth Primary Care Trust have requested a financial contribution of £5,510 towards the provision of appropriate levels of health care which is an essential part of any sustainable community.

The Borough Council's Conservation Officer objects to the application on the grounds that the Inspector determining the appeal on the previous scheme considered that the existing elevation should be retained. He strongly recommends that the elevation is retained as it creates local distinctiveness which the proposed residential scheme will not achieve.

Hinckley Civic Society does not object to the application but would like to see the lintel over the main door with the data and insignia, preserved in some form such as built into the new building or displayed somewhere nearby. They would also like a plaque on the new building or nearby recording some of the previous uses of the building.

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

- a) Overlooking and loss of privacy
- b) insufficient parking
- c) noise
- d) distance from adjacent industrial use
- e) potential curtailment of adjacent industrial use
- f) out of keeping with the area.

A petition has been received with 23 signatures entitled "Proposed plans by David Wilson Homes to bring forward by 2 metres the building line of their new development. The visual impact on the residents of Cleveland Road is not acceptable. The suggested extension is objected to on the grounds that it will not correspond to the building line of the existing houses in the road".

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

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

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

Policy EMP1(c) categorises the site as one where the Local Planning Authority should encourage alternative uses subject to the appropriate design policies. These are site where environmental problems have, or are being experienced. However, the Employment Land and Premises Study completed in 2004 states that the site should be retained for employment in its entirety and should be moved from a category EMP1(c) to category EMP1(b) site. Category EMP1(b) states that proposals for alternative uses should be considered on their merits in the context of the appropriate design policies of the local plan. These sites are generally considered to be acceptable employment locations and are indicated on the proposals map.

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

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

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

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

## **Appraisal:-**

### Principle

The site is within the settlement boundary on a brownfield site where policy RES5 allows for residential development, subject to compliance with other relevant policies. The site is also allocated as a protected employment site. The issue of whether the site should be retained from employment purposes was considered at a Public Inquiry following the refusal to grant planning permission for the previous scheme. The Inspector concluded that the loss of this site "would not have an unacceptable effect on the supply of employment land in the Borough, and so would not conflict" with the relevant policies. As such, it is considered that the principle of residential development has already been established and is considered acceptable.

### Density

National and regional policy seeks a density of between 30 and 50 dwellings per hectare for all new residential developments to promote the better use of land; although in locations near to town centres higher levels should be considered. The application site measures approximately 0.2 hectares, to develop this at the lower end of the recommended density



would result in a scheme for 6 dwellings and at the higher end would result in a scheme for 10 dwellings. The proposed development of 24 dwellings would result in a density of 120 dwellings per hectare. This is considerably higher than the recommended density. However, the previous scheme allowed at appeal was for 34 dwellings at a density of some 170 dwellings per hectare. In addition, the site is near to the town centre within close proximity to local amenities. As such, the proposed density is considered acceptable.

### Siting and Design

It is considered there are substantial issues regarding the design and elements of the layout of the proposed scheme. It is considered that the application proposes development which fails to consider the character of the site. The former use of the site is considered intrinsic to the character of the site and the wider area. Paragraph 34 of PPS1 states "Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted." Paragraph 36 of the same states, amongst other things, that developments should respond to their local context and create or reinforce local distinctiveness. Policy BE1 of the adopted Hinckley and Bosworth Local Plan requires developments to complement or enhance the character of the surrounding area. Strategy Policy 10 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 - 2016 requires that developments protect or enhance the form and local character and distinctiveness of the built and natural environment. In addition, the Borough Council's adopted Supplementary Planning Guidance on Design Statements aims to improve design quality and ensure that developments are sensitive to the character of the area. In this instance the area does have a local distinctiveness, which is characterised by its industrial heritage. The original 1916 building forms part of the character of the area and the proposed development fails to consider this in any way. If the existing building or the façade cannot be retained the proposed design should be of a particularly high quality to compensate. The features of the existing building do not reflect those on the existing building or those on the adjacent dwellings. The scheme is considered indistinctive and inappropriate in its context and consequentially fails to take an opportunity to improve the character of the area contrary to PPS1 advice. The proposal, if permitted, would result in a development clearly out of keeping with its surroundings to the detriment of the visual amenities of the area contrary to the relevant local plan policies.

The proposed layout includes 2 and 3 storey buildings immediately adjoining the pavement on Cleveland Road. The established pattern of development in this area clearly includes some provision for space between dwellings and the pavement; unlike that on Mill Hill Road. The existing building and the layout approved on the appeal scheme retained this space and in turn respected the existing character of the area; whereas the current scheme proposes to unacceptably erode this character by siting development in this manner. Because of this siting the proposed scheme results in separation distances between the proposed and existing dwellings on Cleveland Road of only 15 metres; against a standard within Supplementary Planning Guidance of 25 metres. The Inspector considered that the appeal scheme, which included reduced separation distances in this location, was acceptable. However, these were based on buildings on a similar footprint to the existing and at a distance of 18 metres and not the currently proposed 15 metres; due to the proposed buildings being immediately adjoining the pavement.

Concerns have also been expressed regarding the potential for overlooking of the adjacent gardens and properties on Trinity Lane. It is considered that this overlooking would be limited by the orientation of the proposed development and that of the existing dwellings on Trinity Lane. However, it is considered that this situation could be improved, such that it would be acceptable, by the relocation of southernmost windows currently proposed on the east elevation to the southern elevation. This would result in a window to window distance with proposed plots 21 and 22 of approximately 24 metres, which given the sites urban

context is considered acceptable. Whether the applicant is willing to relocate these windows will be reported as a late item.

Whilst the appeal scheme was outline with siting only, some of these matters were considered by the Inspector. At paragraph 14 he considered "the main façade has some visual and historic merit". At paragraph 26 he considers the 2-storey block along much of Cleveland Road would be acceptable because it is in a similar location to that of the existing building. At paragraph 31 he states that "not using the 1916 façade...would result in a scheme that did not contribute to the character of the area in the same way." It is clear that the Inspector considered that both the retention of this 1916 façade and the retention of space between the development and Cleveland Road to be important considerations. In addition, at pre-application stage, when considering a similar scheme the applicant was advised that the 1916 façade should be retained and any scheme should draw on local distinctiveness. It seems clear that this advice has not been followed.

The above issues were outlined to the applicant by letter dated 1st May 2007. In response a letter was received from the applicant on 11th May 2007. The letter outlines that the applicant does not share the Officers views regarding the proposed design of the scheme and considers "that the removal of an unlisted commercial building outside a Conservation Area and its replacement with an attractive and varied residential development would improve the character of the area". The letter goes on to state that permission is not required for the removal of this building and its demolition will take place shortly. The applicant also contends that because the Inspector considering the previous application did not impose a condition requiring the retention of the façade, the 'fallback' position for the site would be to submit a reserved matters application which did not include the retention of the façade. They state this should be considered as a material consideration in the determination of this application. However, it is stated on the plan of the appeal scheme that the "façade of the 1916 structure retained and refurbished", it is also detailed within the decision letter that both parties agreed this formed part of the application. As such, whilst it is accepted that permission is not required to demolish the existing building, it is not considered that the 'fallback' position put forth by the applicant is correct. However, in any event, should the building be removed any replacement should be of a high quality design which reflects the character of the existing building and the wider area.

The application proposes private amenity space for the 6 terraced properties ranging from approximately 33 to 52 square metres; and the 18 flats will be provided with approximately 96 square metres of amenity space. These fall somewhat below the standard of 80 square metres per dwelling and a total of 180 square metres for the proposed flats contained within adopted Supplementary Planning Guidance on New Residential development. However, when considering amenity space of 123 square metres against a standard of some 340 square metres the Inspector considered that in this "tight urban context" this level of amenity space is justified. As such the proposed amenity space is considered acceptable.

### Highways

The application proposes 25 parking spaces against a Local Plan standard of a maximum of 39 spaces. The approved appeal scheme included 34 parking spaces for 34 apartments. The current scheme includes 6 three bedroom dwellings, which have only one parking space each. Whilst the standard may be acceptable for flats Officers have some concerns regarding the application of 100% parking for 3 bedroom houses. However, given the lack of objection on this issue from the Highway Authority; proximity of the site to the town centre; and the level of access to sustainable means of transport it is considered, on balance, that the proposed parking level is acceptable. The Highway Authority objects to the application due to the restricted width and, to a lesser extent, the restricted height of the access. However, amended plans have been received that increase the width of the access and comments from the Highway Authority on the revision will be reported as a late item.

### Financial Contributions

The application proposes 24 residential units; therefore contributions towards, libraries of £1,270, civic amenity of £1,026, health of £5,510 and play and open space of £45,600 are payable. Due to the constrained nature of the site it is not possible to provide onsite open space. The site is approximately 150 metres from Hollycroft Park which acts as a neighbourhood park where there is a recognised need to improve infrastructure including improvements to tennis courts, bowling green, pitch and putt course, bandstand, water feature, pathways and horticultural features. The play and open space contribution will be utilised to partially fund these improvements.

### Other Considerations

Concerns have been expressed by neighbours in respect of noise from the adjacent industrial units and the potential curtailment of adjacent industrial use. The Head of Health and Environment has reviewed the application and considers an adequate noise environment for the proposed dwelling can be achieved and has requested a standard noise condition be attached to any permission. The area contains a mixture of residential dwellings and industrial units. As such, it is not considered the proposed development would be out of keeping with the area. The bat bricks and boxes required by the Natural Life Project Officer could be secured by condition.

### Conclusion

The principle of residential development on this site was established by the previous appeal decision. However, it is considered the proposed layout would result in an unacceptable degree of overlooking which would adversely impact upon the amenities of neighbouring dwellings and which would encroach upon an area that should be retained from the benefit of the character of the area. It is considered the proposed design is indistinctive and inappropriate in its context and would result in development out of character with the area to the detriment of the streetscene. As such, it is considered the application should be refused.

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

- 1 In the opinion of the Local Planning Authority, it is considered that the design of the proposed development is indistinctive and inappropriate in its context and would result in development, which is located in a prominent position, which would be out of character with the area to the detriment of the streetscene contrary to Strategy Policy 10 of the adopted Leicestershire, Leicester and Rutland Structure Plan and policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 2 In the opinion of the Local Planning Authority the height and layout of the proposed development would result in an unacceptable degree of overlooking which would adversely impact upon the amenities of neighbouring dwellings and the proposed layout would encroach upon an area that should be retained for the benefit of the character of the area to the detriment of the streetscene contrary to Strategy Policy 10 of the adopted Leicestershire, Leicester and Rutland Structure Plan and policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 3 In the opinion of the Local Planning Authority, the lack of any financial contribution to address the increase in pressure placed on the play and open space facilities, library

facilities, health care facilities and civic amenity facilities of the local area by the proposed development would not accord with Government Guidance Circular 5/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996-2016, Policies REC2, REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Supplementary Planning Guidance on Play and Open Space adopted October 2002.

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

**Item: 04**

**Reference: 07/00391/COU**

**Applicant: Mr And Mrs J Earp**

**Location: Osbaston House Farm Lount Road Osbaston Nuneaton  
Leicestershire**

**Proposal: CHANGE OF USE OF AGRICULTURAL LAND FOR THE SITING OF 5  
TENTS WITH SHOWER BLOCK AND ASSOCIATED CAR PARKING**

#### **Introduction:-**

This is a change of use application that involves an ancillary farm diversification project revolving around the creation of a small scale rural tourism camp site. The scheme consists of five family sized tents pitched on hardcore bases that will be located around the edge of 7.5 acre field approximately 300 metres south west of the main farm complex.

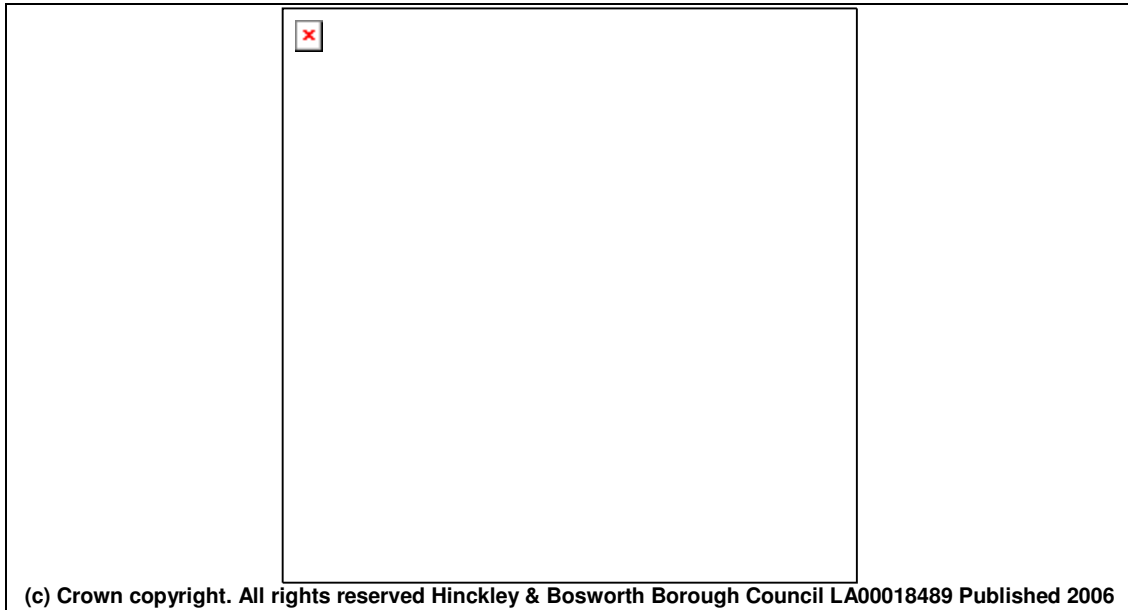
The farm is one of nine other farms from across the country that are piloting the "Feather Downs Farms Experience" which encourages a new approach to rural tourism. A similar scheme was granted permission by East Hampshire District Council in April of this year at Manor Farm located near West Worldham. Rather than a separate diversification project the scheme is closely integrated into the existing farm activities and gives visitors the opportunity to participate in the daily running of the farm and a greater appreciation of how such farms contribute to the surrounding countryside.

