

**REPORT P7**

**PLANNING COMMITTEE**

**03.07.2007**

**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:** 07/00330/FUL  
**Applicant:** Atherstone Stables  
**Location:** Atherstone Stables Atherstone Road Ratcliffe Culey Leicestershire  
**Proposal:** CONVERSION OF LOFT SPACE OF EXISTING STABLES TO 4 HOLIDAY UNITS

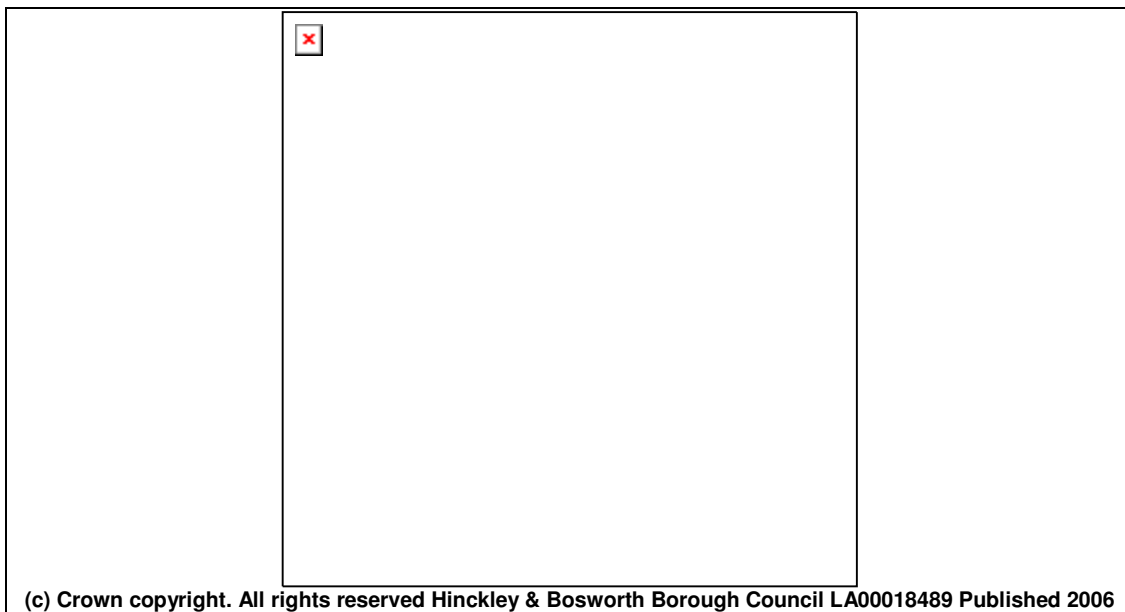
**Introduction:-**

This full application is for the conversion of loft space of existing stables to holiday let units. The proposal is on land off Atherstone Road, Ratcliffe Culey, known as Atherstone Stables. The stable block is sited close to a field boundary with ten stables, a tack-room and W.C. There is some standard hedgerow planting along Atherstone Road, fronting the site. The site is fairly flat with field boundaries defined by 2-3 metre high hedgerows, with a few trees. The surrounding area is agricultural. To the south are some residential properties, the nearest being approximately 180 metres away.

The previous application was withdrawn as there was an objection from the Environment Agency as the application did not include a Flood Risk Assessment as required by PPG25. This application includes a Flood Risk Assessment and the Environment Agency have raised no objection. The scheme differs from the previous application in that the proposed dormers to the front and side elevation have been removed and replaced with conservation style windows, as dormer windows are out of character with many converted rural buildings.

**History:-**

06/00821/FUL	Conversion of loft space to 4 holiday units	Withdrawn	13.09.06
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**Consultations:-**

No objections have been received from :-

The Environment Agency  
Director of Highways, Transportation and Waste Management (Highways).

Witherley Parish Council have objected to the proposal on the basis of the application setting a precedent and the previous decision of the Borough Council to approve the erection of the stables.

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

- a) Increase in noise
- b) Increase in traffic
- c) Impact on privacy.

**Development Plan Policies:-**

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

Government Guidance

Planning Policy Statement 7 supports the reuse of appropriately located and suitably constructed existing buildings in the countryside. The countryside should be protected and where possible, enhanced.

## Local Plan

Policy NE5 of the adopted Hinckley and Bosworth Local Plan aims to protect the open countryside and only allows 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 NE10 aims to provide sufficient landscaping proposals to improve landscaping quality.

Policy NE13 states the Borough Council will resist applications that would inhibit or damage the drainage functions of the natural watercourse system unless sufficient protection, alleviation and mitigation measures are undertaken.

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

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

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

Policy REC21 seeks to ensure that tourist accommodation in the open countryside where it can be demonstrated that such accommodation makes use of existing property or can be satisfactorily integrated with the scale of the existing buildings with which it is associated.

Policy REC23 states that planning permission will be granted for holiday home accommodation unless the proposal would be contrary to other adopted policies, particularly in relation to environmental and highway considerations.

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

## **Appraisal:-**

### Principle

Policy BE20 seeks to encourage either employment, recreation or tourism uses in the first instance, Both Policy BE20 and adopted Supplementary Planning Guidance state that planning permission will only be granted for the re-use and adaption of a rural building if it can be converted without significant extensions and alterations. The applicant has submitted supporting evidence from local riding clubs and residents supporting the proposal, there is also a Caravan Club certified site in the adjacent field, which is also run by the applicant, so there is a presence on site of tourist accommodation currently.

### Impact on Open Countryside

The site lies within the open countryside where policy NE5 seeks to protect the countryside for its own sake, allows for the change of use, reuse and extension of existing buildings provided the development would not have an adverse effect on the appearance or character of the landscape and it is in keeping with the scale and character of the existing buildings. Although the building can be viewed from Mythe Cottage Farm House, the

proposal would not have an adverse effect on the appearance of the landscape. The extensions proposed are in keeping with the scale and character of the existing buildings and do not significantly alter the form and general design of the building, as there are minimal additions to the existing structure.

### Design

The design of the stables is not being altered in anyway other than increasing the ridge height of the existing building from 5.1m to 5.8m to allow for sufficient headroom in the roof conversion, this is to be achieved by increasing the height of the walls rather than making the roof larger. There is to be conservation style rooflights installed on the front, rear and side roof elevations that overlook the open countryside to allow for light into the holiday units, and a barn style window on the gable elevations overlooking the courtyard. The units are to be accessed via three newly constructed external staircases, one on each side elevation and one on the rear elevation. They are of standard simplistic design not to impact on the visual character of the existing building.

### Landscaping

The landscaping currently present on site screens the existing structure from Atherstone Road, and only the top section of the roof is visible from the properties to the south. There is a direct view from the property to the north but this broken by natural landscaping and the property is at a sufficient distance not to be impacted and intruded upon visually.

### Access

Highways have raised no objection to the proposal as it would be difficult to demonstrate that the proposal would result in an increase in turning traffic due to the current activity of the site. Also the smaller scale of development proposed in relation to the existing uses on site, stables and caravan site would not have an overbearing impact on increased traffic and highway safety.

### Tourism

Policy REC21 seeks to ensure that tourist accommodation in the open countryside makes use of existing property or can be satisfactorily integrated with the scale of the existing buildings with which it is associated. The proposal makes use of the existing building without impacting upon its scale and character and the visual intrusion on the open countryside is at a minimum.

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 Policy/Policies BE1, BE20, REC21, REC23, T5 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 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing stables unless previously agreed in writing with the Local Planning Authority.

- 3 Any development hereby approved by this permission shall be carried out in accordance with the submitted Flood Risk Assessment prepared by W J Burton on behalf of Mr & Mrs Garland dated 19th March 2007.
- 4 Development shall not commence until details of a safe exit route to land outside of the 1 in 100 year floodplain have been submitted to and approved in writing by the Local Planning Authority.
- 5 Prior to first occupation of the development hereby approved a warning procedure must be put in place and emergency evacuation notices must be displayed. The wording and details of these notices shall be submitted to and approved in writing by the Local Planning Authority.
- 6 No development shall commence until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority.
- 7 This permission shall operate solely for the benefit of the applicant and shall not run with the land.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 To protect the development from flooding.
- 4 To provide a safe access egress during flood events in accordance with PPS25.
- 5 To ensure occupiers of the development are aware that the land is at risk of flooding.
- 6 To alleviate the increased risk of flooding.
- 7 To ensure that the use remains compatible with the surrounding area.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 4 The area of the site liable to flood is shown on the Flood Zone map extract provided to the applicant dated 10th November 2006.

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

**Item:** 02

**Reference:** 07/00379/FUL

**Applicant:** Groby Farm Partnership

**Location:** Land South of Leicestershire Rifle Club Newtown Linford Lane Groby Leicestershire

**Proposal:** ERECTION OF 2 NO AGRICULTURAL BARNES

**Introduction:-**

This is a full application for the erection of two 465 square metre agricultural barns with vehicle turning area at land to the south of the Leicester Rifle Club, Newtown Linford Lane, Groby. The barns are positioned along the southern boundary that sits adjacent the A50.

The site itself measures approximately 7,930 square metres in area and is located immediately to the north of the A50 and to the west of Newtown Linford Lane. It comprises a meadow that is used for grazing. Both the northern and southern boundaries to the site are well landscaped with mature hedging and planting. The eastern boundary of the site (site frontage) is landscaped with a mixed agricultural hedge, with some young self-set trees. The western boundary of the site contains a pond with mature trees surrounding it.

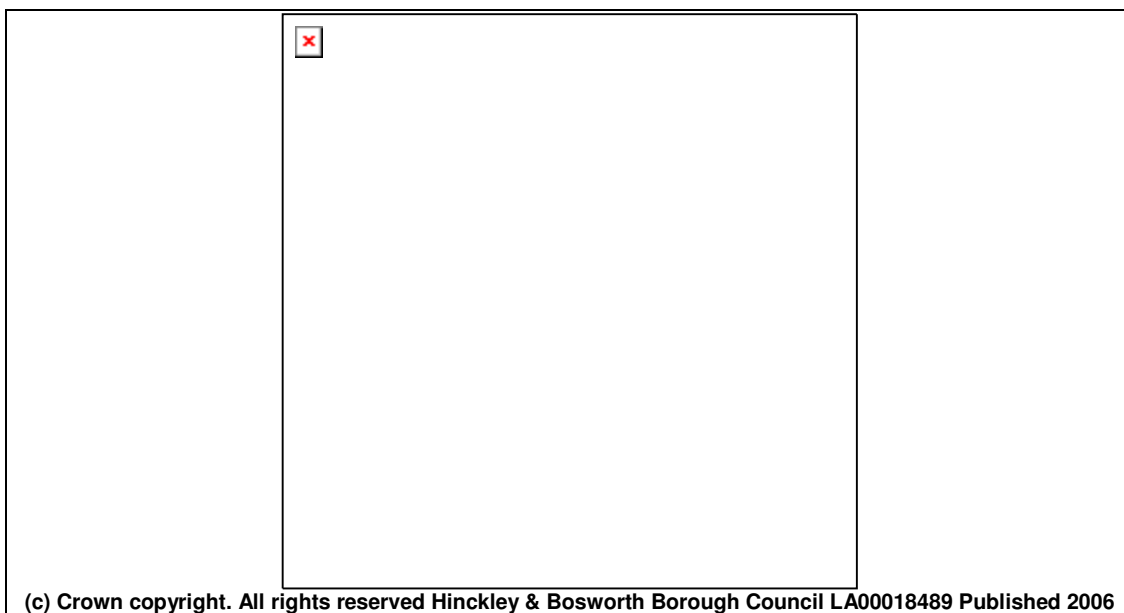
The proposed barns measure 5 metres to the eaves and 7.2 metres to the ridge. It is proposed that the buildings will be constructed of block work with profiled cladding. The roofing material is proposed to be profiled cladding with transparent sheet roof lights. The barns are to be subdivided internally with Barn 1 accommodating a grain store, machinery and implement store and fishing equipment store, whilst Barn 2 will provide accommodation for a lubricant and general store, a chemical store, a workshop and fertilizer store. Barn 1 also provides toilet facilities. Each barn has three roller shutter entrances.

The barns are proposed to replace the existing barns located to the south of the A50 that are no longer available to the applicants due to potential residential redevelopment by the landlord. The existing barns extended to approximately 1500 square metres in total and were required for the farm and coarse fishery, however due to this amount being more than was required the current application only seeks a total of 930 square metres.

The application was accompanied by a design and access statement that considered issues of the proposed use, layout, highways, structure and external materials, drainage and landscaping. In addition the application was accompanied by a supporting statement detailing the history of Groby Farms Limited and the justification for the current application along with detailed breakdown of the building storage requirements. The supporting statement states that Groby Farms Limited were keen to retain use of the existing barns to the south of the A50, however they received notice to quit from the landlords as the landlords were pursuing residential redevelopment of the site. Groby Farms Limited resisted the notice to quit by preventing access to the site hoping this would prevent the development proposals progressing. This however did not work and Groby Farms Limited has been left with no agricultural buildings for the farm and fishery. Additional information received includes an Archaeological Evaluation; a Preliminary Ecological Site Assessment; a Landscape and Visual Assessment; and Pre-application Consultation responses with the Environment Agency and Highway Authority.

## History:-

An application submitted in 1996 for change of use to heavy goods vehicle haulage and contractors base was refused on the grounds that the site lies outside the established settlement area and was subject to the countryside policies. It found that such an area would remain for the most part undisturbed and new development will normally be permitted when it is required for the efficient operation of agriculture. The application was further refused for reasons of detrimental affect on drainage and precedent. (Ref: 96/00494/COU).



