

**REPORT P13**

**PLANNING COMMITTEE**

**31.07.2007**

**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:** 07/00055/FUL

**Applicant:** S S Sadhra & R K Sadhra

**Location:** 1 Trinity Vicarage Road Hinckley Leicestershire LE10 0BU

**Proposal:** DEMOLITION OF EXISTING FACTORY AND REDEVELOPMENT TO FORM 13 NO. FLATS

**Introduction:-**

This application is for the demolition of the existing factory and the erection of 13 flats at 1 Trinity Vicarage Road, Hinckley. The site is located on the south side of Trinity Vicarage Road close the junction with Trinity Lane. The site measures approximately 800 square metres and is accessed from Trinity Vicarage Road. The site is bounded to the east by Hammonds retail store, to the north by residential dwellings and to the south and west by Trinity Court.

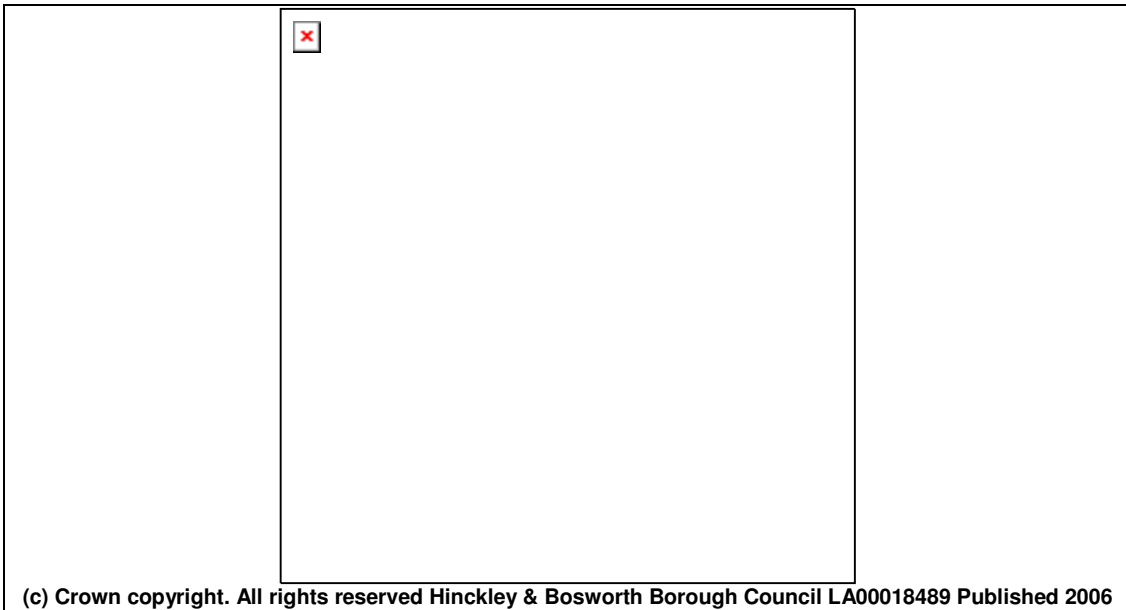
The site itself is roughly rectangular in shape and comprises a large two storey industrial building to the south of the site and two single storey industrial buildings to the centre and north of the site.

The application proposes to remove all of the existing buildings and erect thirteen flats in 2 two storey blocks with rooms in the roof. Block A will front onto the access to Trinity Court and will comprise 4 one bedroom and 1 two bedroom flats. Block B will front onto Trinity Vicarage Road and will comprise 6 one bedroom and 2 two bedroom flats. The blocks both have rendered panels, 'juliet' balconies, brickwork string detailing and feature projecting gables to the front and rear. A small communal garden is shown to the southeast corner of the site, with further landscaped areas to the Trinity Vicarage Road elevation. The scheme proposes access from the existing Trinity Court access, leading to thirteen car parking spaces, including one disabled space.

Information submitted in support of the application includes a design and access statement, draft heads of terms and 3-dimensional illustrative views. The supporting information states that a mixed development of 1 and 2 bedroom apartments is considered to be appropriate reflecting the existing scheme to the side and rear of the site in Trinity Court.