Each tent is erected on a wooden base which forms the floor measuring 9.0m x 5.00m giving a living area of 45 square metres, this allows the tents to be fully furnished in a rustic style. The canvas exterior is dark brown in colour to minimise the impact on the surrounding countryside. The tents will have their own cold water supply and toilet facilities, with foul drainage dealt with via a small underground private treatment plant. Each tent will have a wood burning stove but no gas or electricity with lighting provided by oil lamps or candles.

The tents will be erected on a seasonal basis from the Easter period to the end of September. During the winter months the tents will be removed and stored in the main farm complex where a shower block will be provided. Access and parking arrangements will utilise the existing farm facilities.

#### **History:-**

97/00341/GDO	Erection of agricultural building	Approved	21.04.97
02/00504/FUL	Erection of agricultural building 1 of 2		
02/00505/FUL	2 of 2	Approved	19.06.02



### Consultations:-

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

The Environment Agency  
Director of Highways, Transportation and Waste Management (Highways)  
Leicester Constabulary Crime Reduction Officer  
Severn Trent Water Ltd  
The Borough Councils Land Drainage Consultant  
Director of Environment and Heritage Services (Archaeology).

No objections have been received from the site, press notice or neighbour notifications.

The Parish Council have no objection in principle but raised a concern over an increase in traffic on Lount Road during busy times.

No comments have been received at the time of writing the report from The Ramblers Association.

### Development Plan Policies:-

The site is located in the countryside as identified by policy NE5 in the adopted Hinckley and Bosworth Local Plan.

#### National Policy

Planning Policy Statement 7 states Local Authorities should be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location.

#### Structure Plan Policies

Strategy Policy 5 states that development in the countryside will only be acceptable if the general appearance and character of the landscape and countryside is safeguarded or enhanced.

## Local Plan Policies

Policy NE5 of the adopted Local Plan aims to protect the countryside and only permit development where it is important to the local economy providing the development does not have a detrimental impact on the landscape and not generate traffic likely to impact on road safety.

Policy REC24 relating to camping and touring caravan sites accepts the provision of new small sites providing the scheme respects the local environment and is capable of connection to public services including mains water and sewage disposal facilities.

### **Appraisal:-**

Osbaston House Farm is a long established working unit (160 acres) that has diversified its activities in recent years from dairy to predominately goat farming to keep abreast of the changing markets occurring within the industry. Farm diversification schemes are supported by National and Local policy and the key issue with this proposal is, will there be any potential impact on the surrounding countryside.

The parking and shower block facilities will be located between the existing goat sheds which form part of the main farm complex and as such will create no additional impact on the surrounding area.

There will be no vehicular access to the field where the tents will be erected. The closest tent is approximately 200 metres from the farm complex and the intention is to continue to use the majority of the field for agricultural purposes. Positioned adjacent to an existing hedgerow and spinney the tents will be well screened particularly as the land falls away from the north to create a natural hollow. An ecological impact study submitted as part of the application indicates the siting and use of the tents will not have a long term detrimental impact the local ecology and concludes the proposal could be one of overriding benefit to the local wildlife.

A public footpath crosses the site but this will remain unaffected as will the views into and out of the site. The foul drainage will be collected by a small private underground treatment plant which meets the requirements of the Environment Agency.

### Conclusion

Within the Borough the importance of farm diversification is recognised. Many schemes have been considered acceptable where they are in keeping with the character of the area and appropriate to the location. Planning Policy Statement 7 and Local Plan Policy encourage diversification in rural areas to other uses and these policies are reinforced by the Good Practice Guide on Planning for Tourism issued by the Department for Communities and Local Government.

Unlike a more typical commercial campsite the impact on the surrounding countryside by this proposal will be minimal with the emphasis placed on integration within the working farm structure and education. In terms of Planning Policy Statement 7 it is a well-conceived scheme that will positively contribute to the tourist facilities within the Borough and will help sustain the current agricultural enterprise and wildlife conservation that takes place on the farm. On this basis the application is recommended for approval.

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

**SUMMARY OF DECISION** - The proposal is in conformity with Policies NE5 and REC24 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 No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved by the Local Planning Authority. No part of the development shall be brought into use until such a treatment plant has been constructed.
- 3 The development hereby permitted shall not commence until drainage works for the disposal of both water and foul sewage from the shower and toilet block have been carried out in accordance with the details to be submitted to and agreed in writing with the Local Planning Authority.
- 4 Before first use of the development hereby permitted, the 9 car parking spaces indicated on the approved drawing number 03 shall be surfaced, marked out and shall not be obstructed and shall thereafter permanently remain available for car parking unless otherwise agreed in writing with the Local Planning Authority.
- 5 The number of tents will be restricted to five and the siting of the tents shall be in accordance with approved details and no development shall take place except in accordance with drawing number 02 unless otherwise agreed in writing with the Local Planning Authority.
- 6 The structures hereby permitted shall be used only for the tourist use between 1st April and the 31st October and if at any time the structures ceases to be used or required for such purpose they shall be removed and the site re-instated to the satisfaction of the Planning Authority.
- 7 Before the development hereby permitted is commenced, details of a landscape management plan relating to the treatment of the tent bases during the closed season shall be deposited with and approved in writing by the Local Planning Authority, the scheme shall be implemented in accordance with those approved details.
- 8 Notwithstanding the details submitted on drawing number 02, before the development hereby permitted is commenced, full details and method of operation of the bread oven shall be submitted to and approved in writing with the Local Planning Authority, and implemented in accordance with those approved details.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To avoid water pollution.
- 3 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
- 4 To ensure that adequate car parking facilities will be available to serve the development when they are brought into use to accord with BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the use remains compatible with the surrounding countryside to accord with policies REC24 and NE5 of the adopted Hinckley and Bosworth Local Plan.

- 6 To ensure that the structures are used for small scale tourist purposes only since the development lies within a rural area to which restrictive planning policies apply and to accord with policies NE5 and REC24 of the adopted Hinckley and Bosworth Local Plan.
- 7 To enhance the appearance of the development to accord with policy NE5 of the adopted Hinckley & Bosworth Local Plan.
- 8 In the interests of safety and to safeguard the visual amenity of the surrounding countryside to according with policy NE5 of the adopted Hinckley and Bosworth Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 In relation to Condition 2 a discharge consent will be required from the Environment Agency and will not necessarily be granted. The applicant is advised to contact Water Quality Consent Officer Bill Greenwood (0115 846 3609) to discuss consent issues.
- 4 The developer will be responsible for ensuring that the line of public footpath S54 is not obstructed by any operations associated with the development and that safe access by pedestrians is maintained at all times. The County Council's consent should be sought to carry out any works within the confines of the footpath before these are commenced. The developer should contact either the District Engineer for Hinckley and Bosworth area ( 01530 262380) or alternatively Mr. A Perry - Rights of Way Inspector (01530 513333).

**Contact Officer:-** Mr Simon Cheshire Ext 5762

**Item:** 05

**Reference:** 07/00403/FUL

**Applicant:** Ennstone Building Products Ltd

**Location:** Ennstone Building Products Ltd Brascote Lane Cadeby Nuneaton  
Leicestershire

**Proposal:** ERECTION OF INDUSTRIAL BUILDING

**Introduction:-**

This is a full application for the erection of an industrial unit. Ennstone Building Products Ltd are located on Brascote Lane outside the settlement of Cadeby. The new unit is to be



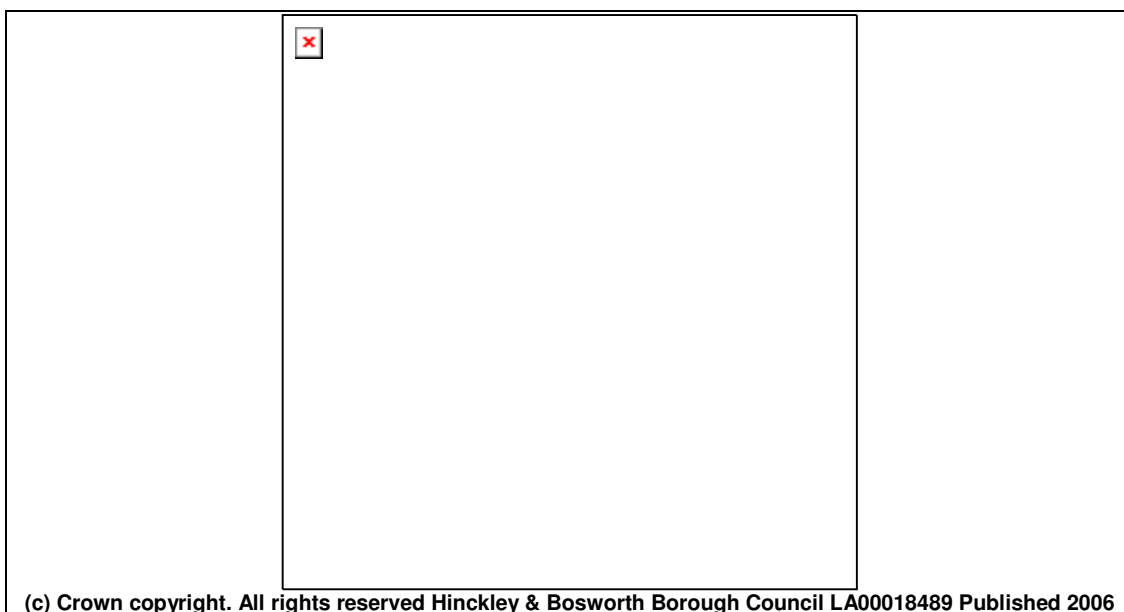
located towards the southern end of the site on an existing hardcore stocking area adjacent to the existing production facility.

The proposal is to erect a single storey building to house bespoke plant and equipment required for the manufacturing purposes of the site. The proposed building is of modern architectural design and is to be constructed of olive green metal sheeting, matching the existing buildings currently on site.

The applicants have provided a design and access statement in support of the application. Among the statements provisions, the aim of the new unit will allow for maximised production to meet modern demands, both regionally and nationally. The applicant also mentions that there are no public rights of way in the vicinity of the application site nor the wider operational site at Ennstone Building Products Ltd. The design of the unit is such that it integrates with the existing buildings on site by virtue of visual appearance and to allow for an efficient integration of the proposed new production lines on the site.

**History:-**

04/00584/FUL	Extensions to factory unit and raising ridge height of original factory	Approved	06.07.04
03/00519/FUL	Erection of factory unit and batching plant (revised scheme)	Approved	26.06.03
03/00393/FUL	Erection of factory unit	Approved	03.06.03
02/00359/FUL	Demolition of batching plant and factory, erection of two factory units, new batching plant and extension to storage yard	Approved	18.07.02



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**Consultations:-**

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

Environment Agency  
Severn Trent Water.

No objection has been received from:-

Director of Highways, Transportation and Waste Management (Highways)  
Leicestershire Constabulary Crime Reduction Officer  
Cadeby Parish Council  
Neighbours.

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

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

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

Policy NE2 of the adopted Hinckley and Bosworth Local Plan states that planning permission will not be granted for development which would be likely to suffer material harm from either existing or potential sources of air or soil pollution.

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

Policy BE1 states that the Borough Council will seek to ensure a high standard of design to secure attractive development and to safeguard and enhance the existing environment.

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

### **Appraisal:-**

#### Principle

The form of the proposed industrial unit reflects their function which would be for light/heavy industrial units (B1/B2). This structure and function is reflected in other similar buildings on the application site. The site is set quite a distance away from and is well screened from the A447 which passes to the west of the site.

#### Impact on Open Countryside

The site lies within the open countryside where policy NE5 seeks to protect the countryside for its own sake. Although the buildings are mainly viewed from the open countryside, the design and external appearance of the building matches that of existing buildings on the site and in this respect will not adversely effect the open countryside. There is an existing screening mound along the southern boundary of the site that helps to reduce the visual impact.

#### Design

The application involves the erection of an industrial building on an existing hardcore standing area. The design of the building is of similar design to the existing buildings being used on the application site and this in turn reduces the overall visual impact and prominence of the proposal. The materials to be used on the external elevations will also match that of existing buildings, reducing the visual impact further. The scale of the proposed unit is no larger by way of height and depth to the adjacent production facility currently under construction. The overall scale and appearance of the industrial unit is sympathetic to policy BE1.

#### Access

The proposed unit is to be accessed via the existing access to the site from Brascote Lane. There have been no objections or comments made by the Highway Authority in relation to the development.

#### Conclusion

In light of the above, it is considered that the proposal is acceptable in this location and accords with policy.

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

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed industrial unit 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 commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 4 The premises shall not be used other than for purposes falling within Class B1, B2 or B8 of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
- 5 The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.
- 6 There shall be no storage of materials, plant, oil drums, tyres or waste materials of any description on the open area of the site, unless otherwise indicated on the approved plan.

### **Reasons :-**

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

- 2&3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that the use remains compatible with the surrounding area.
- 5 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that the site does not deteriorate into an untidy condition.