## Consultations:-

No objection from Land Drainage Engineer.

No objections have been received subject to conditions from:-

Environment Agency  
Severn Trent Water.

Director of Environment and Heritage Services (Archaeology) requested a field evaluation. Comments are awaited following submission of the Archaeological Evaluation.

The Leicestershire Constabulary Crime Reduction Officer raises no objection but comments that as the barns are isolated, site security is paramount and security measures should be put in place.

The Director of Highways, Transportation and Waste Management raises no objection subject to conditions but comments that he is likely to resist any further changes of use as additional turning traffic at this point may be considered detrimental to Highway safety.

Director of Community Services (Historic and Natural Environment Team) recommends the trees and hedgerows be retained for their biodiversity potential. The pond is reported to contain great crested newts, therefore a survey is required. The site to the north of the site is of District Level ecological significance and the disused railway to the west is of Parish Level interest, both are likely to be of Local Wildlife Site Value. The site, undeveloped, would provide a buffer to protect and extend the existing ecologically significant areas.



Groby Parish Council object to the proposals on the following grounds:-

- a) The proposal is contrary to:
  - Policy NE3 of the Local Plan as the development will have an adverse effect on the open and undeveloped character of the Green Wedge. The barns are out of scale and character with the surrounding area.
  - Policy NE5 of the Local Plan as the development is not in keeping with the general character of the area.
  - Policy NE7 and NE8 of the Local Plan as it will adversely affect protected species, flora and fauna. A full ecological survey should be undertaken to assess the impact.
  - Policy BE14 of the Local Plan as the site is adjacent to the Motte and is where the Dower House stood. Archaeological remains may be affected therefore a full archaeological survey is essential.
- b) The proposals will lead to increased level of traffic generation and will compromise highway safety.
- c) The proposals are contrary to several policies in the Leicestershire Structure Plan.

Groby Village Society considers development of this site to the north of the A50 is unacceptable. Furthermore it will have a devastating impact on the ancient meadow and visual impact of the area.

Newtown Linford Parish Council objects to the proposal as it will be an intrusion into countryside beyond the limits of the A50 trunk road and village settlement of Groby.

The Leicestershire and Rutland Wildlife Trust recommended that a full protected species survey be undertaken, on submission of the Ecological Survey further comments confirmed that the survey fulfilled the requirements. The retention of hedgerows and mature trees is important to provide foraging and roosting sites for bats.

Natural England raise no objections to the proposals based on the submitted Ecological Report but comment that the field may have value in local biodiversity and landscape terms and therefore the local biodiversity should be enhanced where possible.

Neighbours notified and site notice displayed. 26 letters of objection and one petition containing 376 signatures received objecting to the proposals on the following grounds:-

- a) Loss of attractive and important buffer between village and Groby Pool
- b) The development will have adverse impact on wildlife, destroying their habitat and the ecology of the whole area
- c) Increased highway dangers and congestion
- d) Loss of ancient meadow
- e) Erosion of Green Wedge by inappropriate development
- f) The barns proposed replace buildings not used as farm buildings therefore they are not needed.
- g) Adverse impact on flora and fauna
- h) Negative visual impact of buildings on entrance to village which is currently rural in appearance
- i) Flooding from surface run off and contamination and pollution of wildlife pond
- j) Development should not spread north of A50
- k) The site is near to and may affect a SSSI
- l) The site is of historical interest, close to Motte and Bailey site and Old Hall, it dates back to the Domesday era
- m) The development would be visually dominant within a rural area
- n) If approved a precedent will be set for future development to the north of A50

- o) Adverse impact on 2 of the oldest Oak Trees in the Parish
- p) The development is not needed and will become a storage and distribution depot close to the excellent road network.
- q) Proposed buildings are visually unattractive along with massive hard surface area

At the time of writing the committee report comments are awaited from the National Forest

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

The site falls outside the settlement boundary of Groby as defined in the adopted Hinckley and Bosworth Local Plan. Policy NE5 of the Local Plan and Strategy Policy 8 of the Structure Plan provides that the countryside will be protected for its own sake. It allows for new development provided it is important to the local economy and cannot be provided within or adjacent to an existing settlement and only where the development would not have an adverse effect on the appearance or character of the landscape, it is in keeping with the scale and character of existing buildings and the general surroundings, it is effectively screened by landscaping or other methods and the development will not generate traffic likely to exceed the capacity of the highway network.

Policy NE2 of the Local Plan and Resource Management Policy 1 of the Structure Plan provides protection of the air and soil from pollution.

Policy NE3 of the Local Plan and Strategy Policy 5 of the Structure Plan identifies areas of Green Wedge within the Borough and seeks to protect the open character of these areas where possible. Policy states that permission will only be granted for agriculture, forestry, sport and recreation, transport routes or mineral uses providing the development does not have an adverse effect on the open and undeveloped character of the Green Wedge; does not undermine the physical separation of the settlements separated by the Green Wedge; and it is in keeping with the scale and character of the surrounding area.

Policy NE7 of the Local Plan provides protection to sites of county and local nature conservation significance and seeks to resist developments that would damage flora, fauna, and geological features. It requires the imposition of conditions where planning permission is granted in order to minimise disturbance.

Policy NE8 of the Local Plan and Environment Policy 3A of the Structure Plan provides protection to protected species and their habitats. It requires the imposition of conditions where planning permission is granted in order to minimise disturbance.

Policies NE21, NE22, NE23 and NE24 of the Local Plan and Strategy Policy 13 of the Structure Plan provide principles for development within the National Forest and criterion for the consideration of development proposals. They require consideration to be given to the existing landscape character of the site and surrounding locality, physical, ecological and environmental constraints and the quality and quantity of landscaping provided.

Policy NE26 seeks to ensure that proposals for new agricultural buildings should provide adequate planting to ensure the building is appropriately screened and that it does not have an intrusive impact on the landscape of the forest.

Policy BE1 of the Local Plan and Strategy Policy 10 of the Structure 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.

Policies BE13, BE14, BE15 and BE16 provides protection to archaeological remains and requires submission of archaeological assessments should there be potential for remains to be disturbed.

Policy BE21 provides guidance for the provision of new agricultural buildings seeking to ensure the siting, scale and materials are designed to minimise their impact in the landscape. This policy requires regard to be had to Policy NE5.

Policy T5 of the Local Plan requires new developments to comply with the adopted Highway Design Standards in terms of new accesses, turning and parking provision.

## **Appraisal:-**

### Key Issues

The main issues in the determination of this application relate to the location and design of the development in terms of character of the existing site and surrounding area, and the impact on the development on the Green Wedge.

### Principle of development north of A50

The site is located to the north of the Groby Settlement separated only by the A50 trunk road. It thus falls within the countryside area considered by the Local Plan to be outside the development limits. The area also falls within the National Forest.

Policy NE5 of the Local Plan protects the countryside for its own sake and restricts the type of development that can take place. The supporting text to the policy provides examples of types of development which would normally be considered acceptable, one of which is agriculture. As the proposal is for agricultural barns, the development is one that would normally be considered acceptable and therefore the principle of agricultural development in this location for this type of use is not contrary to policy, however the Policy further requires that such acceptable uses should not have an adverse effect on the appearance or character of the landscape and that any development should be in keeping with the scale and character of the general surroundings. It is considered for the reasons discussed in the next section that the proposed development is not in keeping with the scale and character of the general surroundings and it will have an adverse effect on the appearance of the landscape. Policies NE21 and NE22 provide guidance for development within the National Forest and sets criteria to be met in order for development to be considered acceptable, it requires regard to be had to the existing landscape character of the site and surrounding area, along with the physical, ecological and environmental constraints of the site. Furthermore it requires any new development to provide additional tree planting where possible. The design of new developments should be of high quality, reflecting local architecture and the setting of the proposal within the National Forest.

### Site Location and Character of Area

The site is located in a rural landscape, when leaving Groby village the character of the area changes when you emerge from under the A50 bridge. The area is one of rural character with a mix of open and closed fields, and woodland areas. The site itself is located immediately adjacent to the raised A50 screened by substantial planting and bunding. To the north the site adjoins a woodland area. The area is designated Green Wedge, and Policy NE3 of the Local Plan seeks to safeguard such areas ensuring the open character of these areas is protected wherever possible. Any development should be in keeping with the scale and character of the surrounding area.

The applicant has submitted a Landscape and Visual Assessment with the application. This considers the impact on the landscape and character of the area and concludes that this site is the most appropriate location on the applicant's land to site such a development and that due to the bunding and A50 to the south and the woodland to the north the visual

impact is minimal and the development would not adversely impact the open and undeveloped character of the Green Wedge.

As already stated the area is rural in character and therefore any new development should reflect this and not undermine the rural and undeveloped appearance. Whilst it is accepted that any new buildings in such an area would change the character it is considered that this change can be minimised and not adversely affect the rural appearance if designed well and sensitively. The proposal submitted proposes two very large agricultural buildings, modern in appearance with a significant area of hard surfacing. It is considered that such a development will significantly alter the character and appearance of the site and the surrounding area from rural to commercial. This will adversely affect the character of the Green Wedge and therefore the proposals are considered contrary to policy. Furthermore the proposed buildings and hardsurfaced area are not considered to be in keeping with the scale and character of the surrounding area and would introduce elements of a commercial character as opposed to agriculture.

### Design and Layout

The design, scale and mass of the buildings is similar to a modern industrial style unit with concrete blocks up to door height, and profiled cladding above and to the roof. Each building has been designed with three roller shutter doors. Essentially they are modern multi-purpose agricultural buildings.

It is considered that as the site is located in a particularly sensitive area, within the countryside, national forest and green wedge, the design of the buildings proposed is inappropriate. Whilst the function of the building has to be a consideration, due to the location it is considered that a more sensitive design and scale would be appropriate. Each building is proposed to be subdivided internally for different uses and therefore a range of buildings, in a traditional style using more aesthetically pleasing materials may reduce the impact of the development in this location. Furthermore, the proposal includes a large surfaced farm yard resulting in the majority of the existing field being built on. Again it is considered that due to the location of the site the proposed development is unacceptable and would adversely affect the character of the area contrary to policies that seek to protect the Countryside, Green Wedge and National Forest.

### Ecology

The site has no ecological designation, however there have been reports of siting of great crested newts and other protected species on the site. Furthermore, residents of Groby have raised concerns regarding the loss of ecologically important flora and fauna on the site. As such the applicant commissioned and submitted a Preliminary Ecological Site Assessment, this concluded that with regards to the pasture, there were no indications of historic features such as ridge and furrow and there were no conditions found to suggest that bog myrtle would occur on site. The pond on the site is heavily shaded and was dry at the time of survey and appeared not to have held water for several months. Breeding ground for great crested newts would have to be larger, un-shaded and contain a balanced mix of aquatic plants and have a reasonable depth of water during the breeding season of March to July/August. The hedgerows and trees on the site provide an excellent habitat for invertebrates and nesting birds, therefore these should be retained. With regard to protected species no evidence was found on site in the pasture area of their presence. Natural England has commented on the report stating that it establishes that the habitats within the field and pond are not rare or irreplaceable. However the field could have value in local biodiversity and landscape terms and therefore if permission is granted the Council should seek to enhance local biodiversity where possible. Further comments from Leicestershire County Council suggest the area to the north of the site is of District Level ecological importance and the disused railway to the west is of Parish Level interest, and are both likely to have local wildlife site value. However, the survey undertaken suggests

that the site is not of ecological importance and therefore the development would not be considered to be contrary to ecological policies within the Local Plan.

### Archaeology

The site lies adjacent to a known ancient monument, the Motte and Bailey and The Old Hall which is listed. Concerns have been raised that due to the proximity of the site to the ancient monument and listed building the development will result in disturbance to archaeological remains, as such a field evaluation was requested and subsequently submitted for consideration. The submitted investigation report concludes that the archaeological trial trench evaluation carried out failed to produce any archaeological finds or features and that the site appears not to have had any archaeological activity therefore the results of the field evaluation were negative. This report has been submitted to Leicestershire County Council and comments are currently awaited.

### Highways

Residents within the area have raised considerable concerns that the development will result in a significant increase of traffic movement to the detriment of highway safety. The Director of Highways, Transportation and Waste Management has raised no objection to the proposals subject to conditions requiring improvements to the access to ensure visibility is acceptable so as to have no adverse impact on highway safety. His comments also stated that whilst the traffic and parking levels likely to be generated by the application are acceptable in Highway terms, a more intensive use of the premises by another user may be considered inappropriate and could create dangers to increased traffic and parking in the vicinity of the site.

### Flooding/Pollution

Concerns have been raised that the development will result in flooding due to the change in surface. The Environment Agency and Severn Trent Water have not objected to the application but have suggested the imposition of conditions to ensure the site is drained properly and that the use of the site does not result in water pollution.

### Need

This planning application has been submitted to provide the established Groby Farm Partnership with agricultural storage barns. Previously barns to the south of the A50 were leased by the Partnership for use, however the landlord has ceased the tenancy and is seeking permission for residential development. As such the Partnership has a need to replace the buildings. Concerns have been raised that the barns previously leased were not used in connection with the farm, but were rented out to different users one of which was a funeral directors. The applicants have provided evidence of the previous barns usage and need for the proposed barns. They state that the barns to the south of the A50 provided surplus space and as such part of the barns were let to a local funeral director for the storage of his collection of vintage hearses. The proposed agricultural buildings are smaller than the previously used barns to taken into consideration the space not utilised by the farm, the reduction in size is more that two and half times the area ever occupied by the funeral director in the previous farmyard.