**History:-**

06/00409/FUL	Demolition of existing factory and erection of 12 residential units with associated parking ad access	Withdrawn	
05/00599/FUL	Redevelopment to from 12 flats	Withdrawn	
99/00137/COU	Change of use to martial arts	Approved club and ancillary office	28.04.99



### Consultations:-

No objections subject to standard conditions have been received from:-  
The Environment Agency  
Head of Health and Environment  
The Borough Council's Drainage Engineer  
Severn Trent Water.

Leicestershire Constabulary Crime Reduction Officer does not object to the application and supports the design concept proposed, but makes the following observations:-

- a) there are differences in boundary treatment in the 3-dimensional and elevation drawings
- b) 1 metre boundary treatment would be acceptable to the north and west, but where the inner courtyard abuts Trinity Court and the boundary with no. 120 Trinity Lane should be 2 metres in height
- c) the parking area should be provided with a comprehensive lighting scheme

The Director of Highways, Transportation and Waste Management (highways) does not object to the application, subject to standard conditions but comments that the proposed parking level of 100% is below the recognised standard of 150% provision for flats. However, when considering the site location in close proximity to the town centre and government guidance the Highway Authority considers it is not in a position to object to the proposed parking level. Amendments will be needed to the proposed landscaping, shown on drawing J26(PL)01, to provide adequate highway visibility.

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

- a) Director of Children and Young People's Service - as there are not more than ten dwellings with two or more bedrooms an education contribution will not be required.
- b) Head of Commercial and Support Services - based on the scale of this development in respect of additional users of the existing library facilities a contribution of £480 towards the cost of books, materials and other facilities is required. This would be spent over a period of 12 months.
- c) Director of Highways, Transportation and Waste Management - The nearest civic amenity site is Barwell. Contributions are required at a rate of £42.73 per dwelling, equating to £555 (to the nearest £).

- d) Natural Life Project Officer - states that as the scheme involves the demolition of a built structure potential bat roosts are, therefore, being destroyed. They recommend that the developer be required to incorporate bat bricks and boxes into the design of the new properties and to plant native trees, common to the area, on site to establish feeding grounds for the bats.

Hinckley and Bosworth Primary Care Trust have requested a financial contribution of £2,985 towards the provision of appropriate levels of health care which is an essential part of any sustainable community.

In response to the displayed site notice, Kuk Sool Won (who presently occupy unit 1), objects to the application for the following reasons:-

- a) loss of a valuable sports, fitness and education facilities
- b) lack of funds to acquire an alternative site
- c) lack of alternative facilities
- d) overdevelopment
- e) lack of parking
- f) highways, in particular exacerbated misuse of the 'no right turn' restriction onto Trinity Lane created increase highway dangers

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

Press Notice  
Neighbours notified.

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

The site lies within the settlement boundary for Hinckley in an area identified as Town Centre Fringe in the adopted Hinckley and Bosworth Local Plan. Although identified as an employment site in the Deposit Copy of the Local Plan, this designation was removed from the adopted version.

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

Policy Retail 5 of the adopted Local Plan advises that planning permission will be granted for alternative uses unless it would have a seriously detrimental impact on adjoining residential amenities; it does not meet parking standards; it is out of keeping with the character or visual amenities of the area; it would be prejudicial to the comprehensive development of a larger area; or it would be detrimental to general highway safety.

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

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

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

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

## **Appraisal:-**

### Principle

The site is within the settlement boundary on a brownfield site where policy RES5 allows for residential development, subject to compliance with other relevant policies. The site is also allocated as a town centre fringe, where, subject to detailed criteria, the principle of alternative uses is acceptable.

### Density

National and regional policy seeks a density of between 30 and 50 dwellings per hectare for all new residential developments to promote the better use of land; although in locations near to town centres higher levels should be considered. The application site measures approximately 0.08 hectares, to develop this at the lower end of the recommended density would result in a scheme for 2-3 dwellings and at the higher end would result in a scheme for 4 dwellings. The proposed development of 13 dwellings would result in a density of 163 dwellings per hectare. This is considerably higher than the recommended density. However, the site is located near to the town centre, within close proximity to local amenities and to make efficient use of land in such locations higher densities should be encouraged. As such, the proposed density is considered acceptable.