**Notes to Applicant:-**

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

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

**Item:** 06  
**Reference:** 07/00431/DEEM  
**Applicant:** Hinckley And Bosworth Borough Council  
**Location:** Former Council Depot Wheatfield Way Hinckley Leicestershire LE10 1PJ  
**Proposal:** DEMOLITION OF EXISTING DEPOT BUILDING AND CONSTRUCTION OF 2,137 SQUARE METRES OF INDUSTRIAL SPACE AND 1,609 SQUARE METRES OF INDUSTRIAL AND OFFICE SPACE TOGETHER WITH ASSOCIATED WORKS

**Introduction:-**

This application seeks planning permission for light industrial units on the former Council Depot site off Wheatfield Way. The site measures approximately 1.4 hectares in area and is accessed off Wheatfield Way through the existing industrial development. The site is relatively flat and currently comprises a concrete block structure, two storey in height; two open shelter style buildings with corrugated roofing and former allotments. The site is bounded to the north-east by a stream and residential properties; to the south east by the existing Council depot; to the south by residential properties; to the south west by allotments; and to the west and north west by industrial development.

This full planning application proposes to construct 22 light industrial units comprising three single storey blocks containing 12 units; two double height blocks containing 4 units and 2

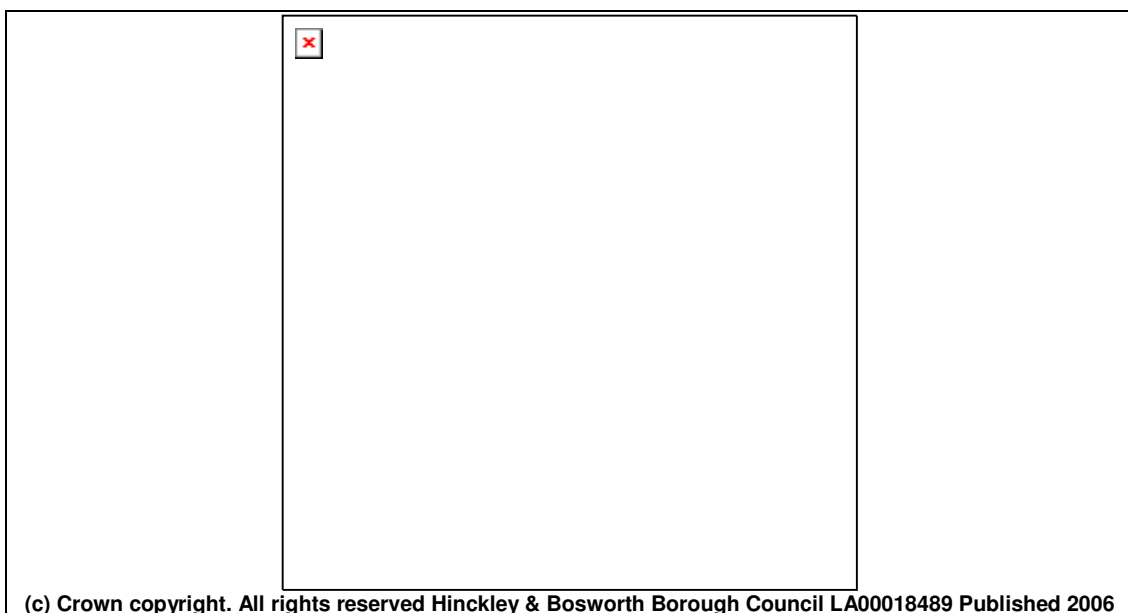
two storey hybrid blocks containing 6 units with industrial on the ground floor and office on the first floor. The development has been designed around a central spine road with all units served off this road. The scale of the development is modest with careful siting of the buildings to minimise impacts, the single storey blocks have been sited along the north-eastern boundary adjacent residential properties in Nelson Drive. These buildings have an eaves height of approximately 4.75m at the rear and 5.5 metres at the front. The larger double height blocks have been sited centrally within the site, adjacent the existing industrial development and allotments. The two storey hybrid units have been located at the entrance to the site adjacent existing industrial units and the southern end of the site adjacent the allotments and Middlefield Lane. The hybrid units have been designed with a glazed first floor, and a pitched style roof. The eaves are 6.2 metres and the ridge height is approximately 8.6 metres.

All of the proposed units have sustainable building measures incorporated into them, these include high thermal efficiency utilising natural ventilation and lighting; sedum roofs to assist keeping the building cool in summer and warm in winter; 10% of the energy usage of the office buildings will be generated by on site wind turbines; the buildings will be clad in western red cedar, windows and screens will be timber; loading dock doors and dado panels will be insulated aluminium; the plinth/dado will be random coursed Ancaster Stone; and the hard landscaping will incorporate a sustainable urban drainage system. Details of the wind turbines to be provided on the hybrid units have been provided that suggest the installations would be approximately 3 metres in height, however should permission be granted full details of the specification including energy provided and noise levels would be required to be submitted prior to construction.

A design and access statement was submitted with the application which provides a detailed evaluation of the design of the proposals and addresses issues of access covering vehicular, pedestrian, cyclist and disabled access provision. Additional reports submitted with the application for consideration include a transport assessment; an ecological walk-over and desk study; a bat and owl survey and wind turbine specification. A noise survey has been undertaken and the noise report is to be submitted in due course.

### History:-

None recent.



### Consultations:-

No objections have been received subject to conditions from:-

Severn Trent Water  
The Head of Health and Environment  
Director of Highways, Transportation and Waste Management.

The Land Drainage Engineer comments that surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata, i.e. pervious paving. In addition, the brook corridor should be cleared of all scrub vegetation and landscaped properly. It should be made accessible for brook channel maintenance purposes. The brook channel itself should be cleared of vegetation, tipped debris and accumulated sediment. Ideally, the brook corridor should be integrated into the development, if not possible there should be no fencing structures spanning the open channel.

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

- a) Director of Children and Young People's Service - There is no residential element to this application therefore no contributions are required.
- b) Head of Commercial and Support Services - No contributions requested.
- c) Ecology Project officer - The application proposes demolition of built structures therefore potential bat roost sites are being destroyed. The developer should incorporate bat bricks and boxes into the design of the scheme and plant native trees, common to the area to establish feed grounds for the bats.
- d) Director of Highways, Transportation and Waste Management (Waste Disposal and Treatment) - There will be no contributions requested as the application is for industrial/office use only.

Natural England objects to the application due to insufficient information to demonstrate whether or not the development would have an adverse effect on species especially protected by law, in particular bat roosts in the buildings scheduled for demolition.

Leicestershire Constabulary Crime Reduction Officer raises no objection to the principle of the proposal but wishes to comment as follows:-

- a) The layout proposed is well designed to give natural surveillance;
- b) Refuse collection should be detached from buildings and secure;
- c) Secure facilities should be provided for pedal and motor cycles;
- d) Soft landscaping should comprise planting with a growth habit below 1 metre and deterrent planting should be used at the rear of units.
- e) A security fence of 2.4 metres in height should enclose the site and should take the outer edge of the site along the edge of the brook.
- f) Gates should be provided at the entrance to secure the site when closed, the proposed rising bollards will not protect the site from antisocial behaviour, criminal damage and burglary.
- g) If the pedestrian entrance to the southwest corner and emergency access is required they should be provided with lockable gates to secure the site.
- h) Lighting should be provided throughout the site.
- i) Should CCTV be provided it should be fit for purpose and should comply with current codes of practice.
- j) All units should be provided with an intruder alarm system linked to a remote monitoring service.

The Cyclists Touring Club support the linking of the site to Cycle Network Route 131-6 but would wish to see the site opened up to enable cyclists to cut through to get access to the

northern element of the cycle route resulting in a more direct route from Middlefield Lane to the Perimeter Road.

Neighbours notified, site notice displayed and a public meeting was held. 24 letters of objection have been received raising the following:-

- a) Increase in noise levels
- b) Increase in traffic levels in area in particular on perimeter road
- c) Noise, flashing and appearance of wind turbines
- d) Increase in anti social behaviour
- e) Increase in pollution and smells
- f) The site was supposed to be residential which would be preferable
- g) Industrial development out of keeping with surrounding area, especially 2 storey elements
- h) Working hours not clear
- i) Potential for air conditioning and dust/air pollution exhausts being fitted to rear external walls of units
- j) Breach in security to rear of Nelson Drive properties
- k) Proposals conflict with Local Plan
- l) Loss of 25ft high screen wall opening up views of the site
- m) Reduction in property values
- n) Loss of privacy through overlooking
- o) Landscaping proposed on land outside the control of the applicant
- p) Potential parking on Nelson Drive
- q) Potential flooding of brook to rear
- r) Impact on wildlife
- s) Light pollution
- t) If sedum roofs are ineffective will residents be consulted on any changes?
- u) Gap between single storey units providing unwanted views into the site from Nelson Drive properties, and leakage of noise and pollution
- v) Rising bollards at access are insufficient
- w) Proposed materials will not make the development attractive
- x) No noise assessment submitted
- y) Existing landscaping along brook provides good screening this should be retained and safeguarded
- z) No knowledge of end users.

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

Environment Agency  
East Midlands Electricity  
Leicestershire Fire Service.

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

#### Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016

Strategy Policy 10 promotes good design and seeks to ensure the efficient use of land in a manner which acknowledges environmental and amenity interests.

Resource Management Policy 1 seeks for all new development to minimise or avoid air, noise, land and light pollution.

Resource Management Policy 2 promotes energy efficiency and supports building measures to reduce consumption of energy resources; promotes walking, cycling and methods of public transport and seeks to reduce the need to travel by car.

Resource Management Policy 3 supports proposals for energy generating installations.

Accessibility and Transport Policy 3 promotes the provision for cycling and encourages links with the existing network of cycle routes.

Accessibility and Transport Policy 7 requires developments to make provision for parking and secure parking for cycle and motorcycle parking.

Employment Policy 5 requires existing employment sites to be reviewed as part of the local plan process, including an assessment of the quality and quantity of land available.

#### Hinckley and Bosworth Local Plan 2001

Policy EMP1 relates to existing employment sites. The application site is listed as a category b site which provides that the local planning authority will consider proposals for other employment activities, or alternative uses of the sites identified on their merits in the context of the appropriate design policies of the plan. These sites are generally considered to be acceptable employment locations and are indicated on the proposals map.

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and enhance the existing environment. In addition, it requires developments to complement or enhance the surrounding area; incorporate design features which reduce energy consumption and minimise the impact on the local environment; have no adverse affects the occupiers of neighbouring properties; and have no adverse affects on the highway network.

Policy BE26 requires new developments to incorporate a lighting scheme that does not have an adverse impact on the environment, character of the area, and nearby residents.

Policy BE27 provides that permission will be granted for individual wind turbines provided the proposal is capable of supporting the generation of wind power; the development is located sensitively so its visual impact is minimised; and would not have a detrimental impact on surrounding properties through noise and other forms of nuisance.

Policy NE2 provides that planning permission will not be granted for development which would be likely to cause harm through pollution of air or soil.

Policy REC1 protects recreation site and provides that alternative uses will not be granted for the development of land currently used for recreation unless one of three criteria can be met, these include: the developer providing an equivalent range of replacement facilities in an appropriate location serving the local community; the developer provides adequate proof that there is a surplus of recreational land beyond the needs of the local community; and the development of a small part of a larger site in recreational use would result in the enhancement of facilities on the remainder of the site.

Policy T5 requires the local authority to apply the current highway design standards for all new developments, which involve new accesses, new highways and other works.

Policy T9 encourages the provision of facilities for cyclists and pedestrians.

Policy T11 provides for the requirement of Traffic Impact Assessments where proposals for development are likely to generate significant traffic flows, especially heavy goods vehicles.

Other material considerations:

#### Middlefield Lane Planning Brief - January 2002



This planning brief provides planning guidance for land at Middlefield Lane; included within this brief is the Council Depot site. It is recommended that the area of land affected by this planning application should be retained for employment purposes, accessed from the existing industrial estate road. It provides that where redevelopment of the site for employment purposes is proposed it should be demonstrated that it would not be to the detriment of the amenities of new and existing residents.

#### Employment Land and Premises Study - May 2004

In 2004 the Borough Council employed consultants to undertake an Employment Land and Premises Study to assess the quality and quantity of land within the borough for employment purposes. This study sought to make recommendations for each of the employment sites identified in the Policy EMP1 of the Local Plan. The application site categorised as a (b) site in the Local Plan was assessed as having poor build quality, access through a residential area, and good parking and servicing facilities. It was recommended that part of the site was developed as small business space accessed from Hinckley Fields Industrial Estate and the rest to be development for housing.

### **Appraisal:-**

#### Principle

The majority of the application site forms part of an employment site identified in the adopted Hinckley and Bosworth Local Plan under Policy EMP1. It is categorised as a (b) site, which states that other employment activities, or alternative uses should be considered. It further states that these sites are generally considered to be acceptable employment locations. The southern element of the site is categorised in the Local Plan as a recreation site as this formed part of the allotments. Approximately 3 years ago the Borough Council undertook a survey of the allotment usage and it was noted that less than 50% of the allotments were being utilised. Following consultation with sitting tenants it was agreed that the allotment site would be reduced in size and relocated to the southern area of the site with enhanced access, storage, security and infrastructure.

Whilst part of the site comprises the former allotments, Policy REC1 of the Local Plan provides for the development of recreation sites providing one of the given criteria is met. In this instance the third criterion is met as only part of the allotments would be used for the development and this has resulted in the enhancement of the remaining allotments to benefit the local community. The enhancements included the allotments being made secure by the installation of palisade fencing; each plot has been encircled by timber perimeter edging so giving definition to the plots; the grassed pathways in between the plots and the main service road has been replaced with a hard standing aggregate material so reducing maintenance costs; every plot was supplied with a shed whereby the tenants could shelter and store their tools; and new stop cock taps were installed. Before the hard standing was laid the soil structure and texture was improved by it being ploughed, rotovated and levelled and finally topped with 100 tonnes of screened top soil. Further improvements have been made subsequently to the drainage, additional hedging has been planted and signage has been erected. As such it is considered that the principle of this proposed development is acceptable and complies fully with policy.