Need is not really a planning issue in this instance. However, it is considered that the applicant has provided information to demonstrate what the barns would be used for and therefore would not question the need for the development. The farm holding extends to 200 acres of agricultural land and therefore it is not unreasonable to assume that buildings are required for the successful running of the business.

### Conclusion

The site is located in a sensitive location and it is considered that the proposal as submitted does not take this into consideration by virtue of a design, scale and mass that would change the character of the site to the detriment of the surrounding areas. As such it is considered that the proposal should be refused.

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

- 1 In the opinion of the Local Planning Authority the proposed development by virtue of its scale, mass, design and layout is inappropriate development in the countryside. It is considered that such development will have an adverse effect on the appearance and character of the landscape and is out of keeping with the scale and character of the existing site and general surroundings. It is therefore contrary to Strategy Policy 8 and 10 of the adopted Leicestershire, Leicester and Rutland Structure Plan and Policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 2 In the opinion of the Local Planning Authority the proposed development by virtue of its scale, mass, design and layout is inappropriate development in the Green Wedge. It is considered that the development will have an adverse effect on the open and undeveloped character of the Green Wedge and is not in keeping with the scale and character of the surrounding area. It is therefore contrary to Strategy Policy 5 of the adopted Leicestershire, Leicester and Rutland Structure Plan and Policy NE3 of the adopted Hinckley and Bosworth Local Plan.
- 3 In the opinion of the Local Planning Authority the proposed development by virtue of its scale, mass, design and layout is inappropriate development in the national forest. It is considered that the development does not reflect the setting of the proposal in the national forest. It is therefore contrary to Strategy Policy 13 of the adopted Leicestershire, Leicester and Rutland Structure Plan and Policy NE21 of the adopted Hinckley and Bosworth Local Plan.

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

**Item:** 03

**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:-**

Members will recall that this application was deferred at the previous Committee meeting at the request of officers following a public meeting which highlighted a number of issues that still needed to be resolved. Further information has been submitted by the applicants and the previous committee report follows and has been amended to reflect this information.

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.

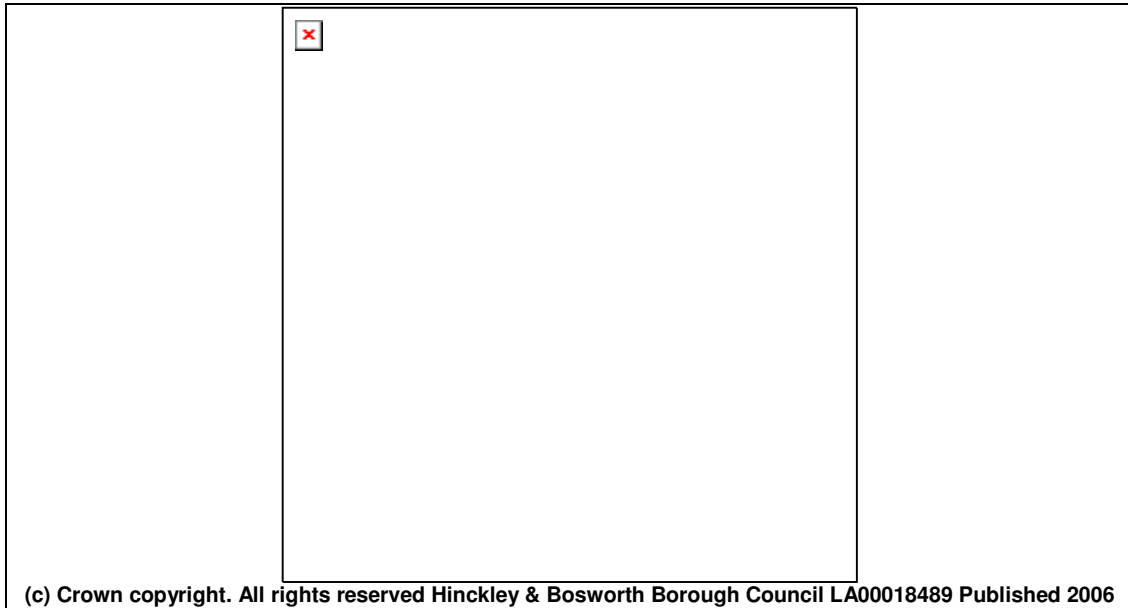
This full planning application proposes to construct 22 light industrial units comprising three single storey blocks containing 12 units; two double height blocks containing 4 units and 2 two storey hybrid blocks containing 6 units with industrial on the ground floor and office on the first floor. The 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; a revised ecological walk-over and desk study; a bat and owl survey, a green travel plan, a flood risk assessment, a site investigation report a wind turbine specification and an environment noise impact assessment report.

### 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:-

Director of Children and Young People's Service - There is no residential element to this application therefore no contributions are required.  
Head of Commercial and Support Services - No contributions requested.



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.

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 raises no objection to the proposals providing works cease if a bat is discovered and advice sought; and demolition and vegetation clearance will not take place during bird breeding season unless it has been ascertained, through a survey by an experienced ecologist that birds will not be affected.

The Environment Agency have raised objections as the development is within 20 metres of a watercourse and the submitted flood risk assessment is inadequate as it does not meet the requirements of Annex E of Planning Policy Statement 25.

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

The layout proposed is well designed to give natural surveillance;

- Refuse collection should be detached from buildings and secure;
- Secure facilities should be provided for pedal and motor cycles;
- Soft landscaping should comprise planting with a growth habit below 1 metre and deterrent planting should be used at the rear of units.
- 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.
- 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.
- If the pedestrian entrance to the southwest corner and emergency access is required they should be provided with lockable gates to secure the site.
- Lighting should be provided throughout the site.
- Should CCTV be provided it should be fit for purpose and should comply with current codes of practice.
- 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.

The Green Spaces Manager has commented that the scheme submitted is well designed with a good mix of shrubs, trees, hedgerows and grass seeds. Furthermore, the hard landscape features have been designed well, although questions the security of bin compounds, and the purpose of the gravel edge strips. The security of the brook has been raised along with the maintenance of the landscaped areas.

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:-

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. A landscaping scheme has been submitted which is considered to be well designed with a good mix of planting.

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. 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. Natural England raise no objection to the proposals providing demolition and vegetation clearance does not take place during bird breeding season unless agreed by an experienced ecologist and that works will cease if a bat is discovered in order that advice can be sought.

### 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 and the Head of Health and Environment has suggested the imposition of conditions to ensure full approval is given to the turbines installed. The submitted assessment focuses on the likely 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 used 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. However, the Environment Agency requested the submission of a Flood Risk Assessment as the development is within 20 metres of a watercourse. The applicant's are currently in discussion with the Environment Agency as the Flood Risk Assessment undertaken is not sufficient. Further comments from the Environment Agency will be reported as a late item.

#### 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 were not considered sufficient to stop the area being misused by youths racing motorcycles and quad bikes. The developer has therefore revised the security and proposed a secure sliding gate. A condition can ensure this remains closed when the site is closed to prevent anti-social behaviour. 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.

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:- That subject to the Environment Agency removing their objection, the Head of Culture and Development be granted powers to issue Planning Permission subject to the conditions below. Failure to address the Environment Agencies objections by the 12th July 2007 may result in the application being refused.**

**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 E9328(D)09 received by the Local Planning Authority on 10th May 2007 and revised plans, drawing no: LL01A received by the Local Planning Authority on 23rd May 2007 and drawing nos: E9328(D)01D, E9328(D)03B, E9328(D)08B received by the Local Planning Authority on 15th June 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.
- 27 Notwithstanding the details submitted prior to the commencement of development full details of the proposed boundary treatment across and around the site shall be submitted to and approved in writing by the Local Planning Authority.
- 28 Prior to first use of any of the units hereby approved the secure sliding gate shown on drawing no: E9328(D)01D received by the Local Planning Authority on 15th June 2007 shall be installed for use and retained in perpetuity. The gate shall be securely closed at all times outside the permitted hours detailed in Condition 8 of this permission.
- 29 Notwithstanding the details submitted the emergency access shown on drawing no: E9328(D)01D received by the Local Planning Authority on 15th June 2007 shall not be provided.
- 30 This permission relates to the revised Ecological Walk-Over and Desk Study Report dated May 2007, the development hereby permitted shall be carried out in accordance with the recommendations contained within the report unless otherwise agreed in writing.

**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 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.
- 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.
- 27 In the interests of visual amenity to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 28 To ensure the site is secure when not in use and to prevent anti-social behaviour in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 29 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.
- 30 To retain and enhance the natural habitat in accordance with Policy NE8 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:** 04

**Reference:** 07/00472/FUL

**Applicant:** Mr Scott Halborg

**Location:** 7 Butt Lane Close Hinckley Leicestershire LE10 1LF

**Proposal:** EXTENSIONS AND ALTERATIONS TO EXISTING DWELLING AND ERECTION OF TWO SEMI-DETACHED 4 BED DWELLINGS ON PART OF REMAINING SITE

**Introduction:-**

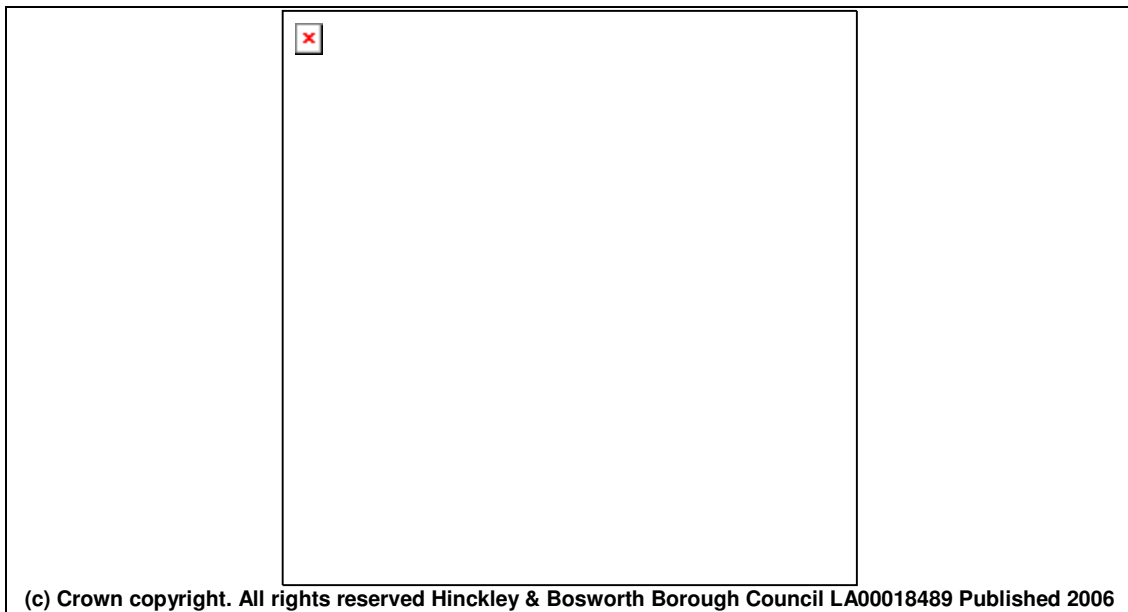
This is a full application for the erection of two semi-detached dwellings with a two-storey side extension to the existing dwelling (Moorbeck) incorporating a single garage and new vehicular access. The new dwellings being proposed are to be 4 bedroom properties with 2 off-street parking spaces being provided, and are sited immediately to the south-east of the existing property within the garden area. They are designed to match features copied from Moorbeck and the previously approved applications, taken into account roof heights and position of windows. An existing single garage and car port lie in the eastern most part of the site serving the current dwelling, with access gained via a small grass track along the south-eastern edge of the site. This application should be read in conjunction with 07/00470/FUL and 07/00471/FUL, which both relate to the garden area at the south-eastern most part of the site. These two applications are for a pair of semi-detached dwellings but differ in design.

Established hedgerows and trees surround the existing garden area. A significant proportion of the hedgerow abutting Butt Lane Close will require removal to enable pedestrian and vehicular access to the existing and proposed dwellings. The site lies off Butt Lane approximately 90 metres along Butt Lane Close, an unadopted highway, which slopes gradually down in a south-easterly direction.

A design and access statement has been submitted which states that the proposal would accord with adopted planning policy and would make best use of the existing site and sit comfortably within the surrounding area.

**History:-**

04/01145/FUL	Erection of two semi-detached dwellings in lieu of one detached dwelling previously approved	Refused	20.04.05
03/00434/FUL	Substitution of house type and additional dwelling to provide three new houses	Approved	19.12.03
02/00027/FUL	Erection of two detached dwellings and alterations to existing dwelling	Approved	28.02.02
01/00550/FUL	Erection of two detached dwelling houses and extensions and alterations to existing dwelling house	Approved	12.09.01



### **Consultations:-**

No objections have been received from :-

The Environment Agency  
Director of Highways, Transportation and Waste Management (Highways)

Five letters of objection have been received from neighbours regarding the following :-

- a) Lack of off-street parking
- b) Impact on character of area
- c) Increase in traffic along Butt Lane Close
- d) )Density of site is out of keeping with the area
- e) Loss of boundary screening along Butt Lane Close
- f) Ownership of secondary access to the site.