### Siting and Design

The existing buildings fronting onto Trinity Vicarage Road are low quality industrial buildings and the redevelopment of the site represents an opportunity to vastly improve the streetscene. The previous application submitted in 2005 took the form of a three storey block of flats located along the southern boundary, with the remainder of the site providing parking which would be highly prominent in the streetscene. The 2006 application also provided a three storey block in a similar location but also included a relatively featureless block of three terraces fronting Trinity Vicarage Road. The current application proposes two storey with rooms in the roof. The form is one of perimeter development with parking to the rear, which is largely hidden from the streetscene by built development. This reflects advice from Officers provided when the previously submitted applications were withdrawn.

The design is considered to be of a quality with variations in plane and materials with gable features to add interest to the streetscene. Amendments have been requested, which will be reported as a late item, to add further interest to the eastern gable of block A which will be visible from Trinity Lane. However, a condition is also proposed requiring the glazed feature within this elevation to be provided and retained with obscure glazing to ensure that the approval of this scheme does not frustrate future potential redevelopment of the adjacent site. Clarification has also been sought regarding a discrepancy in boundary treatment between the submitted plans and the 3-dimensional illustration.

The proposal includes a small area of amenity space, approximately 25 square metres, with further space provided to the south of, and landscaping in front of, block A. This falls considerably below the adopted standard of 10 square metres per flat. However, the site is located in close proximity to the town centre, leisure and local facilities and it is not considered that a reason for refusal could be sustained on these grounds.

The scheme would result in window to window distance from block A to no.'s 4, 6 and 8 Trinity Vicarage Road of 22 metres, against a standard of 25 metres. However, this is across a road where lesser distances should usually be expected. As such, this relationship is considered acceptable. Windows on the same elevation will face the private amenity space of no. 2 Trinity Vicarage Road and 116 Trinity Lane at a distance of 13 metres. However, again this is across a road and largely affects the areas of garden which are further away from these dwellings. As such, this relationship is considered acceptable. The window to window distance from the southern gable of block B to Trinity Court is 28 metres which is in excess of the above standard. The windows in the eastern elevation of block B face windows in the side elevation of Hammonds retail store at a distance of 16.5 and 18 metres, against a standard of 25 metres. The two first floor windows of Hammonds serve a showroom and a staff kitchen; the remaining three ground floor windows serve toilets and are obscure glazed. The distances are some considerable way below the adopted standard. However, given the use of the adjacent building, the proximity to the town centre and that views will be across the proposed car park, it is not considered that an unacceptable degree of overlooking will occur. As such, the siting and design of the proposal are considered acceptable.

### Highways

The application proposes 13 parking spaces against a Local Plan standard of 20 spaces. However, the site is located in close proximity to the town centre and local facilities, ten of the thirteen apartments only have one bedroom and the Highway Authority does not object to the proposal. However, there is a shortfall of 7 spaces against the Local Plan standard and consequentially there is potential that the proposal will place additional burden on existing car parking facilities. Given the sites town centre location, it is considered that this shortfall can be met by the provision of a commented sum towards consolidated town centre car parking. As such, subject to the financial contribution detailed below, the proposed parking level is considered acceptable. The Highway Authority has expressed concerns that indicative landscaping shown on the submitted plans would interfere with visibility splays. It is considered that this matter can be dealt with by a condition requiring detailed landscaping plans to be submitted to ensure the species selected will not unacceptably impact upon highway visibility. Concerns have been raised regarding the potential for increased misuse of the 'no right turn' restriction onto Trinity Lane. However, as stated above the Highway Authority do not object and it is not considered the application could be refused on these grounds. The Highway Authority have requested a condition requiring a 4.8 wide access with a further 0.5 metre either side if bounded by a wall. The access is currently 3 metres wide with pavement along one side. The condition would effectively require a 5.8 metre wide access. However, the gap between the buildings is 4.25 metres, as such it would be impossible to implement the proposed condition and clarification has been sought from the Highway Authority. Subject to clarification of this matter, the highways element of the proposal is considered acceptable.

### Financial Contributions

The application proposes 13 residential units; therefore contributions towards a commuted to meet the shortfall in parking of £14,000, libraries of £480, civic amenity of £555, health of £2,985 and play and open space of £16,133 are required. Due to the constrained nature of the site it is not possible to provide onsite open space. The site is approximately 280 metres from Hollycroft Park which acts as a neighbourhood park where there is a recognised need to improve infrastructure including improvements to the bandstand, water feature, pathways, horticultural features, tennis courts, bowling green, and the pitch and putt course. The play and open space contribution will be utilised to partially fund these improvements.