#### Siting and Design

The layout of the proposed development has been designed to minimise impacts on neighbouring residential properties and ensure that the more attractive buildings are closer to the boundaries of the site. With this in mind the small single storey units have been sited to the rear of properties in Nelson Drive. The roof slope has been designed so that the lowest point is closest to residential. The hybrid units have been sited at either end of the site, one block at the entrance and one block to the south adjacent the allotments. These

units comprise workshops at ground floor level and offices at first floor which enable a higher quality design, more in keeping with residential development. These hybrid units each comprise an individual turbine, to be sited on the roof, these measure approximately 3 metres in height and are located some 40 metres from properties in Middlefield Lane and 80 metres from properties in Nelson Drive. It is therefore considered that the siting and design of these turbines has been sensitively located in relation to existing development to minimise the visual impacts. The larger industrial units have been sited centrally within the site so as to be furthest from residential properties. The units all face inwards with parking and servicing entrances all within and off the central spine road. Additional landscaping is proposed along the north east boundary along the brook and along the south east element of the site adjacent Middlefield Lane. The site plan indicates an indicative landscaping scheme across the site.

The buildings themselves have been designed carefully integrating energy efficiency and sustainable measures. The proposed materials comprise western red cedar which naturally weathers to a grey/silver colour; random coursed Ancaster Stone, aluminium framed doors and windows and sedum roofs. The design is unusual for an industrial development, and will have a rustic feel. It is considered to be of high quality, and an improvement on the more usual and surrounding traditional industrial development constructed of metal cladding.

#### Energy Efficiency / Sustainability

The scheme as already mentioned above incorporates sustainable measures, these include the use of sustainable building materials, sustainable urban drainage system, sedum roofs that assist with temperature control of the buildings and surface water run off, natural ventilation and lighting, and 10% energy from renewable sources in the form of roof mounted wind turbines for the hybrid units. The development seeks to support the Borough Council's stated policy of reducing emissions of carbon dioxide by 10% below 2000 levels by 2010 and 25% by 2025. It is anticipated that the development will be an exemplar of green development by achieving a BREEAM rating of very good for the industrial buildings and excellent for the hybrid units.

#### Highways

A transport assessment was submitted with the application which the Highways Authority have considered demonstrates that the development would not result in a material increase in traffic visiting the site. The application proposes 103 parking spaces which overall equates to 1 space per 40 square metres. Parking requirements in the adopted Local Plan require 1 space per 25 square metres for office space and 1 space per 50 square metres for light industrial. The scheme proposes 867 square metres of office space requiring 35 parking spaces and 3210 square metres of light industrial requiring 64 parking spaces, totalling 99 spaces. In addition, parking standards require 4 disabled parking bays to be provided, thus totalling a requirement of 103 spaces. With regards to cycle provision, parking standards require one space for every 400 square metres of Use Class B1, thus requiring 10 cycle spaces to be provided. It is proposed to provide a cycle stand within each unit, totalling 22 cycle stands. As these are to be provided internally, they are covered and secure in line with policy requirements.

The proposals include the provision of a cycle access within the site which will provide for a link to the existing cycle route that runs along Middlefield Lane. It is considered that to encourage sustainable transport methods such as cycling a condition should be imposed requiring the cycle link to be provided prior to first use of the site.

Neighbours have raised concerns regarding the increase in traffic movement on the perimeter road and potential for parking on Nelson Drive. The Transport Assessment has considered any increase in traffic movements and demonstrated that the proposed

development can be accommodated on the surrounding local highway network with no significant detrimental effect. With regards to the potential for parking along Nelson Drive, the planning process can only make provision for parking within the site, it is unable to control road side parking.

### Ecology

There are buildings located on the site that are proposed to be demolished. As a result of such a bat and owl survey was carried out, further comments are awaited from Natural England. However, the survey indicates that there is no evidence that the buildings have been used by bats or owls. In addition to this survey an ecological walk over and desk study has been undertaken and report submitted. This report makes recommendations that a temporary fence is erected along the brook to protect habitats from accidental damage or encroachment; minimise the potential for affects on water quality of the ditch by the implementation of appropriate pollution control measures; minimise the potential for affects on water quality of the ditch by the implementation of appropriate attenuation and pollution control measures within the surface water drainage system; and undertake building clearance works outside the bird breeding season (March-July) or following an appropriate survey. It further recommends additional planting of native hedgerow, tree and shrub species, brook improvement works to facilitate water retention and wildflower seeding. It states that no sites with nature conservation designations will be adversely affected by the proposals and that no protected species will be adversely affected by the proposals. Any further comments made by Natural England will be reported as a late item.

### Environmental Issues

Concerns have been raised by local residents regarding noise, light pollution, air pollution, flashing from the turbines and flooding of the brook. The sites previous usage means that contamination is also an issue that needs to be addressed. Assessing each of these issues in turn:

Noise: A Noise Impact Assessment has been submitted for consideration, comments from the Head of Health and Environment are awaited at the time of writing this report. The submitted assessment focuses on the noise generated by the proposed wind turbines and concludes micro wind turbines may be incorporated within the design of the proposed site with no foreseen detriment upon the environment or neighbouring residents caused by the predicted noise emissions generated from the equipment.

The application proposes B1 uses to operate from the site, this use class includes offices, research and development and light industrial. All uses allowed under this use class are uses that can operate within residential areas without causing disturbance to nearby occupiers.

Light Pollution: The application as submitted does not incorporate a lighting strategy, however it is common that a lighting scheme is requested by condition. Discussions with the agent have revealed that it is proposed to use low level lighting which will ensure light pollution is kept to a minimum and does not cause disturbance to nearby residential occupiers. The Head of Health and Environment request such a condition should planning permission be granted.

Air Pollution: As stated earlier the uses proposed across the site falls within Use Class B1 and are generally compatible with residential areas. It is therefore considered unlikely that the site will cause any air pollution that would be detrimental to nearby residents.

Flashing from Wind Turbines: It is quite common for wind turbines to create a flashing or flicker as the blades rotate. The flashing / flicker is alleviated by the moulded carbon fibre rotor having a matt black surface. Matt is use to avoid highlights or bright reflections from

rotor surfaces during rotation in either natural or artificial light. The black colour allows for minimal reflectivity as it is extremely absorptive. Furthermore, the roofs of the units are proposed to be sedum, which will not provide a reflective surface for light to bounce off. Neighbours have raised this as a concern; however it is considered that with the above mitigation measures any flashing or flicker will be minimal.

Flooding of the brook: The application submission proposes to use sustainable urban drainage systems to drain the site. In addition the proposed sedum roofs will assist with the retention of water on the site. The site currently is mainly laid to hardstanding, water is currently drained from the site using surface water drainage; this drains into the brook. Surface water will still drain into the brook through the pervious paving, however, a large area of the site (the building area) will retain surface water thereby reducing the quantity of water draining into the brook. It is therefore considered that flooding of the brook is unlikely.

#### Impact on nearby residential

It is considered for the reasons discussed above the proposed development will have little impact on the nearby residential properties. However, several concerns have been raised that the development will impact on residential amenity. The proposed rising bollards at the access point to the site are not considered sufficient to stop the area being misused by youths racing motorcycles and quad bikes. The developer is aware of problems of antisocial behaviour in the area and has proposed rising bollards to provide site security and stop cars entering the site when closed. There is a possibility that CCTV may be introduced, which would assist with controlling anti social behaviour. Residents have suggested the use of traffic calming measures such as speed bumps. Discussions are underway with the developers in order to secure alternative measures of control at the entrance to further reduce the possibility of antisocial behaviour.

The application as submitted does not propose any working hours, however it is suggested that should permission be granted, it should be restricted by condition to 7.30 am to 6.0 pm Monday to Friday and 8.00 am to 1 pm on Saturdays, with no opening on Sundays and Bank Holidays.

Concerns have been raised that the occupiers of the units could install air conditioning units on the rear of the units which would cause noise nuisance. This can be addressed through a condition to restrict opening on the rear elevations. Furthermore, the developers stated at the public meeting that the terms of the leases would restrict such activity. It is proposed to enclose the site entirely with a palisade fence, landscaping along the rear of this fence between the site and the brook will assist with preventing unauthorised access to the rear of properties on Nelson Drive. The proposals for the site will not open up opportunity for easier access to the brook area. There is currently landscaping to the rear of the site alongside the brook, this will be cleared where necessary and enhanced through new planting with appropriate species that encourage wildlife habitats. This landscaping will assist with screening the site from the rear of properties in Nelson Drive. However, it is considered that the development has been designed to a high quality and is attractive. The incorporation of green 'sedum' roofs will enhance the appearance further and assist with blending the development into the surrounding landscaping that is proposed. Finally, concerns that overlooking will occur and cause loss of privacy to nearby residents have been raised. The two storey hybrid units with glazing to the first floor are the main concern regarding overlooking; however these units are located 40 metres from properties in Middlefield Lane and 80 metres from properties in Nelson Drive. The distance standards recommended to prevent overlooking and loss of privacy is a minimum of 25 metres, this proposal meets these standards and therefore it is considered that nearby properties will not be affected by overlooking.

#### Other issues

Other issues have been raised by neighbours these include:-

Residential development would be preferable - the application site currently forms part of an employment site and is recognised as such in the adopted Local Plan. The application submitted proposes employment use which is both needed and in line with current policy.

The landscaping scheme submitted proposes to plant areas of land that are outside the control of the applicant - this issue has been raised with the applicant and a revised landscaping scheme is expected. However, any permission granted would be subject to conditions requiring a full landscaping scheme to be submitted for approval.

Changes to the use of Sedum for the roofs - the scheme has been submitted proposing the use of sedum roofs. Conditions are normally imposed requiring the submission and subsequent approval of all materials. Any changes to the approved materials would need written consent of the planning authority.

Noise assessment not submitted - an assessment of the noise generated by the wind turbines has now been submitted for consideration, neighbours have been informed that further information has been received.

No end users proposed - this scheme is a speculative development, it is intended that the units will be managed by the Borough Council and let to end users therefore no details are available at present. However, the planning process assesses the land use and not necessarily the end user as an end user can change without consent providing the use class remains the same.

Property values - this is not an issue that can be addressed by the planning process.

### Conclusion

It is considered that the application submitted proposes a sensitive and well designed development that will complement and enhance the surrounding area. Consideration has been given to a number of environmental factors as well as careful design to ensure there are no adverse impacts on the surrounding neighbouring properties. The development will make good use of an area of land that is currently poor in visual terms and underused. As such it is considered that the application should be recommended for approval.

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

**SUMMARY OF DECISION** - The proposal is in conformity with Policies EMP1, BE1, BE26, BE27, NE2, REC1, T5, T9 and T11 of the Hinckley and Bosworth Local Plan and Strategy Policy 10, Resource Management Policies 1, 2 and 3, Accessibility and Transport Policies 3 and 7 and Employment Policy 5 of the Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016. 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 endorsed by additional plan No: LL01 received by the Local Planning Authority on 20th April 2007 and additional plan E9328(D)09 received by the Local Planning Authority on 10th May 2007.
- 3 No development shall commence on site until such time as the proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

- 4 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed units shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 The premises shall not be used other than for purposes falling within Class B1 (Use Classes) of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
- 6 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no openings other than those approved under this permission shall be inserted into units 1a to 1e; 3a to 3e and the side and rear elevation of unit 5a unless otherwise agreed in writing with the Local Planning Authority.
- 7 No deliveries shall be taken at or dispatched from the site outside the hours of 7.30am to 6pm Monday to Friday and 8am to 1pm on Saturdays or at any time on Sundays, Bank or Statutory Public Holidays.
- 8 There shall be no use of the premises hereby permitted outside the hours of 7.30am to 6pm Monday to Friday and 8am to 1pm on Saturdays and at no time on Sundays, Bank or Statutory Public Holidays.
- 9 There shall be no storage of materials, plant, oil drums, tyres or waste materials of any description on the open area of the site, unless otherwise indicated on the approved plan.
- 10 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - (i) hard surfacing materials
  - (ii) planting plans
  - (iii) written specifications
  - (iv) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
  - (v) implementation programme.
- 11 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.
- 12 No part of the development shall be brought into use until a cycle way has been provided to the west of the site alongside the allotments linking to Cycle Route 131-6.
- 13 Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 14 No building shall be erected within 15 metres of the sewage pumping station adjacent to the site.

- 15 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.
- 16 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 17 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 18 Notification of the commencement of development should be given in writing not less than 14 days before development commences.
- 19 Details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 20 Notwithstanding the details submitted with the application, prior to first occupation of any unit full details of the proposed wind turbines shall be submitted to and approved in writing by the Borough Council. The details submitted should include details of the noise emitted from the turbines. All works, which form part of the details, shall be completed in accordance with the approved details before any of the permitted units are first occupied.
- 21 Before the development hereby permitted is first used, the proposed cycle parking provision shall be made available for use and once provided shall be maintained and kept available for use in perpetuity.
- 22 Before the development hereby permitted is first used, the off-street car parking/lorry parking provision shown on the approved plan shall be surfaced, marked out and made available for use to the satisfaction of the local planning authority. The parking areas shall thereafter be available for use and maintained at all times.
- 23 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.
- 24 Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the Local Planning Authority.
- 25 Vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway. The wheel washing facilities provided shall be so maintained for the operational period of the development hereby permitted.

- 26 No part of the development shall be occupied until details of a Green Commuter Plan containing a travel to work, car use and car parking management strategy for the (site) as a whole has been submitted to and agreed in writing by the Local Planning Authority. The plan shall comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from work and during working hours. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, proposals for car parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site. The plan shall make provision for relevant surveys, review and monitoring mechanisms, targets, timescales, phasing programmes and on-site management responsibilities. It shall be implemented and subject to regular review in accordance with the above approved details.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3&4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that the use remains compatible with the surrounding area.
- 6 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 7&8 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 9 To ensure that the site does not deteriorate into an untidy condition.
- 10 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 11 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.
- 12 In the interests of the sustainability of the development and to encourage alternative transport choice to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 13 To ensure satisfactory provisions are made for the drainage of the site.
- 14 To minimise the risk of odour, noise and nuisance to comply with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 15-18 To ensure adequate consideration is given to ground contamination issues to avoid the risk of contamination in connection with the new development to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 19 To protect the appearance of the area, the environment and local residents from nuisance from artificial light to accord with Policy BE26 of the adopted Hinckley and Bosworth Local Plan.