At the time of writing this report no comments have been received from Borough Council's Land Drainage Engineer

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

The application lies within the settlement boundary of Hinckley as identified in the adopted Hinckley and Bosworth Local Plan.

#### National Policy

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

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

#### Structure Plan

Strategy Policy 10 of the Leicestershire, Leicester and Rutland Structure Plan encourages good design that enhances the form and local character and distinctiveness of the built and natural environment.

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

#### Local Plan Policy

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

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

Policy T5 refers to highway standards and parking requirements.

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

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

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

### **Appraisal:-**

#### Principle

The site is located within the settlement boundary of Hinckley and is surrounded by existing residential development. The site is considered brownfield as defined in Planning Policy Guidance Note 3 Annex C. The principle of using the site for residential development has already been established by the granting of permission for two detached properties in September 2001. Therefore, concerns regarding the density of the site, design and bulk of the intended dwellings, inadequate sewerage and drainage facilities, the state of the site opposite, and partial loss of hedgerow and trees were addressed in the determination of the previous application

#### Layout and Design

The layout of the site is acceptable as there is a continuous building line along this side of Butt Lane Close and the proposed dwellings would sit comfortably in the street scene. The design of the dwellings is similar to that previously approved with some minor alterations to



the internal layout, repositioning of the integral garages and alterations to the proposed dormer roofs on the front and rear elevations. Furthermore, the design of the dwellings proposed in relation to the surrounding properties is acceptable as there is a mix of designs in Butt Lane Close. Conditions relating to landscaping will ensure that the landscaping proposals help to soften the impact of the development, particularly in light of the need to remove the front hedge for access. The dwellings are sited so that there is minimal impact on neighbouring properties by virtue of overlooking and separation distances.

#### Access and Parking

The proposed access to the dwellings is off Butt Lane Close, with the rear access to the detached garage remaining. Although Butt Lane Close is not an adopted road, the Highways Authority raises no objections to the proposed development subject to provision of sufficient off-street parking. There has been previous approval for 2 spaces for 4 bedroom dwellings (03/00434FUL), which is below the recommended parking standards but as the application was approved by appeal previously, it is considered that there would be a lack of justification for the need to ask for additional parking spaces to increase the number to 3 spaces per new dwelling.

#### Contributions

As the proposed development is within 400 metres of informal open space (Queens Park), which is classified as a neighbourhood park (NEAP) a contribution can be sought towards the proposed improvement of amenity green space in Hinckley as set out in the Green Space Quality and Accessibility Audit 2005. This will equate to £1,241 per dwelling.

#### Other considerations

The ownership of the minor access road is not considered to be a planning issue.

Drainage concerns have been considered by Severn Trent, who raise no objection to the application subject to conditions detailing the drainage scheme and, sustainable drainage methods.

#### Conclusion

In conclusion, the principle has already been proven and the minimum standards are met therefore the proposed development is considered to be in accordance with Planning Policy and is therefore recommended for approval subject to conditions.

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

**SUMMARY OF DECISION** - The proposal is in conformity with Policy/Policies BE1, RES5, T5 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 dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC3 of the adopted Hinckley

and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.

- 4 No development in connection with the proposed dwellings shall commence until the proposed extensions and alterations to Moorbeck, 7 Butt Lane Close, have been substantially completed in accordance with the approved plans.
- 5 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.
- 6 No development shall take place until a drainage scheme for the disposal of surface water and foul water have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented according to the approved plans.
- 7 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - (i) means of enclosure
  - (ii) hard surfacing materials
  - (iii) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
  - (iv) planting plans
  - (v) written specifications
  - (v) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - (vii) implementation programme.
- 8 The approved landscaping scheme shall be carried out during the first appropriate planting season following the date when the proposed dwelling is ready for occupation. The scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs that die or are damaged or seriously diseased shall be replaced by trees or shrubs of a similar size or species to those originally planted.
- 9 No gates shall be erected to the vehicular access.
- 10 Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller/shutter doors, 5.6 metres for up-and-over doors or 6 metres for doors opening outwards and thereafter shall be so maintained.
- 11 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.
- 12 The use of the garage(s) shall remain at all times for the purpose of parking a motor vehicle and shall not be converted to additional living accommodation, unless otherwise agreed in writing with the Local Planning Authority.
- 13 This permission relates to the application as revised by amended plan 01-303/B, 02-301/B and 02-302/B received by the Local Planning Authority on 14th June 2007
- 14 The parking facilities for Moorbeck shall remain available for use at all times in accordance with the approved plans unless agreed in writing by the Local Planning Authority.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 To ensure the provision of Play and Open Space to accord with policies REC3 of the adopted Hinckley and Bosworth Local Plan.
- 4 In the interests of residential amenity of the existing and future occupiers of the dwellings within and adjoining the site to accord with policy BE1 and RES5 of the Hinckley and Bosworth Local Plan.
- 5 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure satisfactory provisions are made for the drainage of the site.
- 7 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 9&10 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 11 In the interests of pedestrian safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 12 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 13 To define the permission.
- 14 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

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

- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (01530 262380)
- 5 Condition 3 refers to public open space. In accordance with the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide public open space should be provided either on site, or a contribution made towards off-site provision. In this instance a contribution of £1, 241 per dwelling is required towards the provision of off-site public open space. This can be provided by a one off payment or secured by the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.
- 6 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.

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

**Item:** 05

**Reference:** 07/00470/FUL

**Applicant:** Mr Scott Halborg

**Location:** 7 Butt Lane Close Hinckley Leicestershire LE10 1LF

**Proposal:** **ERECTION OF TWO SEMI-DETACHED DWELLINGS BEING ONE 3 BED DWELLING AND ONE 4 BED DWELLING IN THE GROUNDS OF EXISTING RESIDENTIAL PROPERTY**

**Introduction:-**

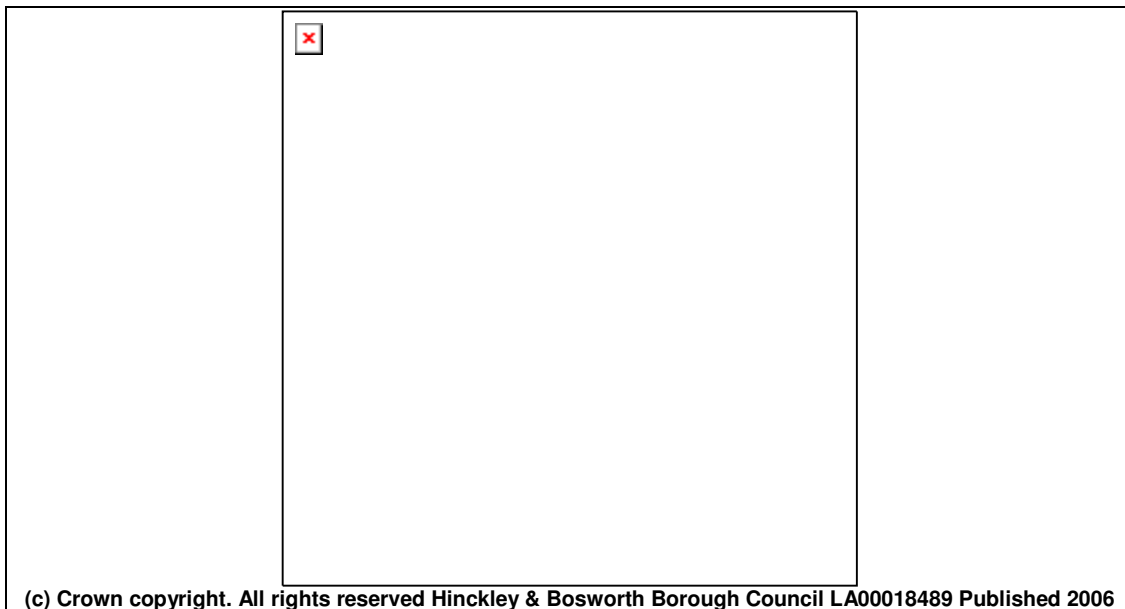
This is a full application for the erection of two semi-detached dwellings in the grounds of an existing residential property known as Moorbeck, one dwelling being 3 bedrooms and the other being 4 bedrooms. It is proposed to site the two new dwellings to the south-east of the existing property within the garden area, adjacent to the proposed dwellings of application 0700472/FUL. The materials to be used on the dwellings are to match Moorbeck, so that the dwellings will not look out of character with the surrounding area. They are designed to make best use of the site without conflicting with neighbouring properties in regard to overlooking and separation distances. An existing single garage and car port lie in the eastern most part of the site serving the current dwelling, with access gained via a small grass track along the south-eastern edge of the site. This application should be read in conjunction with 07/00471/FUL and 07/00472/FUL.

Established hedgerows and trees surround the existing garden area. A significant proportion of the hedgerow abutting Butt Lane Close will require removal to enable pedestrian and vehicular access to the existing and proposed dwellings. The site is accessed approximately 105 metres along Butt Lane Close, an unadopted highway, which slopes gradually down in a south-easterly direction.

A design and access statement has been submitted which states that the proposal would accord with adopted planning policy and would make best use of the existing site and sit comfortably within the surrounding area.

**History:-**

04/01145/FUL	Erection of two semi-detached dwellings in lieu of one detached dwelling previously approved	Refused	20.04.05
03/00434/FUL	Substitution of house type and additional dwelling to provide three new houses	Approved	19.12.03
02/00027/FUL	Erection of two detached dwellings and alterations to existing dwelling	Approved	28.02.02
01/00550/FUL	Erection of two detached dwelling houses and extensions and alterations to existing dwelling house	Approved	12.09.01



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## **Consultations:-**

No objections have been received from :-

The Environment Agency  
Director of Highways, Transportation and Waste Management (Highways).

Five letters of objection have been received from neighbours regarding the following :-

- a) Lack of off-street parking
- b) Impact on character of area
- c) Increase in traffic along Butt Lane Close
- d) Density of site is out of keeping with the area
- e) Loss of boundary screening along Butt Lane Close
- f) Ownership of secondary access to the site.

At the time of writing this report no comments have been received from Borough Council's Land Drainage Engineer.

## **Development Plan Policies:-**

The application lies within the settlement boundary of Hinckley as identified in the adopted Hinckley and Bosworth Local Plan.

### National Policy

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

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

### Structure Plan

Strategy Policy 10 of the Leicestershire, Leicester and Rutland Structure Plan encourages good design that enhances the form and local character and distinctiveness of the built and natural environment.

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

### Local Plan Policy

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

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

Policy T5 refers to highway standards and parking requirements.

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

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

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

## **Appraisal:-**

### Principle

The site is located within the settlement boundary of Hinckley and is surrounded largely by existing residential development. The site is considered brownfield as defined in Planning Policy Guidance Note 3 Annex C. The principle of using the site for residential development has already been established by the granting of permission for two detached properties in September 2001.

### Layout and Design

The design of the dwellings in relation to the surrounding properties is acceptable and the step down in the ridge height of the dwellings will ensure that the dwellings relate better to No 15 Butt Lane Close. The design is similar to that previously approved with some minor alterations being required due to constraints on the site and to reduce the overall impact on the adjacent property. The layout of the site is acceptable as there is a continuous building line along this side of Butt Lane Close and the proposed dwellings would sit comfortably without detracting from the visual amenity of the area or the wider street scene. A high quality landscaping scheme will be required to compensate for the loss of the front boundary hedgerow.

### Access

The proposed access to the dwellings is off Butt Lane Close, with the rear access to the detached garage remaining. Although Butt Lane Close is not an adopted road, the Highway Authority raises no objections to the proposed development subject to provision of sufficient off-street parking. There has been previous approval for 2 spaces for 4 bedroom dwellings (03/00434FUL), which is below the recommended parking standards but as the application was approved by appeal previously, it is considered that there would be a lack of justification for the need to ask for additional parking spaces to increase the number to 3 spaces per new dwelling. The existing detached garage and car port are to be used as parking for the 3 bedroom dwelling, allowing for more amenity space to be included at the front of the site and the 4 bedroom dwelling will have 2 parking spaces provided at the front of the dwelling, one being an integral garage.

### Contributions

As the proposed development is within 400 metres of informal open space (Queens Park), which is classified as a neighbourhood park (NEAP) a contribution can be sought towards the proposed improvement of amenity green space in Hinckley as set out in the Green Space Quality and Accessibility Audit 2005. This will equate to £1,241 per dwelling.

### Other considerations

The impact of the development on property values and ownership of the minor access road is not considered to be a planning issue.

Drainage concerns have been considered by Severn Trent, they raise no objection to the application subject to conditions detailing the drainage scheme and using sustainable drainage.

### Conclusion

In conclusion, the principle of development has already been proven and the minimum standards are met, therefore the proposed development is considered to be in accordance with Planning Policy and is therefore recommended for approval subject to conditions.

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

**SUMMARY OF DECISION** - The proposal is in conformity with Policy/Policies BE1, RES5, T5 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 dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.
- 4 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 5 No development shall take place until a drainage scheme for the disposal of surface water and foul water have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented according to the approved plans.