### Other Considerations

Concerns have been raised regarding the loss of the existing martial arts facilities on site and the lack of an alternative site. Planning permission was granted in 1999 for a change of use from office/storage to a martial arts club. However, the site is not allocated within the adopted Local Plan as a community or recreation facility and as such is offered little protection from alternative uses. The proposed development is acceptable in all other respects and it is not considered the loss of this facility would warrant refusal of the application. The present occupiers lack of funds to source alternative accommodation is not a planning consideration. The bat bricks and boxes required by the Natural Life Project Officer could be secured by condition.

### Conclusion

The principle of higher density residential development on brownfield sites within existing settlements, particularly close to town centres is supported by local and national policy. The application proposes perimeter development with high quality buildings providing an attractive streetscene. Adequate parking is proposed and relevant contributions will be secured by a section 106 agreement. The loss of an unallocated recreation/leisure use on site is not considered sufficient to outweigh the presumption in favour of such development. As such, the proposed development is considered, subject to conditions and a section 106 agreement, acceptable.

**RECOMMENDATION :- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide financial contributions towards car parking, play and open space, libraries, civic amenity and health facilities the Head of Culture and Development be granted powers to issue Planning Permission subject to the conditions below. Failure to complete the agreement by 13th August 2007 may result in the application being refused.:-**

**SUMMARY OF DECISION** - The proposal is in conformity with Policies BE1, RES5, NE8, NE12, IMP1, 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 apartment blocks shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 4 Notwithstanding the submitted details, 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.
- 5 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.

- 6 A landscape management plan, including long term objectives, management, responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development, whichever is sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 7 Prior to the occupation of the first residential unit, full details of security lighting and other forms of external illumination shall be submitted to and approved in writing by the Local Planning Authority. The scheme of illumination shall be implemented in accordance with the approved details and no other security lighting shall be permitted without the written consent of the Local Planning Authority.
- 8 Details of the bin storage shall be submitted to and approved in writing before any further development commences. The bin storage areas shall be implemented in accordance with the approved scheme before any of the residential units are first occupied and shall thereafter permanently remain available for use.
- 9 Prior to the occupation of the first residential unit, full details of the position of satellite antennae shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and no antennae shall be permitted without the written consent of the Local Planning Authority.
- 10 Notwithstanding the details submitted, details of all boundary treatment to the site including retaining walls shall be submitted to and approved in writing before development commences, and implementation in accordance with the approved scheme before any of the flats are first occupied.
- 11 Notwithstanding the submitted details the windows to be inserted in 2nd floor of the eastern elevation of block A shall be obscure glazed and retained as such at all times thereafter.
- 12 Prior to the commencement of development a scheme for the provision of bat bricks and boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and thereafter retained unless agreed in writing with the Local Planning Authority.
- 13 The development hereby permitted shall not commence until a drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the disposal of both surface water and foul sewage, including a sustainable drainage approach to surface water management (soakaways, pervious paving etc.) The scheme shall be implemented in accordance with the approved details prior to occupation of any dwelling hereby approved.
- 14 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.
- 15 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.
- 16 Notification of the commencement of development should be given in writing not less than 14 days before development commences.



- 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 Notwithstanding the submitted details, before first use of the development hereby permitted, where within the control of the applicant a visibility splay of 4.5 metres by 33 metres shall be provided in an easterly direction at the junction of the access with Trinity Vicarage Road. This 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 splay.
- 19 The existing vehicular access shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossings reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.
- 20 The car parking and any turning facilities shown on approved plan J26/(PL)01 shall be provided before the dwelling is occupied and shall thereafter permanently remain available for such use.
- 21 Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 7 metres behind the Highway boundary and shall be so maintained at all times.
- 22 Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.
- 23 The access shown on approved plan J26/(PL)01 shall have a minimum width of 4.25 metres for at least the first 5 metres behind the highway boundary and have 6 metre kerbed radii at its junction with the adopted road carriageway on the northern side. The access drive once provided shall be so maintained at all times.
- 24 This permission relates to the application as revised by amended plan \*\*\*\* received by the Local Planning Authority on \*\*\*\*.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2&3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 4 To enhance the appearance of the development to accord with policy BE1 and NE12 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 and NE12 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that all communal areas are satisfactorily maintained at all times.