- 20 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE27 of the Hinckley & Bosworth Local Plan.
- 21 In the interests of the sustainability of the development and to encourage alternative transport choice to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 22 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 23 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 to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 24 To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 25 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 26 To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from the site to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 In relation to condition advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager - (telephone 01530 262380).
- 5 The Highway boundary shall be delineated at the terminus of the adopted Highway on Wheatfield Way.
- 6 The proposed roads do not conform to an acceptable standard for adoption and therefore they will not be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by all the private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advance Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see [www.leics.gov.uk/htd](http://www.leics.gov.uk/htd) or phone 0116 2656782.

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

**Item:** 07  
**Reference:** 07/00435/FUL  
**Applicant:** Mr Roger Tayton  
**Location:** 127 Upper Bond Street Hinckley Leicestershire LE10 1RT  
**Proposal:** INSTALLATION OF A 2KW WIND TURBINE ON ROOF OF REAR EXTENSION

**Introduction:-**

This is a full application for the installation of a 2KW wind turbine at Bond Street Glass, Upper Bond Street, Hinckley.

Bond Street Glass is a prominent three storey building on the eastern side of Bond Street. The site is surrounded by a mixture of residential and industrial development.

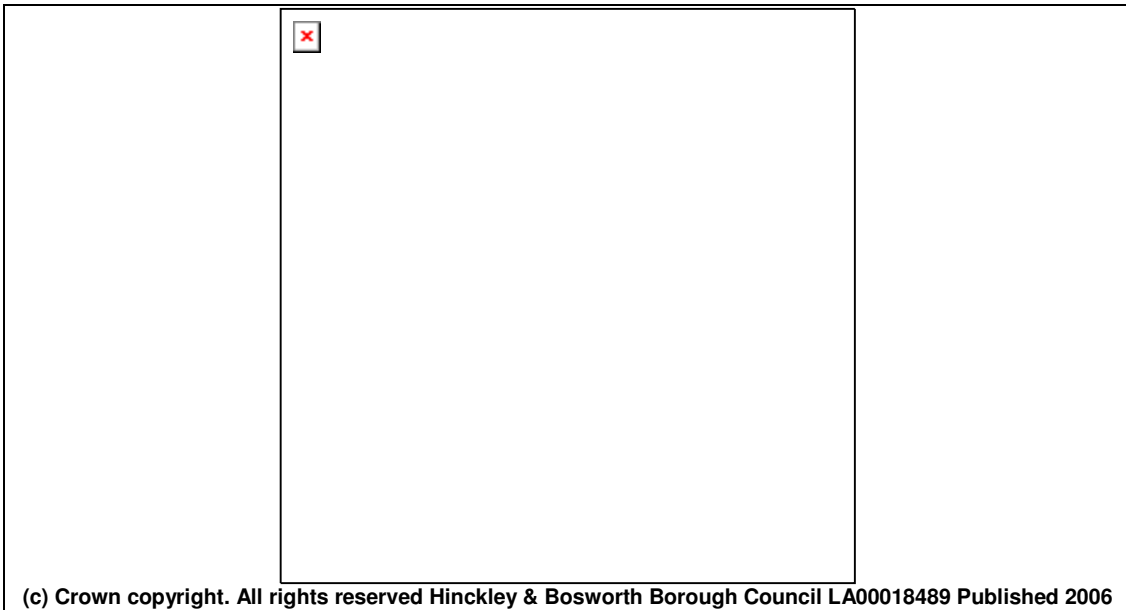
To the north of the site beyond an open car park are terraced residential properties facing on to Bond Street. To the south of the site is the Ghia Hosiery factory which is currently derelict. This is a two storey corner building facing onto Neale's Yard a pedestrian access from Upper Bond Street to Druid Street. Beyond Neale's Yard is a two storey block of sheltered accommodation. Opposite the site are commercial properties set back from the road, and a pair of semi-detached residential properties. To the rear of the application site is the Puffer Building, a three storey industrial building which is not currently occupied.

The application proposes the installation of an Aeolus 2000 turbine on the roof of a two storey rear projection behind the three storey frontage building. The rear building is 7.5 metres in height with the turbine hub height at 3.5 metres above the ridge and 11 metres above ground level.

The turbine has a 3.2 metre blade diameter and is rated at 2KW at a wind speed of 12 metres per second. The application has been accompanied by the turbine manufactures User's Manual which contains some technical and noise information.

**History:-**

98/00611/FUL	Rear Extension to Factory	Approved	16.09.98
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### **Consultations:-**

The Director of Highways, Transportation and Waste Management (Highways) raises no objection.

The Head of Health and Environment has requested more detailed noise information to be provided before determination.

The Borough Council's Conservation Officer has objected to the application on the grounds of detrimental visual impact on the Conservation Area. The objection states: 'this Conservation Area was declared to protect the traditional qualities and appearance of the hosiery factories around Druid Street. This area has the greatest concentration of former hosiery factories in the town. The town's reputation is based on hosiery production and the town is known as the cradle of the hosiery industry. The turbine will be an alien, none traditional form of construction in this Conservation Area.' The officers comments also state that the turbine will be visible from Upper Bond Street through the gap in the street frontage and in this position the proposal will affect the view of the rear hosiery buildings including the roof ventilation cowl which is an important roofline feature on the buildings.

Site notices have been posted and neighbours notified. At the time of writing this report no comments have been received.

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

#### National Policy

The 2006 Energy Review promotes renewable energy as an integral party of the Government strategy to tackle climate change. The review contains a range of measures to promote the growth of renewables with a target set of 20% of electricity supplied from renewable sources by 2020.

National planning policy for wind turbines is set out in Planning Policy Statement 22 - Renewable Energy. This states that small scale projects can provide a valuable contribution to overall outputs of renewable energy and to meeting energy needs locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small.

Paragraph 18 states that small scale renewable energy developments can be incorporated into some existing buildings and should be encouraged through positively expressed policies. The policy also states that visual effects can be minimised through appropriate siting, design and landscaping.

The companion guide to PPS 22 states that 'small and medium scale wind projects can be included within industrial developments and on some urban sites, particularly in cases where the power can be dedicated to on-site use. Wind developers are unlikely to promote projects of this nature, but in cases where the power can be dedicated to on-site use, economically attractive schemes are a strong possibility. Local planning authorities can take a proactive approach to encouraging this form of urban wind development'.

### Regional Policy

Regional Spatial Strategy 8 states at Policy 41 that policies should be supportive of renewable energy proposals in locations where environmental, economic and social impacts can be addressed satisfactorily. With regards to wind energy proposals Local Planning Authorities should give consideration to visual impact; the effect on the natural and cultural environment; the effect on the built environment including noise intrusion; the number and size of turbines; the contribution to the regional renewables target and the contribution to national and international environmental objectives on climate change.

The Draft East Midlands Regional Plan (RSS8) largely restates the above policy at Policy 39.

Appendix 5 of the draft plan contains revised regional renewable energy targets. This sets a target of 10MW equivalent of micro wind by 2010 this would equate to 2000 5KW installations.

The Leicestershire, Leicester and Rutland Structure Plan includes Resource Management Policy 3 concerning energy installations. This states that proposals for the generation of energy from renewable sources will be encouraged and particular account will be taken of the wider environmental benefits of using renewable energy sources.

### Local Policy

Local Plan Policy BE27 - Wind Power states that planning permission for wind farms and individual wind turbines will be approved where the proposal is capable of generating wind power; where the visual impact is minimised; where noise levels are acceptable; where the turbine is sited away from any public highway or publicly accessible area and no additional overhead power lines are required to connect the proposal to the grid.

Policy BE1 seeks to ensure high quality new development that complements and enhances the existing environment while protecting the amenity of neighbouring properties.

Policy BE7 - Development in Conservation Areas states that the primary policy is the preservation or enhancement of their special character or appearance. Planning permission for proposals which would harm that special character or appearance will not be granted. The considerations when determining applications are; the siting of proposals in relation to existing urban spaces and building lines; their overall scale design and proportions; the desirability of retaining features of historic or characteristic form and the use of local traditional materials and techniques.

The Corporate Energy Policy includes an aim to promote and encourage the use of renewably generated energy in buildings throughout the borough and encourage the development of renewable energy technologies in the borough within the boundaries of local planning policies.

## Appraisal:-

The development site falls within the settlement boundary of Hinckley and the Druid Quarter Conservation Area as established in the adopted Local Plan.

The proposed turbine at 3.2 metres in diameter and positioned 3.5 metres above the ridgeline is small in comparison to free standing turbines however it is larger than those to be attached to domestic properties and the size of turbines previously approved by this Authority.

A 2 KW output would be sufficient to power the lighting of the building. However, this is at a rated wind speed of 12 metres per second which may be difficult to achieve in built up area. The position below the ridge line of the frontage building will further restrict the production capability of the turbine which would require uninterrupted wind from a constant direction to maximise output.

A more realistic speed of 4 metres per second would produce around 200W based on the power curve provided with the application. For comparison the average wind speed recorded by the anemometer on the Council Offices at a height of 19 metres over the last four months is 3.3 metres per second. Though the energy produced may be low, following guidance in PPS 22 this is not considered a reason for refusal.

Visually, the turbine will be partially hidden by the surrounding buildings. The three storey frontage building will screen some views from Upper Bond Street however the gap in the street frontage adjacent to Bond Street Glass will allow views of the turbine against a backdrop of the Conservation Area. It is this view that has been cited by the Conservation Officer as a concern. From the Conservation Area, views will be limited due to the height of buildings on Druid Street. Views of the proposal will occur where buildings are single storey in height allowing views over the roof to the turbine behind. The Ghia building will hide the majority of the proposal when viewed from the south.

While the proposal is partially hidden, it is considered that views of the turbine will exist both within and into the Conservation Area. The proposed turbine, with a 3.2 metre diameter is also larger than domestic models. Therefore the size and location of the turbine are considered detrimental to the visual amenity of the Conservation Area.

Data provided with the application states noise emissions at a range of wind speeds, though this does not differentiate between noise from the turbine and background noise from the wind. At a wind speed of 4 metres per second the information provided by the applicant states that the noise would be 37dB at 12 metres from the generator. The noise impact would need to be considered against the existing noise level from traffic on Upper Bond Street. The Head of Health and Environment has requested further information in order to assess the impact on neighbouring residential properties. Again, this will be reported as a late item.

Given the above, the information provided by the applicant is not considered sufficient to determine the likely noise impact on neighbouring properties. The visual impact is not ideal but the screening provided by the existing buildings will hide the proposal from view.

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

- 1 In the opinion of the Local Planning Authority, the applicant has failed to supply sufficient information to demonstrate that the proposed installation will not have a detrimental impact on the amenity of neighbouring properties in terms of noise. The proposal is therefore contrary to Policy 41 of the Regional Spatial Strategy for the East Midlands (RSS8), Policy 39 of the Draft East Midlands Regional Plan, Resource Management Policy 3 of the

Leicestershire, Leicester and Rutland Structure Plan 1996-2016, and Policy BE27 of the adopted Hinckley and Bosworth Local Plan.

- 2 In the opinion of the Local Planning Authority, the size and location of the proposed turbine within the Druid Quarter Conservation Area is considered detrimental to the visual quality of the area. The proposal is therefore contrary to Policy 41 of the Regional Spatial Strategy for the East Midlands (RSS8), Policy 39 of the Draft East Midlands Regional Plan, Resource Management Policy 3 of the Leicestershire, Leicester and Rutland Structure Plan 1996-2016, and Policy BE1, BE7 and BE27 of the adopted Hinckley and Bosworth Local Plan.

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

**Item: 08**

**Reference: 07/00443/FUL**

**Applicant: Onyx Rose Ltd**

**Location: Onyx Rose Ltd Wood Street Hinckley Leicestershire LE10 1JQ**

**Proposal: DEMOLITION OF REDUNDANT INDUSTRIAL/COMMERCIAL BUILDINGS AND ERECTION OF TWELVE APARTMENTS  
CONVERSION OF EXISTING COMMERCIAL/INDUSTRIAL BUILDING TO FORM TEN APARTMENTS AND ANCILLARY WORKS**

**Introduction:-**

This full application is for the former commercial/industrial buildings and associated car parking area which extends on Wood Street between the Crown and Anchor Yard and Priory Walk. The buildings are only partially in employment use being mainly used for vehicle storage. The site area measures 0.29 hectares, and the topography is relatively flat. Around the site are residential properties on the north side of Wood Street; to the south are the rear yards of Castle Street shops, some of the shops have flats above; and a hostel lies to the west. Cross Keys Yard, a public footpath, runs through the site and Crown and Anchor Yard, also a public right of way, forms the western boundary. Both Yards link Wood Street with Castle Street and are well used.