- 6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - (i) means of enclosure
  - (ii) hard surfacing materials
  - (iii) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
  - (iv) planting plans
  - (v) written specifications
  - (vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - (vii) implementation programme.
- 7 The approved landscaping scheme shall be carried out during the first appropriate planting season following the date when the proposed dwelling is ready for occupation. The scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs that die or are damaged or seriously diseased shall be replaced by trees or shrubs of a similar size or species to those originally planted.
- 8 No gates shall be erected to the vehicular access.
- 9 Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller/shutter doors, 5.6 metres for up-and-over doors or 6 metres for doors opening outwards and thereafter shall be so maintained.
- 10 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.
- 11 The use of the garage(s) shall remain at all times for the purpose of parking a motor vehicle and shall not be converted to additional living accommodation, unless otherwise agreed in writing with the Local Planning Authority.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 To ensure the provision of Play and Open Space to accord with policies REC3 of the adopted Hinckley and Bosworth Local Plan.
- 4 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure satisfactory provisions are made for the drainage of the site.
- 6 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

- 8&9 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 10 In the interests of pedestrian safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 11 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (01530 262380)
- 5 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.
- 6 Condition 3 refers to public open space. In accordance with the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide public open space should be provided either on site, or a contribution made towards off-site provision. In this instance a contribution of £1, 241 per dwelling is required towards the provision of off-site public open space. This can be provided by a one off payment or secured by the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

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

**Item:** 06

**Reference:** 07/00471/FUL

**Applicant:** Mr Scott Halborg

**Location:** 7 Butt Lane Close Hinckley Leicestershire LE10 1LF

**Proposal:** ERECTION OF TWO SEMI-DETACHED 4 BED DWELLINGS IN THE GROUNDS OF EXISTING RESIDENTIAL PROPERTY

**Introduction:-**

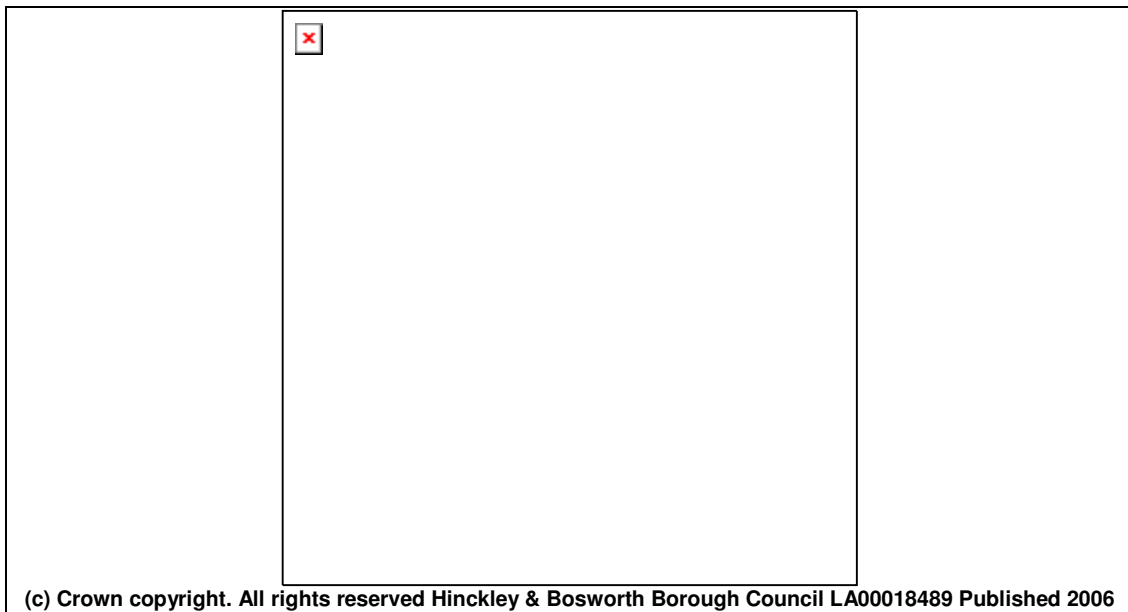
This is a full application for the erection of two semi-detached dwellings in the grounds of an existing residential property. It is proposed to site the two new dwellings to the south-east of the existing property within the garden area. The dwellings as proposed are both 4 bedroom properties with 2 off-street parking spaces being provided, they are designed almost identically to the dwellings proposed by application 07/00472/FUL. An existing single garage and car port lie in the eastern most part of the site serving the current dwelling, with access gained via a small grass track along the south-eastern edge of the site. This application should be read in conjunction with 07/00470/FUL and 07/00472/FUL.

Established hedgerows and trees surround the existing garden area. A significant proportion of the hedgerow abutting Butt Lane Close will require removal to enable pedestrian and vehicular access to the existing and proposed dwellings. The site lies off Butt Lane approximately 105 metres along Butt Lane Close, an unadopted highway, and slopes gradually down in a south-easterly direction.

A design and access statement has been submitted which states that the proposal would accord with adopted planning policy and would make best use of the existing site and sit comfortably within the surrounding area.

**History:-**

04/01145/FUL	Erection of two semi-detached dwellings in lieu of one detached dwelling previously approved	Refused	20.04.05
03/00434/FUL	Substitution of house type and additional dwelling to provide three new houses	Approved	19.12.03
02/00027/FUL	Erection of two detached dwellings and alterations to existing dwelling	Approved	28.02.02
01/00550/FUL	Erection of two detached dwelling houses and extensions and alterations to existing dwelling house	Approved	12.09.01



### **Consultations:-**

No objections have been received from :-

The Environment Agency  
Director of Highways, Transportation and Waste Management (Highways).

Five letters of objection have been received from neighbours regarding the following :-

- a) Lack of off-street parking
- b) Impact on character of area
- c) Increase in traffic along Butt Lane Close
- d) Density of site is out of keeping with the area
- e) Loss of boundary screening along Butt Lane Close
- f) Ownership of secondary access to the site.

At the time of writing this report no comments have been received from Borough Council's Land Drainage Engineer

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

The application lies within the settlement boundary of Hinckley as identified in the adopted Hinckley and Bosworth Local Plan.

#### National Policy

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

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

#### Structure Plan

Strategy Policy 10 of the Leicestershire, Leicester and Rutland Structure Plan encourages good design that enhances the form and local character and distinctiveness of the built and natural environment.

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

#### Local Plan Policy

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

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

Policy T5 refers to highway standards and parking requirements.

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

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

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

#### **Appraisal:-**

##### Principle

The site is located within the settlement boundary of Hinckley and is surrounded largely by existing residential development. The site is considered brownfield as defined in Planning Policy Guidance Note 3 Annex C. The principle of using the site for residential development has already been established by the granting of permission for two detached properties in September 2001.

## Layout and Design

The layout of the proposal is similar to that of the development proposed on application 07/00472/FUL. The dwellings proposed are to be built on the same building line as the adjacent properties along the eastern side of Butt Lane Close. The existing landscaping on site will soften the impact and act as a natural screen to the surrounding area. The dwellings proposed are to be lower than the development adjacent, this is to reduce the overbearing impact further on the adjacent property. The dwellings are designed as such that they emulate the external appearance of 7 Butt Lane Close, by way of brick and render to the elevation fronting Butt Lane Close. There is no issue with overlooking or separation distances to adjacent dwellings as the proposal meets the requirements of Supplementary Planning Guidance. Overall, the new design is acceptable in relation to the adjacent dwellings and the wider street scene in general.

## Access

The proposed access to the dwellings is off Butt Lane Close, with the rear access to the detached garage remaining. Although Butt Lane Close is not an adopted road, the Highway Authority raises no objections to the proposed development subject to provision of sufficient off-street parking. There has been previous approval for 2 spaces for 4 bedroom dwellings (03/00434/FUL), which is the standard that is being applied with this application, the same car parking standards are being implemented on phase 2 of development on the site, covered by planning application 07/00472/FUL. Also the garage existing at the rear of the site will be used as an additional parking space for one of the dwellings being considered by this proposal, allowing for minimum parking standards to be met.

## Contributions

As the proposed development is within 400 metres of informal open space (Queens Park), which is classified as a neighbourhood park (NEAP) a contribution can be sought towards the proposed improvement of amenity green space in Hinckley as set out in the Green Space Quality and Accessibility Audit 2005. This will equate to £1,241 per dwelling..

## Other considerations

The impact of the development on property values and ownership of the minor access road is not considered to be a planning issue.

Drainage concerns have been considered by Severn Trent, they raise no objection to the application subject to conditions detailing the drainage scheme and using sustainable drainage.

## Conclusion

In conclusion, the principle has already been proven and whilst some concerns remain regarding the size of the proposed dwelling in relation to plot and the potential impact on the neighbouring property, the proposal is considered to be in accordance with Planning Policy and is therefore recommended for approval subject to conditions.

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

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

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

- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.
- 4 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 5 No development shall take place until a drainage scheme for the disposal of surface water and foul water have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented according to the approved plans.
- 6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - (i) means of enclosure
  - (ii) hard surfacing materials
  - (iii) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
  - (iv) planting plans
  - (v) written specifications
  - (vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - (vii) implementation programme.
- 7 The approved landscaping scheme shall be carried out during the first appropriate planting season following the date when the proposed dwelling is ready for occupation. The scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs that die or are damaged or seriously diseased shall be replaced by trees or shrubs of a similar size or species to those originally planted.
- 8 No gates shall be erected to the vehicular access.
- 9 Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller/shutter doors, 5.6 metres for up-and-over doors or 6 metres for doors opening outwards and thereafter shall be so maintained.
- 10 Before first occupation of the dwelling hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the 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.
- 11 The use of the garage(s) shall remain at all times for the purpose of parking a motor vehicle and shall not be converted to additional living accommodation, unless otherwise agreed in writing with the Local Planning Authority.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 To ensure the provision of Play and Open Space to accord with policies REC3 of the adopted Hinckley and Bosworth Local Plan.
- 4 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure satisfactory provisions are made for the drainage of the site.
- 6 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 8&9 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 10 In the interests of pedestrian safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 11 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (01530 262380)
- 5 Condition 3 refers to public open space. In accordance with the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide public open space should be provided either on site, or a contribution made towards off-site provision. In this instance a contribution of £1, 241 per dwelling is required towards the provision of off-site public open space. This can be provided by a one off payment or secured by the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.



- 6 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.

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

**Item:** 07

**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:-**

Members will recall that this application for the demolition of existing buildings and construction of 38 residential units with associated parking was resolved to be approved at the committee meeting held on 29th May 2007, subject to the completion of a section 106 agreement. It was reported to committee that the development was to be 100% affordable, however it is now proposed that the site will consist of 18 units to be rented, 11 units to be shared ownership and 9 units to be outright sale.

Members should also be aware that a further representations have been received from neighbours and the Highways Transportation and Waste Management Department of the County Council. The original officers report has been updated incorporating the new information.

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

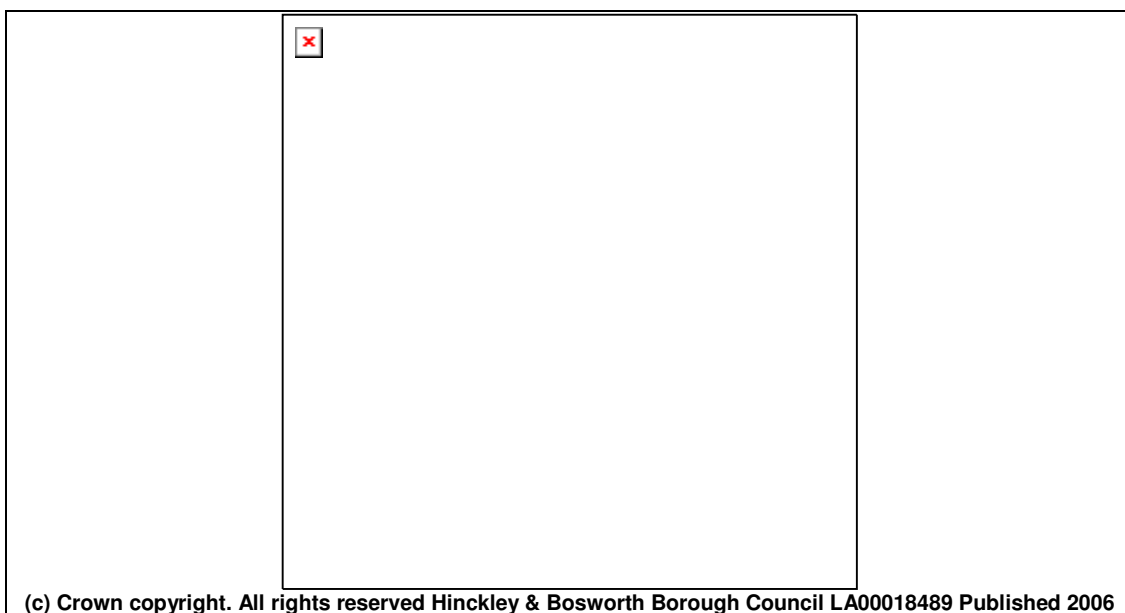
parking area to the front; there is also a parking area to the rear adjoining the rear gardens of 136 to 142 Alexander Avenue. The site reduces in ground level from the Almeys Lane frontage to the rear of Alexander Avenue by approximately 1 metre. The properties along Alexander Avenue are again set lower 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.

Leicestershire Constabulary (Architectural Liaison Officer) has no objections but makes the following observations:-

- a) gable end windows should be provided to the dining areas to flats 3, 6, 9 ,12, 17 and 20;
- b) a speed table or similar should be provided to the access road at the entrance position;
- c) the proposed 1.8m high fence (to existing rear gardens) should be increased to 2.1m;
- d) a comprehensive lighting scheme to illuminate the access road, parking areas and entrance courts.