- 7 To provide sufficient security measures as well as preventing unnecessary light pollution to accord with policies BE1 and BE26 of the adopted Hinckley and Bosworth Local Plan.
- 8 To safeguard amenities of neighbouring properties to accord with policy BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 10 To safeguard amenities of neighbouring properties and to ensure the development has a satisfactory external appearance to accord with policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 11 To ensure the proposed development is not prejudicial to the development of a larger area of land of which the development forms part to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 12 To ensure the proposed development does not have an unacceptable adverse impact on a protected species to accord with policy NE8 of the adopted Hinckley and Bosworth Local Plan.
- 13 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.
- 14-17 To ensure that the site is not contaminated, to safeguard the health of future occupiers to prevent pollution of the water environment to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 18 To afford adequate visibility at the junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 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 T5 of the adopted Hinckley and Bosworth Local Plan.
- 20 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 21 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 22 In the interests of pedestrian safety, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 23 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.
- 24 To define the permission.

**Notes to Applicant:-**

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

and the local office of Natural England contacted for advice.

- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 4 In relation to condition 15 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. In addition, the applicants attention is drawn to the Environment Agency's letter dated 22nd June 2007, a copy of which is attached.
- 5 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager - (telephone 01530 262380).
- 6 In order to provide the visibility splays detailed in condition 18 above, the proposed planting and boundary treatment as shown in the submitted Dwg No:- J26 (PL)01 on the sites northern boundary will be affected, which should be reflected in the details required by conditions 4 and 10.

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

**Item:** 02

**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 application was deferred from last months Committee meeting for further consideration to be given to the impact of the development on the neighbour at No15 Butt Lane Close and the street scene.

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. 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.

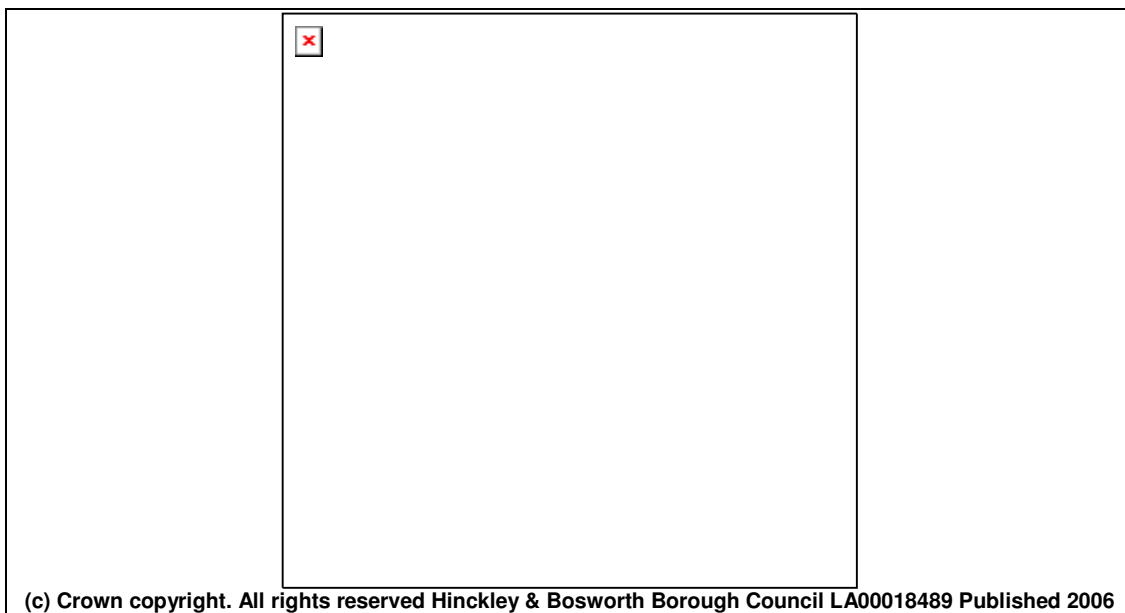
Established hedgerows and trees surround the existing garden area. A significant proportion of the hedgerow abutting Butt Lane Close will require removal to enable pedestrian and vehicular access to the existing and proposed dwellings. The site lies off Butt Lane approximately 105 metres along Butt Lane 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.