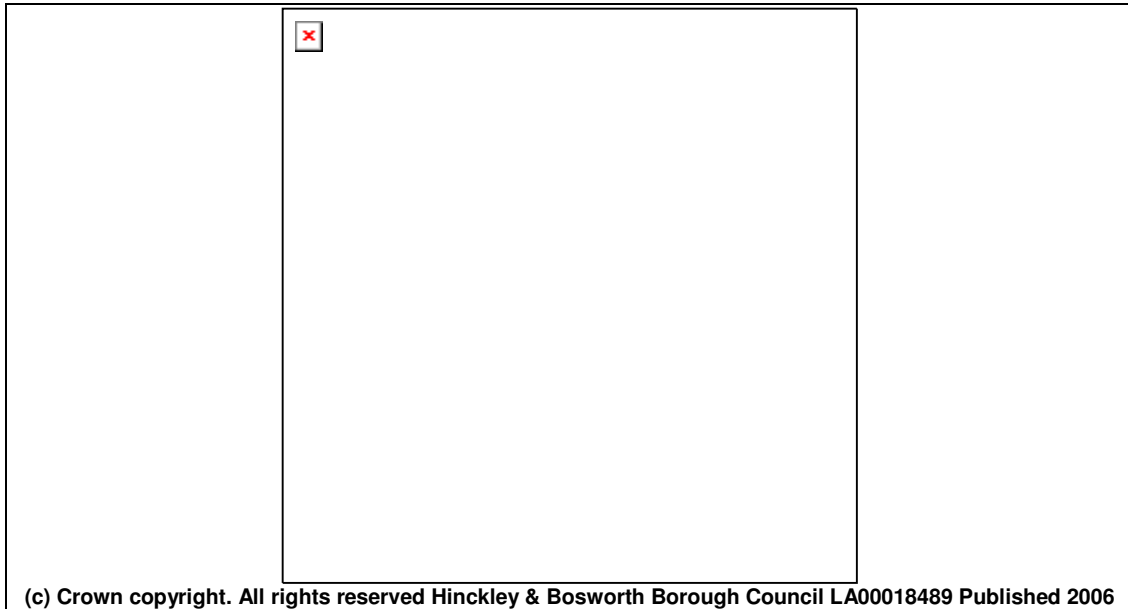
It is proposed to retain the eastern factory in employment use with 15 car spaces allocated in the rear yard. The central factory is to be converted into 12 apartments (10 x 2 bedroom flats and 2 x 1 bedroom flats) with 14 car spaces at the rear. The smaller western buildings will be demolished and replaced with a new building 2.5 storeys high with 12 apartments (10 x 2 bedroom flats and 2 x 1 bedroom flats) and 13 car spaces provided. All blocks will have vehicular access into the yards from Wood Street, the two retained factory buildings through an existing access point and new access will be formed for the new western block.

A Design and Access Statement has been submitted with the scheme, which identifies the site constraints including important views, building heights, materials and forms of development in the area. It also includes the design parameters used to develop the proposals for the conversion and new build apartment block.

The scheme seeks to provide a high density development that maximises the potential of the site, retaining the best parts of the existing development on the site, while at the same time ensuring the new build respects the scale and setting of adjacent buildings. The mass, scale, form, elevations, and materials have all been addressed through the design statement.

## History:-

06/00472/CLU	Certificate of Lawful Use (B2)	Approved	14.07.06
06/01423/FUL	Demolition of industrial building and erection of apartments and conversion of exist building to form apartments	Withdrawn	19.03.07



## Consultations:-

Director of Community Services (Rights of Way) advises that the existing footpath V8 through the development site should be maintained at minimum 2 metres wide and the developer should be responsible for the future maintenance of the adjacent new walls.

Director of Environment and Heritage Services (Archaeology) requires a photographic building survey of the 19th Century block proposed for conversion in accordance with guidance produced by the former RCHME.

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

Director of Highways, Transportation and Waste Management (Highways)  
The Head of Health and Environmental Services  
The Land Drainage Engineer  
Severn Trent Water Ltd.

No response has been received from:-

Leicestershire County Council - Developer Contributions  
The Leicestershire Constabulary Crime Reduction Officer  
Borough Council Green Spaces Manager  
Neighbours  
Site Notice  
Press Notice.

These will be reported to Committee as late items.

## Development Plan Policies:-

## Central Government Guidance

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

## Structure Plan Policies

Leicestershire, Leicester and Rutland Structure Plan 1996-2016 adopted 6th March 2005 states in Strategy Policy 10 'Good Design' that good design will be promoted by ensuring that development provides for efficient use of land in a manner which satisfactorily acknowledges environmental and amenity interests and protects and enhances the form and character of the built and natural environment.

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

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

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

## Local Plan Policies

The site is identified in the adopted Hinckley and Bosworth Local Plan as an employment site and within the Conservation Area. The site is allocated as EMP1(b) which considers other employment activities or alternative uses on their merits. The Council's Employment Land and Premises confirms the site should be retained as a category (b) site but states the buildings are outdated with poor car parking and service areas. It recommends that 25 - 50% of the site should be retained in employment use.

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

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

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

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



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

The Borough Council's Supplementary Planning Guidance gives advice on new residential development.

## **Appraisal:-**

### The Previous Application

The previous application for this site was withdrawn following representations made by neighbours, Highways Officers and the Rights of Way Officer. The applicant's agent has redesigned the scheme to overcome these objections. The changes include improvements to the visibility splay for the new vehicle entrance off Wood Street; a reduction in the height of the gable at the junction of Crown and Anchor Yard with Wood Street; the omission of windows at first and second floors in this gable to avoid overlooking the residential properties opposite; and, in the interests of public safety, the redesign of the car park to physically separate the vehicle parking areas from the public footpath along Cross Keys jitty which is retained on its original line.

The principle issues to be considered with this proposal are the impact on the Conservation Area, layout and design, affect on neighbours and highway:

### Impact on the Conservation Area

The proposed development is on the eastern edge of the Hinckley Town Centre Conservation Area. This area, which includes Wood Street, New Buildings and Upper Castle Street has lost many fine heritage buildings in the past including the Clinton Davies hosiery factory, the Congregational Chapel and the cinema. Their demolition has also had a detrimental impact on the street scene and left many gap sites in the frontage which need to be redeveloped. To avoid further erosion of its character, it is important that additional losses of key buildings are resisted. Wood Street itself is a mixed use area with employment sites and residential properties in close proximity to each other. Buildings are generally 2.5 storeys in height and a mixture of brick and render although timber cladding has been successfully introduced on the new mixed use scheme at its junction with New Buildings.

Within the application site are two impressive linked two storey former factory buildings, a short terrace with small attached infill buildings of poor architectural quality and a small gap site. Both of the factories are located on the back edge of the pavement and use a joint vehicle entry point.

The applicant has worked closely with Council officers during the development of the scheme to retain the two principle buildings, which although from two different architectural periods, are former hosiery factories. These buildings have suffered only minor alterations to their fabric and still retain many original features including cast iron window frames and rainwater gutters, slate roofs, brickwork decoration and vehicle entrance. Cross Keys Yard, a further important heritage feature which bisects the application site, has also been carefully integrated into the design by the applicant, and within the site, will be resurfaced as part of the scheme.

### Layout and Design

The existing two storey industrial buildings along the frontage to Wood Street form a strong traditional image for this part of the Hinckley Town Centre Conservation Area.

The new development proposed on the western part of the site follows the traditional form in this part of the conservation area. It consists of a series of attached two and a half storey short blocks with pitched roofs and is set on the back edge of the pavement. A feature block has been sited on the gap site at the corner of Crown and Anchor Yard facing along Wood Street, which will create a minor landmark in the street. Its main elevation incorporates similar details to a traditional hosiery factory with narrow vertical proportioned windows above larger ground floor windows with segmental arched heads. The wall finishes are a mixture of brickwork, render and timber boarding.

Vehicular access and the rear car park has been separated from Cross Keys Yard by brick walls and railings which will improve pedestrian safety.

It is officers opinion that the new two and a half storey linked blocks are of high quality design and will improve the street scene in this part of the Conservation Area.

The conversion of the central Victorian factory will retain many its original features including the cast iron window frames and slated roof. A new balcony access to the apartments will be added to the frontage onto Cross Keys Yard which will help to monitor the jitty and rear car park.

The eastern factory is retained in employment use. Existing companies currently occupying parts of the other buildings on the site, will be decanted into this building.

#### Car access and parking

Wood Street is one way to the east. Car parking for the factory conversion and the new development does not comply with the Leicestershire County Council's standards. The site, however, is within the town centre and has good pedestrian access along two jittys into Castle Street. Officers are of the opinion that, in this instance, the vehicle parking provided is acceptable subject to a contribution to make up the shortfall in spaces of 2000 towards improving existing town centre parking.

#### Residential amenity

With the exception of the terraced properties on the north side of Wood Street, the development complies with the Council's design standards controlling minimum distances between habitable rooms. With regard to this terrace however, as previously advised, the applicant has modified the proposals to reduce the impact on the amenity of these properties and on balance the scheme is acceptable.

#### Developer Contributions

The site is within 200 metres of Queens Park and therefore a contribution can be sought towards improvement of the formal and informal open space as set out in the Green Space Quality and Accessibility Audit 2005. It will equate to £45600 (1900/dwelling).

The adopted Hinckley and Bosworth Local Plan requires 1.5 car parking spaces per flat. Given that there are 24 flats, proposed, a total of 36 car parking spaces are required but only 27 spaces are provided. The shortfall for the residential accommodation is 9 spaces and a contribution of £1800 is required.

The applicant has indicated his willingness to enter into a Section 106 Agreement with the Council for contributions towards Off-site Open Space, Education, Library facilities, Civic Amenity, Transportation and the Health facilities. The outstanding contributions have not been finalised but will be reported to Committee as a late item.

#### Conclusion

The proposal is acceptable because it has combined good use of the important heritage buildings on the site with high quality new development in the heart of the town centre conservation area and is generally in accordance with adopted Local Plan policy.

**RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide financial contributions towards play and open space, libraries, civic amenity and education and subject to no further significant additional objections being raised by the end of the consultation period, the Head of Culture and Development be granted powers to issue Planning Permission subject to the conditions below. Failure to complete the agreement by the 11th July 2007 may result in the application being refused.**

**SUMMARY OF DECISION** - The proposal is in conformity with Policies BE1, BE7, BE16, NE17, T5, T9 & T10 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 new buildings shall be deposited with and approved in writing by the LPA and the scheme shall be implemented in accordance with the 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 Alterations shall not take place until the applicant or their agents or successors in title has secured the implementation of a programme of historic building recording. This work shall be conducted in accordance with a written scheme of investigation which has been submitted and approved in writing by the Local Planning Authority.

- 6 A contaminated land survey shall be carried out and any remediation works resulting from the survey shall be implemented before any of the development commences.
- 7 If any unexpected, visibly contaminated or odorous material is encountered during redevelopment (given any desktop study, site investigation and/or remediation work) remediation proposals for the material shall be agreed in writing with the Local Planning Authority.
- 8 The development shall not begin until drainage details incorporating sustainable drainage principles and an assessment of the hydrological and the hydrogeological context of the development have been submitted to and approved by the Council in writing. The scheme shall be implemented in accordance with the approved details.
- 9 The development hereby permitted shall not be occupied until the drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 10 Any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 10 metres behind the highway boundary and shall be hung to open inwards only.
- 11 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 there after shall be so maintained.
- 12 Before any of the proposed dwellings are first occupied 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.
- 13 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.
- 14 For the period of construction of the development vehicular parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 15 Prior to the development being brought into use the car parking and turning facilities shown on the submitted drawing no 13 for both car parks shall be provided and marked out and thereafter permanently maintained available for such use.
- 16 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.
- 17 No part of the development hereby approved shall be occupied until visibility splays of 2.4 metres by 33 metres shall be provided at the junction of the access with Wood Street in a westerly direction. 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
- 18 Notwithstanding the submitted details any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the highway boundary and have 4 metres kerbed radii at its junction with the

adopted road carriageway. The access drive once provided shall be so maintained at all times. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

- 19 Before first use of the development permitted amended footway widening works shall be completed to the satisfaction of the Highway Authority on front of the proposed new block.
- 20 Prior to the first occupation of any unit the applicant shall provide travel packs (1 per dwelling) and bus passes (2 x 3 monthly per dwelling).
- 21 Before the development hereby permitted is first used cycle parking provision shall be made to the satisfaction of the Local Planning Authority and once provided shall be maintained and kept available for user in perpetuity

**Reasons :-**

- 1 To comply with the requirements of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 The site is likely to contain important archaeological remains to accord with policy BE16 of the adopted Hinckley and Bosworth Local Plan.
- 6&7 To ensure the site is safe and suitable for residential development to accord with Policy NE17 of the adopted Hinckley and Bosworth Local Plan.
- 8 To avoid unnecessarily taking up capacity within the public sewerage system specifically provided for the essential disposal of foul sewage to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure satisfactory provisions are made for the drainage of the site to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 10 To enable a vehicle to stand clear of the highway whilst the gates are opened to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 11 To avoid water pollution to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 12 To ensure that vehicles may enter and leave the site in a forward direction in the interests of road safety to accord with policy T5 of the Hinckley and Bosworth Local Plan.
- 13 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 14&15 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

- 16 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 17 To ensure that an adequate line of vision is available in the interests of road safety to accord with policy T5 of the Hinckley and Bosworth Local Plan.
- 18&19 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 20 To encourage the use of public transport to accord with policy T9 of the adopted Hinckley and Bosworth Local Plan.
- 21 To encourage the provision of safe cycle parking to accord with policy T10 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Western Area Manager (tel 01530 414151).
- 4 In relation to condition advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

**Contact Officer:-** Mr B Whirrity Ext 5619

**Item:** 09  
**Reference:** 07/00480/OUT  
**Applicant:** Mr K Thorpe  
**Location:** Spinney Bank Farm Higham Lane Stoke Golding Nuneaton  
 Leicestershire  
**Proposal:** ERECTION OF ONE AGRICULTURAL DWELLING