Earl Shilton Town Council are concerned with possible light pollution to existing properties and request that the 1.8m fence be replaced with 2.4m close boarded fencing.

The Borough Council's Land Drainage Engineer states that the existing 'combined' sewerage network in the locality has limited capacity. A standard condition is recommended.

Hinckley and Bosworth Primary Care Trust have advised that the contribution for health care is £8725.

Leicestershire County Council have advised that the following contributions have been calculated: library facilities, £1820 and civic amenity site infrastructure, £1624.

The Environment Agency states that given the previous use of the site as a garage and factory, there is a possibility that contamination may have occurred. Its also notes that there is a landfill site within 250 metres of the proposal. Standard conditions are recommended.

At the time of writing the report no comments had been received from Site and Press Notice.

Six letters have been received raising the following objections:-

- a) increase in number of units to the detriment of the environment;
- b) loss of privacy;
- c) Earl Shilton has quota of Housing Association without more being planned;
- d) development bordered by privately owned housing;
- e) will not help to regenerate Earl Shilton but degenerate the area;
- f) proposed fencing would benefit from being 2.4m along the boundary to 134-142 Alexander Avenue;
- g) increased use of footpath raises concerns relating to lighting, maintenance and security;
- h) potential drainage issues;
- i) overpower neighbouring buildings;
- j) existing units in vicinity remain unsold/unrented development adds to ever growing surplus of flats;
- k) lack of parking provision.
- l) new occupiers of the site should be aware of the possible noise and disturbance from an existing neighbouring industrial use.

## **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. This issue is 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.

#### Affordable Housing

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. Although the scheme is by a Housing Association, the affordable housing requirements to meet our policy is currently 20% of which 90% should be rented and 10% shared ownership. The scheme consists of 76% affordable units of which 18 units are rented and 11 units are shared ownership which still far exceeds policy requirements and is therefore considered acceptable.

#### 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.

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, health facilities and the provision of affordable housing, 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 Policy/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 This permission relates to the application as revised by amended plan 6341/002 received by the Local Planning Authority on 16th May 2007
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed 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.
- 4 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.
- 5 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.
- 6 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.
- 7 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.

- 8 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.
- 9 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.
- 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) 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.
- 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 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.
- 13 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.
- 14 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.
- 15 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.
- 16 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.
- 17 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.
- 18 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.



- 19 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.
- 20 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.
- 21 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.
- 22 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.
- 23 On the first occupation of each dwelling 1 travel pack and 2 x 3 monthly travel passes shall be provided per dwelling.
- 24 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.
- 25 The conifer trees on the southern boundary identified on drawing number 6341/002 Revision D should be retained unless otherwise agreed in writing with the Local Planning Authority.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3&4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 5 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.
- 6 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.
- 7 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to accord with Policies BE1 and NE2 of the adopted Hinckley and Bosworth Local Plan.

- 8 To avoid water pollution to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure that adequate off-street parking facilities are available to accord with policy BE1 and T5 of the adopted Hinckley & Bosworth Local Plan.
- 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 BE1 of the adopted Hinckley & Bosworth Local Plan.
- 12 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.
- 13 In the interests of road safety to accord with policy BE1 and T5 of the Hinckley & Bosworth Local Plan.
- 14 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.
- 15 To enable a vehicle to stand clear of the highway whilst the gates are opened.
- 16 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.
- 17 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.
- 18 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.
- 19 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.
- 20 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.
- 21 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.
- 22 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.
- 23 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.
- 24 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.

25 In the interests of visual amenity.

**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.
- 10 In relation to Condition No. 6 above, the details shall incorporate sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.

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

**Item:** 08

**Reference:** 07/00502/FUL

**Applicant:** Mr Alan Newton

**Location:** Twycross Zoological Park Burton Road Norton Juxta Twycross  
Atherstone Leicestershire

**Proposal:** ERECTION OF NEW VISITOR WELCOME CENTRE WITH ASSOCIATED  
WORKS AND PARKING

**Introduction:-**

This application is for the erection of a new visitor welcome centre with associated works and parking at Twycross Zoo. The site of the zoo measures some 36 hectares and is located to the south of Burton Road (A444) and to the east of Orton Hill, bounded on all sides by agricultural land. To the southwest lies Orton House Farm, to the west lies Spinney Farm and to the north lies Norton House Farm. The village of Norton Juxta Twycross lies approximately 500 metres north of the site.

The site itself is an irregular shape that follows the curves of Burton Road and Orton Hill. The western half of the site comprises the existing zoo complex with the land in the centre providing additional parking and the land to the east currently undeveloped.

The proposed visitors centre is located in the centre of the site on the existing car park and ticketing area and measures approximately 2,800 square metres. The existing restaurant, ticket booths and 4 single storey ancillary buildings will be removed. The visitors centre will provide, through the building, entrance to the zoo. It will house a 300 seat restaurant with associated kitchens, the ticket stands and entrance turnstiles, a bistro/function room, a gift shop, male and female toilets, three large plant rooms and a number of small offices and other staff facilities.

The building will take the form of an earth mound with a sedum roof, together with landscape works including large areas of water and streams around the building with entrances and exits dug into the mound and surrounded by dry stone walls, rocks and boulders. Externally, but remaining part of the building, to the northeast corner is a landscaped waders exhibit and to the south is a snow leopards exhibit which has a glazed wall to the restaurant and spans the entire southern elevation with animal pens provided to the southeast and a large externally accessible toilet block.

In addition, to the sedum roof the building has a number of highly sustainable features. The dense structure is designed to create a 'thermal mass' to retain; a central glass rooflight, with motorised louvres, limits the need for artificial lighting and forms part of the complex natural ventilation system; and conditioned air will be distributed through the structure of the building using a system of heat pumps, geo-thermal earth ducts, bore holes and the heating and cooling of the floor slab.

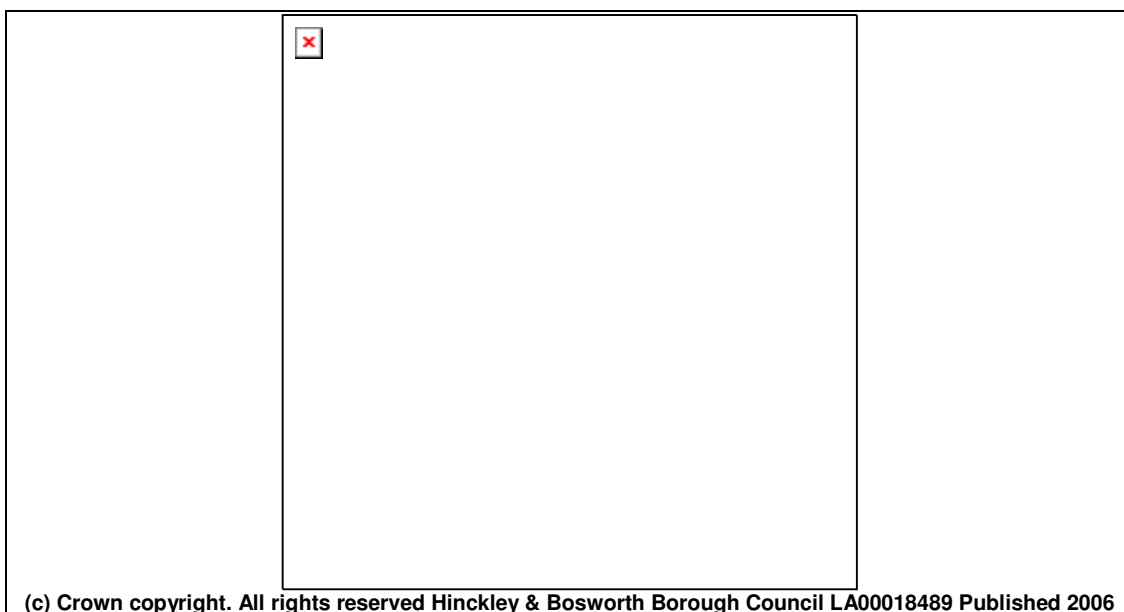
The access to the site from Burton Road will remain unchanged. The existing external areas will be remodelled to provide new vehicle entrance routes with separated bus/coach and car zones across existing car park area A; new bus and coach drop off and pick up zones in existing car park area A, where pre-booked parties will have a toilet block and separate entrance to the zoo; improved car park facilities in existing car park areas B, C and D; improved coach park facilities in the existing coach park area.

Information submitted in support of the application includes a design statement, an access statement, an architect's presentation, an mechanical presentation, internal and external computer generated video walkthroughs, a transport assessment, details of the pre-application stakeholder consultation, and a 1:500 scale model. The submitted design statement identifies the need to improve existing facilities at the zoo and discusses, amongst other things, the design objectives. The submitted architect's presentation states that one of the aims of the design of the building is to achieve a "BREEAM EXCELLENT" rating which is a recognition from the Building Research Establishment that sustainability has been systematically addressed in all aspects of the development proposal.

**History:-**

Between 1995 and 2003 permission was granted for a variety of additional buildings including a gift shop, play barn, educational building, gorilla house, shop information centre and office, replacement toilet block, a further gorilla house with a tunnel link to the existing and an extension to the gibbon enclosure.

03/01246/FUL	Erection of Single Storey Restaurant and Toilet Block	Approved	27.11.03
04/01016/COU	Change of Use from Residential to Offices	Approved	20.09.04
05/00569/OUT	Three Portacabins on Paddock	Approved	05.10.05
05/01099/OUT	Siting of Three Temporary Potable Buildings	Approved	05.12.05
05/01180/FUL	Change of Use of First Floor Flat and Covering of Yard to Provide New Reception Offices and Lift	Approved	14.12.05
07/00112/FUL	Erection of Flamingo House and New Tea Coffee and Ice Cream Bar	Approved	13.03.07



**Consultations:-**

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

The Ramblers Association  
The Environment Agency  
Site Notice  
Press Notice  
Neighbours notified.

No objections received from:-

Director of Heritage Services (Archaeology)  
Head of Environmental Services.

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

The Director of Highways, Transportation and Waste Management does not object to the application subject to conditions relating to white lining at the access and a site management plan for construction traffic. However, the response goes on to state that the submitted Transport Assessment correctly identifies substandard visibility splays at the access for the speed limit and for the avoidance of doubt the Highway Authority would seek to resist any future proposal which would materially increase turning traffic onto and off of the A444 without some major access improvement works taking place.

Leicestershire County Council as County Planning Authority do not object to the application but comment that consideration should be given to the impact on the surrounding villages from the proposed extended opening hours to 22:00 on Friday and Saturday.

The Borough Council's Drainage Engineer, subject to Environment Agency approval, endorses the proposed drainage and waste water treatment proposals.

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

- a) Whilst the new building will oversee the access and adjacent parking spaces the main parking zone remains isolated from view; over the last 2 years 45% of recorded crime at the Zoo was from theft from motor vehicles.
- b) To improve security and safety within the car park areas the ACPO Safer Parking (Park Mark) Scheme standards should be applied. In particular, lighting and CCTV cameras should be provided to illuminate and provide surveillance of all vehicular and pedestrian access ways and parking areas.
- c) Internally, good surveillance is provided but improvements needed include a server/direct staff access to the kitchen from the bistro and glazed/open internal walls between the shop and restaurant.

The CTC (Cycle Touring Club) welcomes the provision of 20 cycle storage spaces and questions whether there is potential to improve links between the access and Rural Route 67, which runs along the western boundary of the site.

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

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

#### Structure Plan

Strategy Policy 8 of the structure plan 'Development in the Countryside' states that the countryside will be protected for its own sake. Development in such areas will only be acceptable if the general appearance and character of the landscape is safeguarded or

enhanced. Built development should be well integrated in relation to existing development. Development will be limited to: small scale development for employment or leisure; dwellings essential for agricultural or forestry needs; land-extensive outdoor recreation uses that do not include substantial built development; agricultural and forestry buildings; and affordable housing for local needs adjoining villages in accordance with rural exception policies in local plans.

### Local Plan

Policy BE1 of the Local Plan 'Design and Siting of Development' states that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area; where they incorporate design features which reduce energy consumption, encourage recycling and minimise the impact on the local environment; 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 NE5 of the Local Plan 'Development in the Countryside seeks to protect the countryside 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 REC25 of the Local Plan 'Existing Visitors Attractions' seeks to support facilities such as Twycross Zoo as they are important in attracting visitors to the area and states that it is necessary to consider positively any prospects for expansion of these facilities where sites are located in the open countryside unless the proposed development: conflicts with other plan policies, in particular environment and highway considerations; will affect the amenities of adjoining residents; will affect a site of general importance for wildlife conservation, scientific interest or of archaeological significance; or, the site is incapable of connection to the public services, including mains water and sewage disposal facilities.

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

The Good Practice Guide on Planning for Tourism produced by the Department for Communities and Local Government in May 2006 outlines the importance of tourism and guides that it is crucial that the planning system takes a pro-active approach in facilitating and promoting good quality development, thereby maximising valuable economic, social and environmental benefits. It goes on to state that these benefits should be achieved in the most sustainable manner possible.

### **Appraisal:-**

#### Principle

Policy REC25 of the adopted Local Plan refers to existing major visitor attractions, such as Twycross Zoo, and the important role they play in attracting visitors to the area and the necessity to consider positively any proposals for expansion of these facilities where sites are located in the open countryside. This is further supported by the Good Practice Guide on Planning for Tourism. However, Policy NE5 of the adopted Local Plan stipulates that the countryside will be protected for its own sake and development in such areas must adhere to strict criteria. It is considered that the principle of development is acceptable,

subject to detailed consideration of the siting and design of the proposal to ensure there is no adverse effect on the appearance or character of the landscape.