An Appeal was allowed following a refusal of planning permission (03/00434/FUL) for the erection of two semi-detached dwellings and one detached dwelling. This current application site is the area of the appeal site for the single dwelling, which at its highest point is 8.2m high. The Inspector gave sufficient weight in his decision to the impact of the development on the adjacent property (15 Butt Lane Close) being minimal due to the existing screening on site being provided by the Leylandii trees and that a new dwelling on the site would not impact on the living conditions or appear overbearing on the occupiers of No. 15 Butt Lane Close. The Inspector also stated that because the site sloped to the south-east, the proposed detached house would be lower than the pair of semi-detached dwellings and that this difference in levels would provide a natural transition between the proposed dwellings and No. 15. The issue raised by residents regarding parking was noted by the Inspector but they felt that the 2 car-parking spaces provided was adequate to ensure that there was no increase in on-street parking.

**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	Refused Appeal Allowed	16.07.03 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 semi-detached properties in September 2001 and July 2007. The sewerage and drainage facilities and the partial loss of hedgerow and trees on the site have already been addressed, including by the appeal inspector.

In determining the previous scheme (03/00434/FUL), the appeal Inspector considered that, among other planning considerations, the proposal would not cause any significant harm to the neighbours' outlook due to its impact only on one french window and one first floor window of the next-door property and the screening effect of a boundary hedge.

### Design and Appearance

However, the current application raises new concerns about the potential impact on neighbouring residential amenity. The new dwelling is now only 9.5 metres away from the facing neighbouring dwelling, No.15, and therefore even closer than that approved by the appeal inspector (10.7m). Members are reminded that the Council's Supplementary Planning Guidance recommends a distance of 14 metres in such cases, unless material considerations indicate otherwise.

In addition to the above, the development also differs significantly from the approved scheme in terms of its height, depth and design. An amended scheme has been submitted that lowers the ridge height of the dwelling adjacent to No 15 Butt Lane Close, giving a step down in roof heights. The proposed new semi-detached dwelling would be approximately 1.2 metres higher than that approved. This together with the gable-end design and the increase in the depth of the building by 1.3 metres, it is considered that the overall effect would be of an unacceptably overdominant and overbearing building in relation to the adjacent existing dwelling, thereby causing significant material harm to the living environment of the occupiers of that property.

### 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 would equate to £1,241 per dwelling, had the application been recommended for approval.

#### 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.

#### Conclusion

The principle of residential development on this site was established by the previous appeal decision. However, it is considered the proposed layout would result in an overbearing impact on the amenities of adjacent neighbours. As such, it is considered the application should be refused.

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

- 1 In the opinion of the Local Planning Authority the proposed development, by reason of its size, height and proximity would have an overbearing and overdominant effect to the detriment of the appearance of the street scene and to the detriment of residential amenity. This is contrary to policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan and the Borough Council's Supplementary Planning Guidance: New Residential Development.
- 2 In the opinion of the Local Planning Authority the lack of any financial contribution to address the increase in pressure placed on the existing play and open space facilities would not accord with the Local Planning Authority's Supplementary Guidance on Play and Open Space adopted in October 2002 and policy REC3 of the adopted Hinckley and Bosworth Local Plan.

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

**Item: 03**

**Reference: 07/00568/FUL**

**Applicant: Mr A Preston**

**Location: Forest Hill Farm Leicester Lane Desford Leicester Leicestershire**

**Proposal: DEMOLITION OF EXISTING TWO STOREY DWELLING AND CONSTRUCTION OF REPLACEMENT BUNGALOW AND GARAGE IN NEW LOCATION**