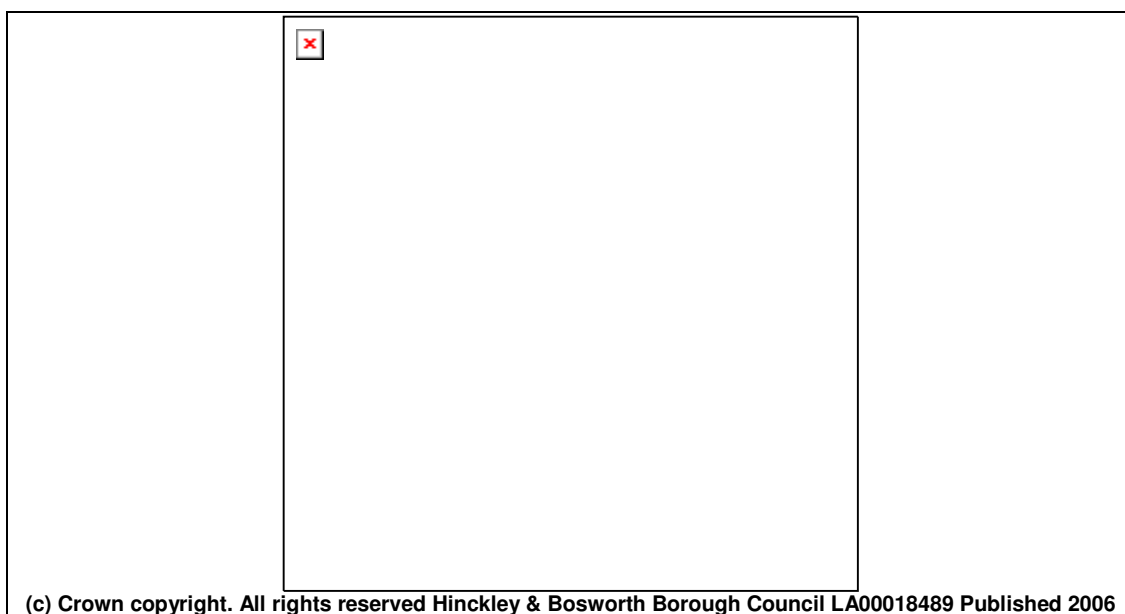
**Introduction:-**

This is an outline planning application with all matters reserved for the erection of permanent agricultural workers dwelling at Spinney Bank Farm which is approximately 0.6 kilometres south of Stoke Golding and adjacent to the Ashby Canal.

The holding consists of 3.25 hectares of owned land and a further 56.3 hectares rented on agricultural tenancies and is stocked with 102 suckler cows, 88 store cattle and 6 ewes. The application contains a design and access statement, income and expenditure accounts for 2004 to 2006 and two further supporting statements detailing the relevant National and Local Plan policies.

**History:-**

96/00241/FUL	Erection of two agricultural buildings	Approved	06.06.96
97/00328/FUL	Erection of three agricultural buildings	Approved	29.05.97
00/00238/FUL	Erection of agricultural building	Approved	24.05.00
03/01120/OUT	Erection of agricultural workers dwelling	Withdrawn	01.04.04
04/00412/FUL	Erection of agricultural mobile home	Approved	14.07.04
05/00708/FUL	Erection of agricultural building	Approved	30.08.05
06/00187/OUT	Erection of agricultural workers dwelling	Withdrawn	03.05.06
06/00941/OUT	Erection of farm shop & tea room	Withdrawn	08.11.06



**Consultations:-**

No objections subject to standard conditions:-

British Waterways  
 The Council's Land Drainage Engineer  
 Director of Highways, Transportation and Waste Management (Highways)  
 The Inland Waterways Association  
 Ashby Canal Association.

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

Director of Environment & Heritage Services (Archaeology)

Stoke Golding Parish Council  
Neighbours  
Site Notice.

The Director of Resources (Property) considers that the holding currently passes the functional test for a temporary dwelling but questioned the figures presented in the supporting evidence. The Senior Land Agent notes in the supporting information the Agents state that the holding has a labour requirement for 2.9 full-time men. However, this is based on incorrect figures i.e. 130 acres of two cut hay and silage at 4 standard man days per acre should read 52.6 hectares at four standard man days per hectare which equates to 210 days not 520 standard man days. Also  $0.5 \times 6 = 3$  and not 6 for the sheep enterprise and the 15% maintenance/repair figure is equivalent to the casual/ unpaid family labour input and should therefore be discounted. The Senior Land Agents calculates that the holding in fact has a requirement of 1.43 full time workers instead of the 2.9 claimed by the applicant.

The accounts for 2004, 2005 and 2006, have been submitted, and when 1.43 full-time workers wages of £13,500 have been deducted from the profit figure the residue is unable to sustain the cost of a permanent dwelling as it is a minus figure i.e.  $£13,500 \times 1.43 = £19,305$  which is in excess of all three years profit figures. The holding therefore fails the financial test set out in Annex A of Planning Policy Statement 7.

## **Development Plan Policies:-**

### National Planning Policy & Development Plan Policies

Planning Policy Statement 7 states that in relation to new agricultural dwellings in the countryside there will be some cases in which the demands of the farming or forestry work may make it essential for one or more of the people engaged in this work to live at or very close to the site of their work. Whether this is essential in any particular case will depend on the needs of the farm or forestry enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally for the first three years be provided by a caravan, a wooden structure which can easily dismantled, or other temporary accommodation. After this 3 year period the enterprise must pass the financial test to justify the erection of a permanent dwelling.

### Structure Plan

The Leicestershire, Leicester and Rutland Structure Plan 1996-2016 states in Strategy Policy 8 that the countryside will be protected for its own sake, but dwellings essential for agricultural or forestry need would be considered.

### Local Plan

The application site is in an open countryside location and outside any defined settlement boundary as designated in the adopted Hinckley & Bosworth Local Plan. The site lies close to the Ashby Canal Conservation Area and adjacent to a dismantled railway line.

Policy NE5 limits development in the open countryside to that which is required in connection with the operational requirements of agriculture, horticulture, forestry, recreation, public utilities and tourism.

Development in the countryside should also not have an adverse effect on the character of the landscape and should be in keeping with the scale and character of existing buildings



and the general surroundings. Development, where necessary, should be effectively screened by landscaping or other methods.

Policy RES12 makes provision for new agricultural dwellings so long as it can be demonstrated that they are needed for the security and efficient working of the unit; that the unit is sufficiently viable to sustain any additional worker in full-time employment; and that there is no other suitable alternative accommodation in the local housing market. Furthermore, where the principle of a new agricultural dwelling is supported every effort should be made to locate it within a settlement or alternatively within or adjacent to an existing farm complex or other group of buildings.

Policy BE1 ensures high quality in new development and that proposals complement the surrounding area, whilst Policy T5 seeks to apply the County Council highway standards when considering new development. Policy BE7 controls development in Conservation Areas, but also views into and out of such areas.

### **Appraisal:-**

Policy RES12 states that to ensure that the proposed agricultural dwelling is genuine and that the associated agricultural activities will materialise and are capable of being sustained in the longer term, specific evidence must be submitted to the Local Planning Authority, together with an agricultural appraisal, justifying the scheme from both a financial and functional point of view.

An application to site a permanent dwelling at the holding was withdrawn in April 2004. An agricultural appraisal at that time advised there was no agricultural support for a permanent dwelling. The withdrawn application was substituted for an application for a mobile home which did satisfy the functional need for temporary a dwelling. Planning permission was granted for a three year period in which time the applicant would have to prove the holding was financially capable of sustaining the cost of a permanent dwelling. As part of the approval it was recommended that if by 31st July 2007 the financial requirements could not be met then the mobile home shall be removed from the site. Thus purpose of this application is to demonstrate that the enterprise fulfils the financial test as set out in Annex A to Planning Policy Statement 7.

The applicant claims the holding requires 2.9 men to sustain the holding, however based on the figures contained in the application, the Senior Land agent calculates the figure to be 1.43 full time workers. Even using this reduced figure of 1.43 full time workers the holding would operate at a loss based on the accounts of the last three years. In conclusion the Senior Land Agent states

"I therefore consider that the holding fails the financial test and is unable to sustain the cost of a permanent dwelling and the proposal is therefore contrary to the guidance given in Paragraphs 8 and 9 of Annex A to PPS7. In conclusion I ADVISE that there is no agricultural support for a permanent dwelling on this unit as the enterprise fails the financial test at present, is unable to sustain the cost of a permanent dwelling, and the proposal is therefore contrary to the guidance given in Annex A to PPS7."

By failing to pass the financial test required Planning Policy Statement 7 the application is contrary to Strategy Policy 8 of the Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016 and policies NE5 and RES12 of the adopted Hinckley and Bosworth Local Plan, therefore the application is recommended for refusal.

Due to inconsistencies over the location of the existing mobile unit and the position of the proposed dwelling on the submitted site location plan amended details have been requested.

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

- 1 In the opinion of the Local Planning Authority the proposed permanent agricultural dwelling does not meet the financial test set out in Paragraphs 8 and 9 of Annex A to Planning Policy Statement 7. In addition, the applicant has not been able to demonstrate that the enterprise was financially viable over the last three years to meet the criteria set out in Paragraph 13 of Annex A to Planning Policy Statement 7. Therefore the application is contrary to Central Government Policy contained in PPS7, Strategy Policy 8 of the Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016 and policies NE5 and RES12 of the adopted Hinckley and Bosworth Local Plan.

**Contact Officer:- Mr Simon Cheshire Ext 5762**

**Item: 10**

**Reference: 07/00495/FUL**

**Applicant: De Monfort Housing Society Limited**

**Location: 2 Oxford Street Earl Shilton Leicester Leicestershire LE9 7AN**

**Proposal: DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF 38 RESIDENTIAL UNITS WITH ASSOCIATED PARKING**

**Introduction:-**

This is a full application that seeks to demolish the existing Orton Shoe factory in Oxford Street, Earl Shilton and replace with a residential development comprising 31 two bedroomed flats and 7 one bedroomed flats. The scheme also includes parking for 36 cycles, 42 cars, two communal bin storage areas and approximately 314 squared metres of shared amenity space. This application is a resubmission following a refused application on the grounds of scale, mass, design and insufficient information to consider the implications of the development on the highway network.

The site is located to the south of Almeys Lane and west of Oxford Street. It is 'L' shaped and measures approximately 3400 square metres. Along the eastern boundary the site adjoins the rear gardens of Nos 4 - 10 Oxford Street; the southern boundary joins the rear gardens of Nos 136 - 142 Alexander Avenue, where there is a row of conifer trees that screen the site. The western boundary fronts onto the access that serves the rear of properties fronting onto High Street, known as Candlestick Lane. The site has direct access onto Almeys Lane.

The site itself currently comprises run down vacant buildings, which are predominantly single storey, with some flat roofed elements. There is a two-storey element that faces Almeys Lane. The building is constructed of red brick and incorporates large cast iron framed windows. The existing building is set back from Candlestick Lane providing a parking area to the front; there is also a parking area to the rear adjoining the rear gardens of 136 to 142 Alexander Avenue. The site reduces in ground level from the Almeys Lane frontage to the rear of Alexander Avenue by approximately 1 metre. The properties along

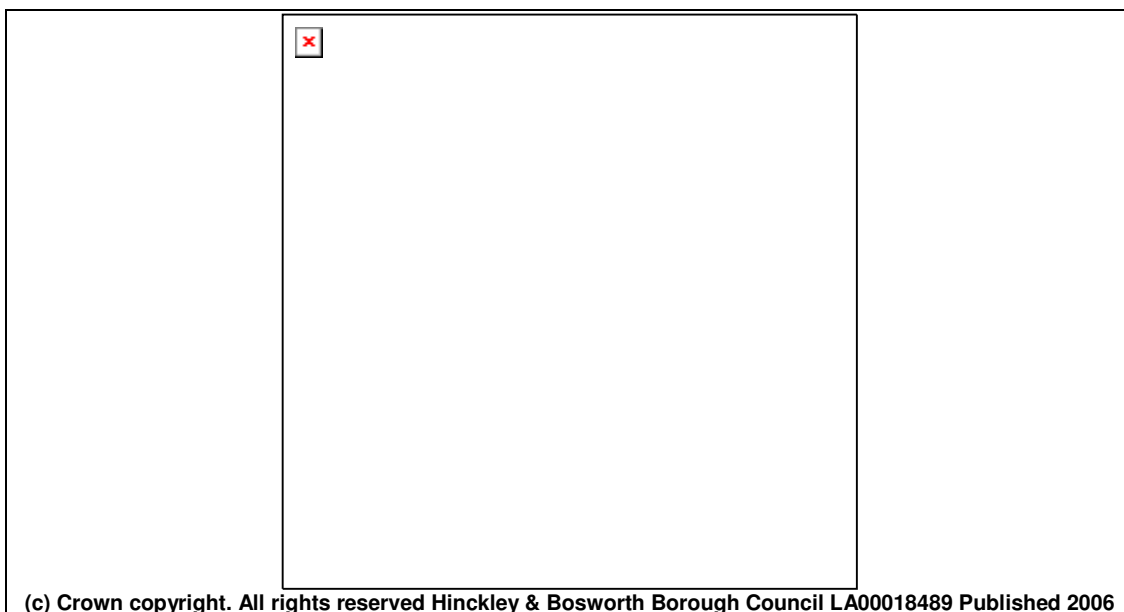
Alexander Avenue are again set lower with a drop in levels of approximately 1 metre between the site and rear gardens.

The character of the area is predominantly residential, with a mix of houses and flats within the vicinity. High Street has a mix of residential and commercial uses. There is a convenience store opposite the site in Almeys Lane; a vacant site that has the benefit of planning permission for residential development surrounds this. There is a listed building (The Glory Hole) on the corner of Almeys Lane and High Street.

The application included a design statement that states the development proposed is the highest quality affordable, the scheme is a sustainable and suitable proposal for the site and the wider area and will have a positive impact upon the current and future regeneration of Earl Shilton. A ground contamination report, an access statement and a draft Section 106 agreement was also included with the application.