### Siting and Design

The application proposes a substantial structure measuring approximately 50 metres north to south, 75 metres east to west, excluding the snow leopards and waders exhibits, and approximately 12.3 metres high. However, the proposed building is some 75 metres from the nearest site boundary where significant mature trees provide dense screening, along with the 18 - 20 metre high mature trees to be retained around Norton Grange and the proposed building. The building has been designed as an earth mound with a sedum roof to further aid its assimilation with its surroundings, as well as itself providing a nature habitat. In addition, the height is comparable with Norton Grange, the large former house present on site. There were some initial concerns regarding the 'glass top' to the structure, which is itself 3.3 metres high. However, the applicant advises that this is integral to providing natural light and ventilation to this building and as it is clear glass viewed at some considerable distance it is likely to be barely visible. The need for this glazed element is accepted and it is not considered the concerns regarding this element of the proposal would warrant refusal of planning permission. The proposed building will be some 400 metres from nearest neighbouring farm, given the level of screening on site, this relationship is considered acceptable. Overall the proposed building is considered to be of a high quality design that strikes an appropriate balance between providing a unique landmark building within the setting of the Zoo without adversely impacting upon the character or appearance of the wider landscape.



## Highways

The application proposes the improvement of existing facilities and the Highway Authority agree that this is not likely to give rise to a material increase in the use of the site. The access has insufficient visibility for the speed of the road, but as there will be no material increase an objection could not be sustained on these grounds. The site will retain 4000 car parking spaces and gain 2 goods vehicle, 20 cycle and 52 disability spaces, although some of these will be relocated to the east of the site to make way for the buildings and access routes. The Highway Authority do not object to the application, subject to conditions. It is considered that the application proposes a 'status quo' in terms of highways with some limited improvements in goods, cycle and disabled spaces. Comments have been sought from the Highway Authority regarding the potential to improve links between the access and Rural Route 67 and will be reported as a late item. In all other respect in terms of highways, the proposal is considered acceptable.

## Sustainability

The application proposes a number of sustainable design features, which were described within the introduction section. Clarification has been sought from the applicants agents in relation to details of the geothermal earth ducts, in particular their relationship to the retained trees and the position of the air intakes. The submitted details state an initial assessment indicates the building is likely to achieve an 'excellent' rating in the BRE's BREEAM standard. It is considered that, if permitted, this building will be one of, if not the, most sustainable building within the Borough and it is understood the applicant is hopeful of national recognition. As such, from a sustainability perspective the proposals are welcomed and encouraged.

## Other considerations

There are a number of trees in the location of the proposed building. However, the building has been sited to retain the largest of the trees and the submitted Design Statement indicates that smaller trees will be root balled and relocated to other parts of the site. As the proposal retains the largest of the trees and where possible existing trees will be relocated, this element of the proposal is considered acceptable.

The submitted application forms retain the existing opening hours of 8:00 to 17:00 and working hours of 8:00 to 18:00 on all but Saturday and Sunday; where it is proposed to increase both opening and working hours to 22:00. Concerns have been raised regarding the impact on local villages. However, , the extended hours are on a Friday and Saturday evening and it is considered that any impact would be sufficiently limited.

In relation to Leicestershire Constabulary Crime Reduction Officer's concerns regarding the parking area a condition is proposed requiring a scheme for lighting and CCTV to the car parking areas is proposed. However, in discharging such a condition there will be need to balance the priorities of crime prevention against the risks of light pollution and urbanisation in this area of particularly attractive countryside.

## Conclusion

The application proposes a substantial building within an area designated as countryside. However, Local Plan policy REC25 encourages development on sites such as this, the existing landscaping provides effective screening and the design of the building provides a natural setting. The highway authority have no objection, Leicestershire Constabulary Crime Reduction Officer's concerns can be dealt with by condition and the building is potentially the most sustainable building thus far proposed within the Borough. As such, the proposed development is considered acceptable.

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

**SUMMARY OF DECISION** - The proposal is in conformity with Policy/Policies BE1, REC25, NE5, NE12 and T5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed visitor welcome centre shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 Prior to the development being brought into use, new give way white lining shall be provided at the zoos main vehicular access onto the A444.
- 4 Before development commences on site, a working practice schedule associated with the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. This schedule should include full details of the provision for visitors routing and parking during construction, parking for construction vehicles, wheel cleansing facilities with locations, hours of operation, lorry movements and traffic routeing, and supervision procedures. These facilities and associated measures shall then be implemented in accordance with the approved details and shall be provided and fully operational at the site at all times during the construction of the development.
- 5 The car parking, access and manoeuvring facilities shown on approved plan XXXX shall be provided before the development is brought into use and shall thereafter permanently remain available for such use, unless otherwise agreed in writing by the Local Planning Authority.
- 6 Before any development is commenced on site a landscaping scheme shall be submitted to and approved by the Local Planning Authority. The scheme shall indicate the treatment proposed for all ground surfaces, including both hard and soft surfacing, together with the species and materials and their disposition.
- 7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 8 The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the Local Planning Authority in writing.
- 9 The premises shall only be open to the public between the hours of 8.00am and 5.00pm Sunday to Thursdays (inclusive) and 8.00am and 10.00pm on Fridays and Saturdays (inclusive) and open to staff between the hours of 8.00am and 6.00pm Sunday to Thursdays (inclusive) and 8.00am and 10.00pm on Fridays and Saturdays (inclusive), unless otherwise agreed in writing with the Local Planning Authority.
- 10 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.

- 11 Before any development is commenced on the site, including site works of any description, each of the trees (indicated by number on the approved site plan reference 11986:101.E) shall be securely fenced off by protective fencing on a scaffolding framework in accordance with B. S. 5837 erected in a circle round each tree at a radius from the bole of 3 metres or to coincide with the extremity of the canopy of the tree, whichever is the greater. Within the areas so fenced off, the existing ground level shall be neither raised or lowered, (except as may be approved by the Local Planning Authority as part of the development) and no materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.
- 12 None of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.
- 13 Prior to the commencement of development a scheme for lighting and CCTV of the car parking areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall thereafter permanently remain.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 3 In the general interests of Highway safety, to accord with policies T5 and REC 25 of the adopted Hinckley and Bosworth Local Plan.
- 4 To minimise the impact of the development on the amenities of neighbouring properties during construction, to reduce the possibility of on-street parking and in the interests of general highway safety, to accord with policies BE1, T5, REC 25 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 6 To enhance the appearance of the development to accord with policy BE1, REC25, NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1, REC25, NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 8 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.

- 9 To safeguard amenities of neighbouring properties to accord with policy BE1 and REC25 of the adopted Hinckley & Bosworth Local Plan.
- 10 To ensure the height of the building does not have an adverse impact on the appearance or character of the landscape, to accord with policies NE5 and REC25.
- 11 There are existing mature trees on this site and this condition is necessary to ensure that proper steps are taken to safeguard the trees during the course of development.
- 12 To ensure that the existing trees on the site are retained and protected.
- 13 In the interests of safety and crime prevention 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 For the avoidance of doubt this permission does not grant consent for the proposed wetlands and separate planning permission will be required for this development.
- 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 In relation to condition 13 it will be important to balance the priorities of crime prevention against the risks of light pollution and urbanisation in this area of particularly attractive countryside. Discussions will be required with the Leicestershire Constabulary Crime Reduction Officer and the Local Planning Authority.
- 6 The applicants attention is drawn to the Highway Authorities comments that it is clear that the proposal for improved visitor entrance facilities if permitted would be unlikely to result in any material intensification in traffic visiting the attraction. The Transport Assessment correctly identified that the existing access has substandard visibility splays to and from emerging traffic when considering the speed limit. For the avoidance of any doubt the Highway Authority would be likely to seek to resist any future proposal at the site which would materially increase turning traffic onto and off the A444 without some major access improvements works taking place.

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

**Item:** 09  
**Reference:** 07/00528/FUL  
**Applicant:** Mr Bailey  
**Location:** 26 Chapel Street Barlestone Nuneaton Leicestershire CV13 0EB  
**Proposal:** ERECTION OF GARAGE

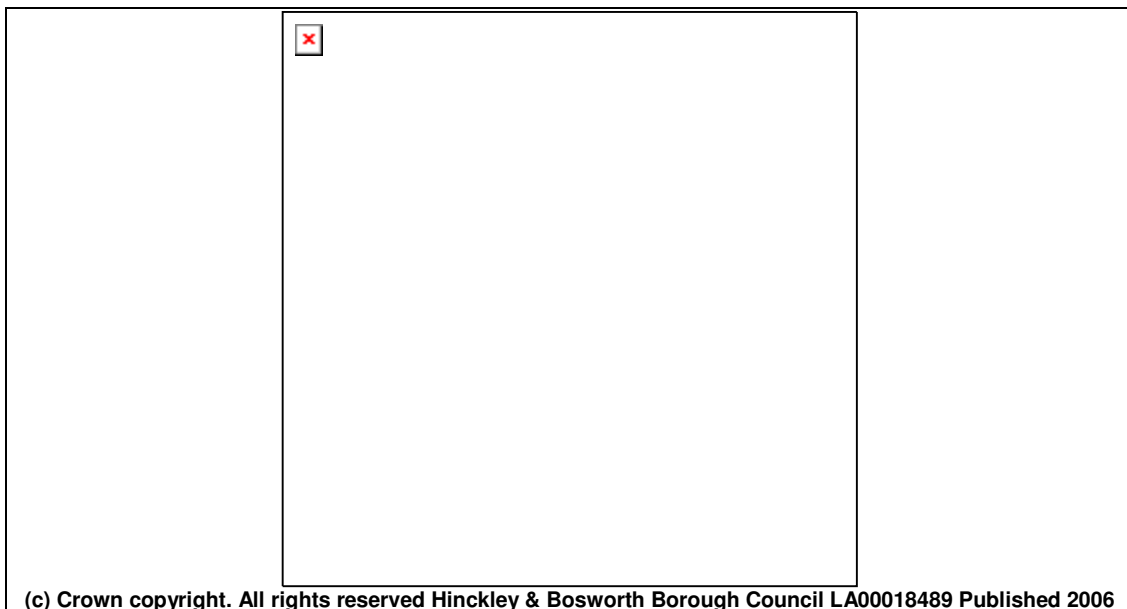
**Introduction:-**

The application relates to a mid terrace property located behind the main road frontage within the village core of Barlestone. Access to the site is via a narrow lane known as Chapel Street. The properties each have a vehicular and pedestrian access between which is a forecourt area for each property on which some occupiers have erected sheds.

Planning permission is sought for the erection of a single garage within a forecourt of number 26 Chapel Street. The proposed structure would be orientated with the side wall parallel to the vehicle access and the door facing south, 3.5 metres from the boundary with the forecourt of the neighbouring property. Currently a shed occupies the application site, which is to be removed as part of the application.

**History:-**

06/01142/FUL	Erection of garage	Refused	30.11.06
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**Consultations:-**

Barlestone Parish Council raised the following concern:- The tin roof is not in keeping with the area.

Neighbouring properties were consulted. To date two letters of objection have been received:-

- a) loss of light to neighbouring properties
- b) garage not in keeping with the area
- c) decrease in the value of property.

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

#### Structure Plan

Policy Strategy 10 of the Leicestershire, Leicester and Rutland Structure Plan 1996-2016 ensures that development does not harm the character or appearance of the area.

#### Local Plan

Within the adopted Hinckley and Bosworth Local Plan the relevant Policies are RES7 and BE1. RES7 supports residential extensions providing it respects the scale and character of the existing dwelling, are built of materials which mirror the existing buildings and do not adversely affect the occupiers of neighbouring properties. BE1 considers the design and siting of the development in terms of the effect on the character of the surrounding area, implications on highway safety including parking and amenities of neighbouring properties.

Relevant parking standards are contained within the LCC document HTD adopted September 2004.

### **Appraisal:-**

Planning permission was refused in November 2006 for a larger garage in the same location, for the following reasons;

1. The erection of a garage in this prominent location at the front of this terrace of houses, particularly of the size, design and materials proposed, would be visually intrusive and inappropriate and would detract to an unacceptable degree from both the appearance of the locality and the outlook and living conditions of residents, contrary to policies BE1 and RES7 of the adopted Hinckley and Bosworth Local Plan.
2. The size and proposed orientation of the garage are such that it would not be possible for a standard motor vehicle to manoeuvre into and out of it. On this basis it would lead to a net loss of off-street parking facilities, contrary to policy RES7 of the adopted Hinckley and Bosworth Local Plan.

As compared with the proposal that was previously refused the proposed garage is now smaller (3.2m wide and 4.2m deep compared with 5m by 5m previously) and is now proposed in brickwork rather than block work. Whilst these modifications would have a marginal effect on its visual impact, the garage nevertheless would be a permanent structure and visually obtrusive in terms of the outlook from the adjacent dwellings and would be too small and too restricted a site to function as a normal garage. Guidance within the Leicestershire County Highway Department document 'HTD' recommends dimensions of 5.5m by 2.5m for a single garage. The proposal does not meet these criteria and therefore would result in net loss of off street car parking.

Existing sheds in this frontage are not particularly numerous and generally are in a good state of repair. All are of a temporary nature and could be easily removed. The proposal for a brick built structure would introduce a more permanent element to the street scene to the detriment of the character of the area.