#### **Introduction:-**

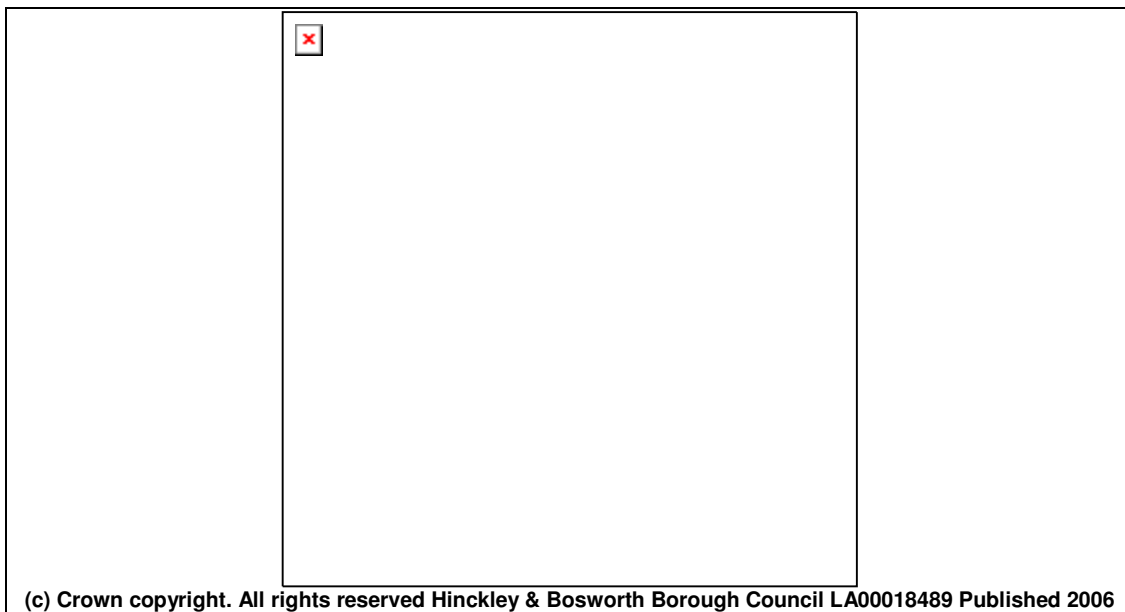
This is a full application for the demolition of an existing two storey dwelling and the erection of a replacement single storey agricultural workers dwelling and garage. Forest Hill Farm covers an area of approximately 110 hectares with a further 280 hectares rented on a

temporary basis and is located in open countryside to the east of Desford and to the north side of Leicester Lane (B582). The farm currently has the benefit of two dwellings on site, one occupied by the applicants brother and the other, to be demolished, is a small Victorian cottage in a poor state of repair and located immediately adjacent to livestock yards and buildings. The farm complex, including the two dwellings is located some 150 metres to the north of the B582 and accessed down a long drive.

The need for the proposed dwelling arises out of the requirement for the applicant to be resident on the farm that is operated by himself and his brother on a full time basis. A Design and Access Statement has been submitted to support the application along with further information to support the need for the dwelling in terms of the operation of the agricultural holding. The proposed new dwelling is located to the fore of the farm complex adjacent to the existing farm access and is a modest two bedroomed bungalow with detached garage.

**History:-**

03/00522/FUL	Extensions to Agricultural Building	Approved	08.05.03
01/01036/FUL	Excavation of an Agricultural Fertilizer Storage Lagoon	Approved	11.10.01
91/0535/4	Retention of Parking Area for 1No. Tractor Unit and 2No. Trailers	Approved	30.07.91
89/0449/4	Parking Area for 1No. Tractor Unit and 2No. Trailers	Approved	23.05.89
86/1156/4	Farmhouse (Reserved Matters)	Approved	18.12.86
86/0484/4	Farmhouse (Outline)	Approved	29.07.86



**Consultations:-**

No objection has been received from:-



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

No objection has been received subject to standard conditions from the Borough Council's Land Drainage Consultant.

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

Desford Parish Council  
Director of Resources (Agricultural Appraisal)  
Neighbours  
Site Notice.

## **Development Plan Policies:-**

### Government Guidance

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

### Local Plan

Policy BE1 seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development:- complements or enhances the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features; has regard to the safety and security of individuals and property; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties and incorporates landscaping to a high standard.

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

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is either: important to the local economy; is for the change of use, re-use or extension of existing buildings; 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.

## **Appraisal:-**

The application proposes the demolition of an existing two storey dwelling within the farm complex and the erection of a replacement agricultural workers bungalow within the landholding but in a different location adjacent to the existing farm access. The dwelling to be demolished is in a poor state of repair being a small farm workers cottage lacking modern construction standards and sited immediately adjacent to livestock yards and buildings thereby providing poor residential amenity. The agricultural holding involves the keeping of cattle and the cultivation of various crops but has a substantial dairy herd and the applicant stresses that full time attendance of both the applicant and his brother (who resides in the other dwelling on the site) is required for the proper operation of the farm due to the nature of the activities and for security purposes.

The applicant has provided information regarding livestock levels and crop cultivation to enable an assessment to be made regarding the functional and financial tests required by PPS7 for an agricultural workers dwelling in the countryside. The agricultural appraisal has not yet been received from the County Council's Land Agent at the time of writing this report and will be reported as a late item to the agenda.