### History:-

06/01263/FUL	Demolition of existing building and construction of 37 residential units with associated parking	Refused	12.03.06
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### Consultations:-

No objections subject to conditions have been raised by:-

The Head of Health and Environment  
Severn Trent Water.

The Director of Highways, Transportation and Waste Management (Highways) comments that the proposal is acceptable in principle. However, there is an inaccuracy on the plans in that the application site encloses some highway land, furthermore the western radius of the Oxford Street junction should be improved slightly to give a highway safety improvement at this junction.

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

Leicestershire County and Rutland Primary Care Trust  
The Borough Council's Land Drainage Engineer

Earl Shilton Parish Council  
The Environment Agency  
Leicestershire Constabulary Crime Reduction Officer  
Developer Contributions Consultation, Leicestershire County Council  
Neighbours  
Site and Press Notice.

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

The site falls within the settlement boundary of Earl Shilton as defined in the adopted Hinckley and Bosworth Local Plan. It is designated an employment site under Policy EMP1 of the Local Plan as a category C site which is one which is suitable for alternative uses. The Employment Land and Premises Study recommended the site be retained in Category C and stated that the buildings were outdated both in terms of size and configuration in a town centre location with limited commercial demand and poor access.

Policy BE1 of the adopted Hinckley and Bosworth Local Plan requires a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment by complementing the surroundings as well as protecting highway safety and neighbours amenities.

Policy RES5 allows for new residential development on sites within the settlement boundary subject to siting, design and layout of proposals not conflicting with other relevant policies. Additional advice on new residential development is contained in adopted Supplementary Planning Guidance.

Policy NE2 of the adopted Hinckley and Bosworth Local Plan states that planning permission will not be granted for development which would be likely to suffer material harm from either existing or potential sources of air or soil pollution.

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

Policy REC2 of the adopted Hinckley and Bosworth Local Plan requires provision to be made for formal recreation for proposals of 20 dwellings or more. Provision can be in the form of on-site provision or a financial contribution towards off-site facilities.

Policy REC3 of the adopted Hinckley and Bosworth Local Plan requires provision to be made for informal children's play space. Provision can be in the form of on-site provision or a financial contribution towards off-site facilities.

The Local Planning Authority's Supplementary Planning Guidance on Play and Open Space requires a financial contribution for the provision and maintenance of play and open space, equating to £1,900 per residential unit, where facilities cannot be provided within the site and formal facilities exist within 1km and informal facilities exist within 400m of the site.

### **Appraisal:-**

#### Principle

The site lies within the settlement boundary of Earl Shilton and is considered to be a brownfield site. The Employment allocation in the Local Plan provides that alternative uses can be accommodated on the site. It is therefore considered that the principle of residential is acceptable subject to issues of design, layout, and impact on surrounding area, residents of neighbouring properties and the highway network.

## Layout and Design

The scheme proposes built form on the perimeter of the site with 3 projections into the rear of the site. The access, both pedestrian and vehicular, is from Almeys Lane. There is no pedestrian access into the flats from the perimeter of the site. The scheme proposes a mix of 2, 2.5 and 3 storey units, with the 3 storey element of the scheme comprising the corner unit adjacent Almeys Lane and Candlestick Lane. The 2.5 storey units are mainly located along Candlestick Lane with one unit located on the corner of Almeys Lane and the new access. The two storey elements of the scheme front both Candlestick Lane and Oxford Street. The scheme has been designed taking into consideration the form of development that surrounds it and has been reduced in height to address the reasons for refusal on the previous application.

The 3 storey element of the scheme on the corner of Almeys Lane and Candlestick Lane extends for approximately 8 metres before reducing slightly to 2.5 storeys for approximately 37 metres, then reducing again to 2 storeys for approximately 19 metres. The Candlestick Lane elevation reduces in height due to ground levels by some 4 metres towards Alexander Avenue. The 2.5 storey elements of this elevation have velux windows at 2nd storey. Variation has been added to this elevation by the introduction of various roof planes, this assists with breaking up this long elevation. The Almeys Lane and Candlestick Lane corner of the scheme is curved to reflect the Orbit Housing scheme on the corner of Almeys Lane and High Street. It is considered that this will contribute to creating a gateway into this part of Earl Shilton when viewed in context with the adjacent approved development.

At the corner of Almeys Lane and Oxford Street the scheme provides a transition between the new 3 storey element and the existing 2 storey dwellings that front Almeys Lane. The two storey development extends round the corner onto Oxford Street to reflect the existing scale of development so as to be in character.

## Impact on Neighbours

The development sits in a predominantly residential area but has been re-designed to ensure impacts to neighbours are kept to a minimum. With regards to proximity to existing properties, where there are habitable rooms the proposal is 27 metres from the properties on Alexander Avenue. The western elevation facing the rear of High Street is 2.5 storeys in height with velux rooflights at second floor level to ensure overlooking to properties complies with standards and is kept to a minimum. The corner of Almeys Lane and Oxford Street has been redesigned so there is an improved relationship and transition between new and existing development.

## Highways

Vehicle and pedestrian access to the site is proposed off Almeys Lane, this will serve all 38 flats. With provision of turning facilities within the site as requested by the Highway Authority on the previous application the parking will be reduced so as to provide 100% parking. There is no direct pedestrian access onto Oxford Street, Almeys Lane or Candlestick Lane from any of proposed flats. The Highway Authority has commented that the proposals are acceptable in principal, however wishes to resolve an inaccuracy in the boundary along Almeys Lane to ensure no highway land is incorporated into the application site. In addition it is considered that in order to improve highway safety at the junction of Oxford Street the western radius should be improved slightly. These issues are currently being discussed with the applicant and the outcome will be reported as a late item.

The application proposes 42 spaces for 38 flats, which equates to 110% parking provision across the site and 36 cycle spaces. Government Guidance suggests that in locations such as town centres, where services are readily accessible by walking, cycling or public transport Local Authorities should allow for significantly lower levels of off-street parking

provision to secure more sustainable residential environments. The site is considered to be in a town centre location, with good access to public transport and as such it would be difficult to resist the reduced parking standards proposed in light of Government Guidance.

The proposal does not impact detrimentally on Candlestick Lane; the built form is set slightly back from the boundary of the applicants land and does not encroach in any way on Candlestick Lane. A condition can be imposed on any permission to ensure the lane is not obstructed during construction.

#### Impact on Listed Building

This site sits behind a listed building (The Glory Hole) which comprises a 3 storey property with two storey attached elements. It is considered that whilst the proposed development comprises a 3 storey element on the corner this will not compete with the listed building. This proposal along with the scheme already approved on the corner of Almeys Lane and High Street will together add to the gateway into Earl Shilton, the corner element of the proposal has been designed to compliment the approved scheme and the listed building and has been designed to be slightly lower than the listed building so as to not overwhelm its distinct character.

#### Improvements to Infrastructure

No response has been received from County regarding infrastructure improvements but based on the previous applications there will be a requirement to contribute towards Library Facilities and Civic Amenity Site Infrastructure. In addition, a financial contribution will also be required towards Health Facilities.

With regards to Play and Open Space the site is located within 400m and 1 km of Weaver Springs therefore a contribution of £1900 per dwelling is required, totalling £72,200. Improvements have been identified in the Quantity/Assessment of Open Space in the Borough these include improving the quantity and quality of provision for children and young people as existing provision is poor

#### Regeneration of the Area

This area of Earl Shilton has been run down for several years, with the existing factory unit being targeted by vandals. The site is in close proximity to a further site that has been subjected to vandalism and which has received permission for affordable residential development. It is considered that with improvements to the design of this scheme, residential development will positively contribute to the regeneration of the area.

#### Other issues

As the development consists of flats it is necessary to accommodate shared refuse storage on the site. It is not considered that this will attract vermin anymore than individual wheelie bins for each property.

There is a requirement for all schemes over 25 units to provide an element of affordable housing. There is a national requirement for more affordable housing to be constructed, and there is such a need in Earl Shilton. To refuse the application on the basis of it being affordable housing would be contrary to both local and national policy. Furthermore, the Housing Association would only wish to build properties that are required by the population of Earl Shilton and surrounding areas.

With regards to disruption during construction, this issue can be addressed by condition ensuring a management programme is in place covering start times for construction, ensuring any mud on the road is cleaned etc. In terms of potential for noisy/nuisance

neighbours, there is no reason why this development would attract this type of behaviour and in any case, there is other legislation, to be used to control such issues.

### Conclusion

This scheme is considered to be an improvement to the previous scheme. The proposal is considered to be of high quality design which reflects and is sympathetic to its surroundings. Therefore subject to resolving the concerns of the Highway Authority and the signing of the Section 106 agreement to secure financial contributions towards infrastructure improvements it is recommended that the application be approved.

**RECOMMENDATION :- That subject to no significant objections, satisfactory resolution of the highway issues and following the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide financial contributions towards play and open space, libraries, civic amenity, and health facilities, the Head of Culture and Development be granted powers to issue Planning Permission subject to the conditions below. Failure to complete the agreement by 24th July 2007 may result in the application being refused.:-**

**SUMMARY OF DECISION** - The proposal is in conformity with Policies EMP1, BE1, RES5, NE2, IMP1, 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 proposed residential 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.
- 3 No development shall commence on site until such time as the proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 4 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 5 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 6 No development shall commence until drainage works for the disposal of both surface and foul sewage have been carried out in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.

- 7 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.
- 8 Before first occupation of any dwelling hereby approved, the parking spaces shown on drawing number 6341/002 Revision C shall be provided; each space shall be laid out and marked with the corresponding property number. 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.
- 9 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - (i) means of enclosure
  - (ii) hard surfacing materials
  - (iii) planting plans and written specifications
  - (iv) schedules of plants, noting species, plant sizes and proposed numbers where appropriate.
  - (v) implementation programme.
- 10 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.
- 11 For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.
- 12 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. At no times shall vehicles obstruct access to and along Candlestick Lane.
- 13 Prior to occupation of any residential unit hereby permitted the cycle area shown on the approved plan shall be provided and once provided shall be maintained and kept available for use in perpetuity.
- 14 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 15 metres behind the highway boundary and shall be hung so as to open inwards only.
- 15 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.
- 16 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.
- 17 Notwithstanding the submitted details, an appropriate turning head / facility shall be provided within the site in order to allow vehicles (including service / delivery type vehicles) to enter and leave in a forward direction. Details of the turning area shall be submitted to the Local Planning Authority for approval prior to the development commencing and once provided shall not be obstructed and shall be available for use at all times.



- 18 Any existing vehicular access shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossings reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.
- 19 Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound materials for a distance of at least 10 metres behind the Highway boundary and shall be so maintained at all times.
- 20 Before first use of the development hereby permitted, visibility splays of 2.4 metres by the maximum achievable across the sites frontage to Almeys Lane shall be provided at the junction of the access with Almeys Lane. These shall be in accordance with the standards contained in the current County Council 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 drive serving more than 25 dwellings shall be a minimum of 5.5 metres wide for at least the first 5 metres behind the highway boundary and have 6 metres kerbed radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times.
- 22 On the first occupation of each dwelling 1 travel pack and 2 x 3 monthly travel passes shall be provided per dwelling.
- 23 Before first use of the development hereby permitted, a footway shall be completed to the satisfaction of the Highway Authority around the entire sites frontage to Almeys Land and Oxford Street within land controlled by the applicant. Details of which shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2&3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure adequate consideration is given to ground contamination issues to avoid the risk of contamination in connection with the new development to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure the site is adequate for the development hereby permitted and any mitigation measures necessary are incorporated to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to accord with Policies BE1 and NE2 of the adopted Hinckley and Bosworth Local Plan.
- 7 To avoid water pollution to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that adequate off-street parking facilities are available to accord with policy BE1 and T5 of the adopted Hinckley & Bosworth Local Plan.

- 9 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 10 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 11 To reduce the possibility of deleterious material being deposited in the highway and becoming a hazard for road users in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 12 In the interests of road safety to accord with policy BE1 and T5 of the Hinckley & Bosworth Local Plan.
- 13 In the interests of the sustainability of the development and to encourage alternative transport choice to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 14 To enable a vehicle to stand clear of the highway whilst the gates are opened.
- 15 To ensure that an adequate line of vision is available in the interests of road safety to accord with policy BE1 and T5 of the Hinckley and Bosworth Local Plan.
- 16 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users to accord with Policy BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 17 To ensure that vehicles may enter and leave the site in a forward direction in the interests of road safety to accord with policy BE1 and T5 of the Hinckley and Bosworth Local Plan.
- 18 To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points to accord with Policy BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 19 To reduce the possibility of deleterious material being deposited in the highway to accord with Policy BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 20 To ensure that an adequate line of vision is available in the interests of road safety to accord with policy T5 of the Hinckley and Bosworth Local Plan.
- 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 to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 22 To promote and encourage public transport use in the interests of sustainability to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 23 The Highway fronting the site has no separate facility for pedestrians and the proposal would lead to an increase in pedestrian movement along the Highway. The footway is therefore required for the safety of pedestrians to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

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

- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 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)
- 4 The proposal is situated in excess of 45 metres from the Highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 1980 and Building Regulations Approved Document B, Fire Safety 2004.
- 5 The proposed roads do not conform to an acceptable standard for adoption and therefore they will not be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, sever APCs in respect of all plots served by all the private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences.
- 6 Please note that the Highway Authority has standards for private roads, which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see [www.leics.gov.uk/htd](http://www.leics.gov.uk/htd) or phone 0116 2656782.
- 7 The approved footway shall be dedicated as public Highway via a deed of dedication under seal.
- 8 In order to arrange for travel packs and passes please contact Gill Moore at Leicestershire County Council on 0116 265 6692.
- 9 In relation to condition advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

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