It is considered that there has been insufficient change in circumstances relating either to the proposed development or to the location of the application site, that would warrant a favourable decision in this instance. Whilst the proposed garage is smaller and in different materials from that previously proposed these modifications do not overcome the objections in principle to this development.

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

- 1 In the opinion of the Local Planning Authority the erection of a garage in this prominent location at the front of this terrace of houses, particularly of the size, design and materials proposed, would be visually intrusive and inappropriate and would detract to an unacceptable degree from both the appearance of the locality and the outlook and living conditions of residents, contrary to policies BE1 and RES7 of the adopted Hinckley and Bosworth Local Plan.
- 2 In the opinion of the Local Planning Authority the size and proposed orientation of the garage are such that it would not be possible for a standard motor vehicle to manoeuvre into and out of it. On this basis it would lead to a net loss of off-street parking facilities, contrary to policy RES7 of the adopted Hinckley and Bosworth Local Plan.

**Contact Officer:- Sarah Humphries Ext 5680**

**Item: 10**

**Reference: 07/00659/OUT**

**Applicant: Mr And Mrs Astill**

**Location: 3 The Square Bagworth Coalville Leicestershire LE67 1DQ**

**Proposal: ERECTION OF DETACHED DWELLING FIVE TERRACED DWELLINGS  
TWO DETACHED GARAGES AND ASSOCIATED WORKS**

**Introduction:-**

This is an outline application with layout, scale, external appearance and means of access to be considered with only landscaping reserved. The application is being reported to Committee as the agent is an Officer of this council.

The Square is a cul-de-sac off Main Street in Bagworth. No. 3 is the only property on the western side of the road. The property was historically a public house and has had a range of additions over time. It currently has a detached double garage to the rear. The property is set close to the road and has extensive mature gardens to three sides.

Levels change considerably along The Square and through the site. The road falls by around 3 metres from the junction with Main Street to the property and then rises by 1.5 metres by the end of the road. Across the site this results in numerous level changes essentially forming a lower garden surrounding the existing property and an upper garden mainly laid to lawn around 3 metres higher than the existing property.

The site is bounded by residential properties on all sides. To the north 10-12 The Square is a large detached bungalow set back from the road, to the east are properties on the other side of The Square to the application site. These are a mixture of designs, sizes and ages.

To the south are the rear of the properties facing Main Street while to the west are the rear of properties on Lime Grove.

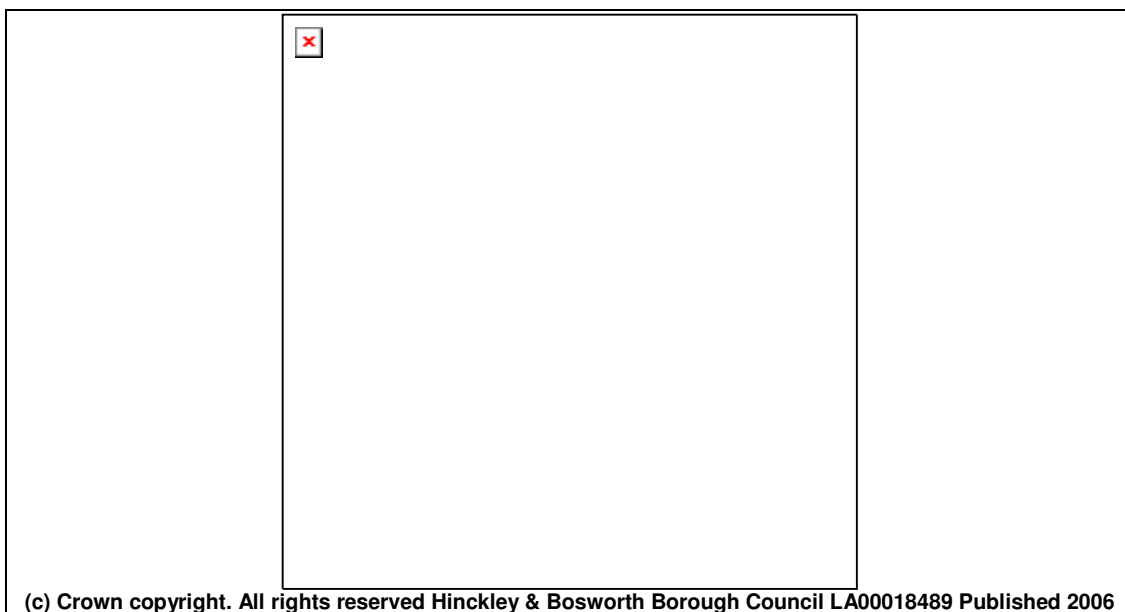
The application proposes the retention of no. 3 and the erection of a further detached property to the south of the house and the erection of a terrace of five properties to the north. The application also proposes the erection of two detached double garages one to replace the existing double garage.

The proposed detached property is 4 bedroomed and two and a half storey. The terraced properties are three bedroomed two storey properties with low eaves and eaves level dormers.

The application has been accompanied by a Planning, Design and Access Statement and an Archaeological Desk Based Assessment.

**History:-**

80/1558/4	Erection of one split level house	Approved	27.01.81
82/0064/4	Erection of a dwellinghouse	Refused	26.10.82
03/01312/FUL	Extensions and alterations to Dwelling	Approved	10.12.03
06/00811/OUT	Residential development	Withdrawn	01.09.06





## Consultations:-

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

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

Neighbours have been notified. At the time of writing this report two letters of objection has been received on the following grounds:-

- a) Loss of vegetation including mature trees
- b) Lack of disabled access
- c) Overlooking of properties across The Square
- d) Increase of storm water runoff on neighbouring properties
- e) Overdevelopment of the site compromising garden size and access.
- f) View of blank gable from properties on Main Street
- g) Increased traffic
- h) Development leading to increased on street parking
- i) Disruption and nuisance caused by building work
- j) No benefit to existing residents of the area
- k) Possible damage to road and surrounding properties by heavy vehicles
- l) Noise pollution from additional vehicles
- m) Subsidence to neighbouring properties caused by works.

## Development Plan Policies:-

### National Policy

Planning Policy Statement 1 - Delivering Sustainable Development. This sets out broad national planning policy. This states that good design should be integrated into the existing urban form and the natural and built environments.

Planning Policy Statement 3 - Housing replaces PPG3 and encourages the use of previously developed land within urban areas in preference to the development of greenfield sites for housing. Annex B defines previously developed land as including the curtilage of permanent structures. This statement sets out 30 dwellings per hectare as the national indicative minimum.

### Structure Plan

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

Housing Policy 5 - Density and Design states that housing development should be of a type and design to achieve as high a net density as possible taking account of: proximity and accessibility to centres; the provision of a mix of housing types to establish socially mixed communities; good principles of design and layout which make the most economical use of land and respect the local context and green space and landscaping requirements.

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

## Local Plan

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

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

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

Policies BE14, 15 and 16 seek to ensure assessment, investigation and recording of any archaeological remains present and ensure that conditions or legal agreements are used where their preservation in situ is not feasible or justified.

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

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

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

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

## **Appraisal:-**

### Principle

The site falls within the settlement boundary of Bagworth as set out within the adopted Hinckley and Bosworth Local Plan and is considered to be a brownfield site as defined in Annex B of PPS3. It is therefore considered that the principle of residential development is acceptable subject to the issues of siting, design, layout and the Local Plan policies stated above.

### Density

The application proposes 6 properties on an area of 0.19 hectares. This equates to 32 dwellings per hectare which is considered in accordance with national and local policy albeit at the lower end.

### Detached Property

The proposed detached property faces onto The Square between no. 3 and the junction with Main Street. The property has a proposed finished floor level just over one metre lower than the junction. The design proposes a symmetric front elevation with a central gable fronted porch reflecting that on the retained property. A side entrance and utility room forms a similar single storey projection on the northern elevation. Rooflights face the front elevation with dormer windows to the rear. The property includes a chimney, a brick plinth,

arched brickwork head and cill detailing and corbelled string course and eaves and gable verges.

While the submitted Planning, Design and Access Statement refers to a distance of 13 metres between the rear of 23 Main Street and the proposed dwelling, revised plans have been received which show this distance to be 14 metres in accordance with the minimum distance acceptable as set out in the Supplementary Planning Guidance on New Residential Development.

Residential properties opposite the proposed dwelling at 20 and 21 The Square are bungalows. These properties are 'L' shaped with a front projection with a front facing window. Both of these windows are screened from the road and therefore the new development, by existing planting on the property boundary. The remaining windows on the properties are in excess of the required 25 metre window to window separation distance. The proposed dwelling exceeds the required separation distances from property to the rear on Lime Grove.

The proposed property has a rear garden, split over two levels, which exceeds minimum standards and has a double garage and two further parking spaces set to the rear of the garden.

### Terraced Properties

The proposed terrace of five properties is to be positioned to the north of the retained dwelling. These have low eaves and are set into the slope of the site resulting in a one and a half storey appearance to the rear. The terrace has been designed around two gable features with the properties repeating common design elements to create a near symmetrical appearance. The design details of chimneys, arched brickwork head and cill detailing and corbelled string courses and eaves and gable verges proposed for the detached property have been repeated on these terraced properties.

The properties have rear gardens again split over two levels which measure around 50 square metres. These gardens are smaller than the minimum of 80 square metres required. It is considered that if these were to be increased it would be at the expense of the landscaping which separates the drive from the rear of properties on Lime Grove.

To the rear of the gardens are two parking spaces per dwelling accessed by a new drive. This uses the existing access and proposes a drive to the rear of the retained property. The application proposes a 2 metre wide landscaped strip between the access and properties on Lime Grove and a 3.5 metre landscaped strip between the drive and the rear garden of No. 3.

The siting of the terrace block has a 23 metre separation distance from No. 3 Lime Grove, however the first floor window of no. 3 appears to be obscure glazed. The remainder of No. 3 Lime Grove along the boundary with the application site is single storey and therefore there are limited opportunities for overlooking due to the fence and vegetation which form the boundary.

The terrace is proposed to be set behind a retaining wall of around 1.5 metres with wrought iron railings on top separating the dwellings from the parking area on The Square. Despite the elevated floor level the design of the terrace results in the ridge level of the property being only marginally higher than properties opposite.

Properties opposite the proposed terrace are at an angle to The Square resulting in any overlooking being oblique. Separation distances do not meet the 25 metre requirement however it is considered that is often the case for properties across a public highway.

### Other considerations

The site has a number of mature and semi mature trees along with planted areas which provide screening from neighbouring properties. While landscaping will be considered as a reserved matter, the plans show an indicative retention of screening to the boundary with Lime Grove and 10-12 The Square. The remaining trees are therefore to be removed as the site is regraded. At the time of writing this report comments from the Borough Council's Arboricultural Consultant are awaited. Some of the trees, particularly to the front of the site facing The Square are conifers and are therefore unlikely to be suitable for protection.

The comments of the Director of Highways, Transportation and Waste Management (Highways) and the Director of Heritage Services (Archaeology) are still awaited and will be reported as a late item. It is considered that the proposals are likely to be acceptable subject to standard conditions.

Further details regarding the accessibility for refuse vehicles and the storage facilities for bins have been requested from the applicant and will be reported as a late item.

Level access to the terraced properties cannot be achieved. This will be a consideration for any subsequent Building Control application though it is understood where a sites topography makes level access impossible steps designed to suit ambulant disabled people may be acceptable.

The site is within 200 metres of the informal open space adjacent to Bagworth Community Centre therefore a contribution can be sought towards improvements to the quality of existing informal play provision as set out in the Green Space Audit 2005. In total the contribution will equate to £1,241 per dwelling.

It is considered that the proposed design is in keeping with the character of the area and that the properties meet the quantifiable requirements of the Local Plan with the exception of the gardens size of the terraced properties. As the proposal is considered acceptable in all other regards it is not considered reasonable to refuse the application solely on this element. However, at the time of writing this report a number of consultation responses are awaited. These will be reported as a late item.

**RECOMMENDATION:- That subject to no further significant additional objections being raised by outstanding consultees, the Head of Culture and Development be granted delegated powers to issue Planning Permission subject to the conditions below:-**

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

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:
  - i) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

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

- 3 The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.
  - i) The existing trees and hedges on the site, which are to be retained
  - ii) The provision to be made for screening by walls and fences

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 4 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages 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 development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy and REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.
- 6 The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided before the dwelling is first occupied and shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.
- 7 The use of the garage(s) shall remain at all times for the purpose of parking a motor vehicle and shall not be converted to additional living accommodation, unless otherwise agreed in writing with the Local Planning Authority.
- 8 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.
- 9 This permission relates to the application as revised by amended plan 2007.037-001/A, 2007.037-002/A, 2007.037-003/A and 2007.037-003/A received by the Local Planning Authority on 20th June 2007.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A to E shall not be carried out on plots 2 to 6 (inclusive) unless planning permission for such development has first been granted by the Local Planning Authority.

**Reasons :-**

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2&3 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

- 5 To ensure the provision of Play and Open Space to accord with policies of REC3 of the adopted Hinckley and Bosworth Local Plan.
- 6&7 To ensure that adequate off-street parking facilities are available to accord with policy 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 NE12 of the adopted Hinckley & Bosworth Local Plan.
- 9 To define the permission.
- 10 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property to accord with Policy RES5 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 Condition 5 refers to play and open space contribution. In this instance a contribution of £1,241 is required towards the provision and maintenance of off-site Public Open Space.
- 4 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

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