Although the proposed location of the new dwelling is not within the farm complex itself, it is still fairly well related to the existing buildings and the design and access statement states that the siting has had regard to the need to provide a dwelling with a more satisfactory residential amenity than the existing dwelling to be demolished and for the improvement of security of the farm by providing surveillance of the main access road.

The proposed dwelling is modest in size and scale to meet the needs of the applicant and his wife. The gross internal floor area of the dwelling is 1070 square metres and the detached garage and store 288 square metres. In order to minimise the visual impact on the appearance and character of the landscape it is single storey and located relatively close to the existing farm complex buildings, albeit closer to Leicester Lane. This location also prevents the need for visitors to enter the operational areas of the farm and therefore improves safety. The design statement states that the dwelling has been designed to give the appearance of a small lodge cottage with traditional brick elevations and with details to reflect the local vernacular style of simple agricultural buildings. It is intended to erect a post and rail fence around the residential curtilage to reflect the rural location, but a landscaping scheme would also help to reduce the impact of the proposed dwelling further by providing some screening from Leicester Lane.

The proposed dwelling will not lead to an increase in the use of the existing farm access or generate traffic to adversely affect the rural character of the area and the Highway Authority has no objection to the proposal. There is adequate private amenity space and parking provision within the site.

### Conclusion

In general terms the proposal appears to satisfy the criteria of the relevant Development Plan Policies and therefore is recommended for approval subject to a satisfactory agricultural appraisal being received and appropriate conditions.

**RECOMMENDATION :- That subject to a satisfactory Agricultural Appraisal being received, the Head of Culture and Development be granted delegated powers to issue planning permission subject to the following conditions :-**

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

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

- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling and garage 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 occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry or a widow or widower of such a person, and to any resident dependants.
- 4 Before any development commences, full details of the method of disposal of surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 5 The car parking and turning facilities shown on the approved plan shall be provided before first occupation of the dwelling hereby permitted and once provided 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. This scheme shall indicate the treatment proposed for all boundaries to the residential curtilage and ground surfaces together with the plant species, plant size, all materials proposed and their disposition.
- 7 The approved landscaping scheme shall be carried out during the first appropriate planting season following the date when the proposed dwelling is first 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, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
- 8 The existing dwelling, outlined in orange on the approved plan, shall be demolished and all resultant building materials removed from the site prior to first occupation of the dwelling hereby approved.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 3 The site lies within an area of open countryside where the Local Planning Authority would not normally grant permission for residential development and to accord with policy RES12 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure satisfactory provisions are made for the drainage of the site.
- 5 To ensure that adequate car parking and turning facilities are provided within the curtilage of the dwelling to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6 To enhance the appearance of the development to accord with policy NE5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE5 of the adopted Hinckley and Bosworth Local Plan.

- 8 To define the permission and to ensure that the existing dwelling is removed from the site to comply with policies RES12 and NE5 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 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 R Wright Ext 5894

**Item:** 04

**Reference:** 07/00633/COU

**Applicant:** Emelia Accessories Ltd

**Location:** Frith House Farm Rogues Lane Hinckley Leicestershire LE10 3DX

**Proposal:** CHANGE OF USE OF TWO REDUNDANT AGRICULTURAL BUILDINGS TO B8 USE (RETROSPECTIVE APPLICATION)

**Introduction:-**

This application is to regularise the use of two former agricultural buildings for B8 storage and distribution use, at Frith House Farm Rogues Lane, Hinckley.

Frith House Farm is located on the south side of Rogues Lane in an area of countryside, it is accessed by a long private drive and the buildings are not visible from the road. This part of Rogues Lane is unclassified.

There are a number of buildings within the farm complex. The application proposes the change of use of two of them for B8 business purposes. One of the buildings is an older building, the other building was erected under planning permission 96/00474/FUL.

In support of the application, the applicant has provided the following information;

The nature of the operation being conducted is storage and distribution of hair and fashion products. The products are delivered to the site by articulated lorry once every four weeks, the products are then packed into small batches and distributed by two, transit or 7.5 tonne type vans owned by the applicant or by local courier. Hours of operation are 9.00am to 5.30pm Monday to Friday only. Waste is removed from the site in one skip, once per week by a local contractor.

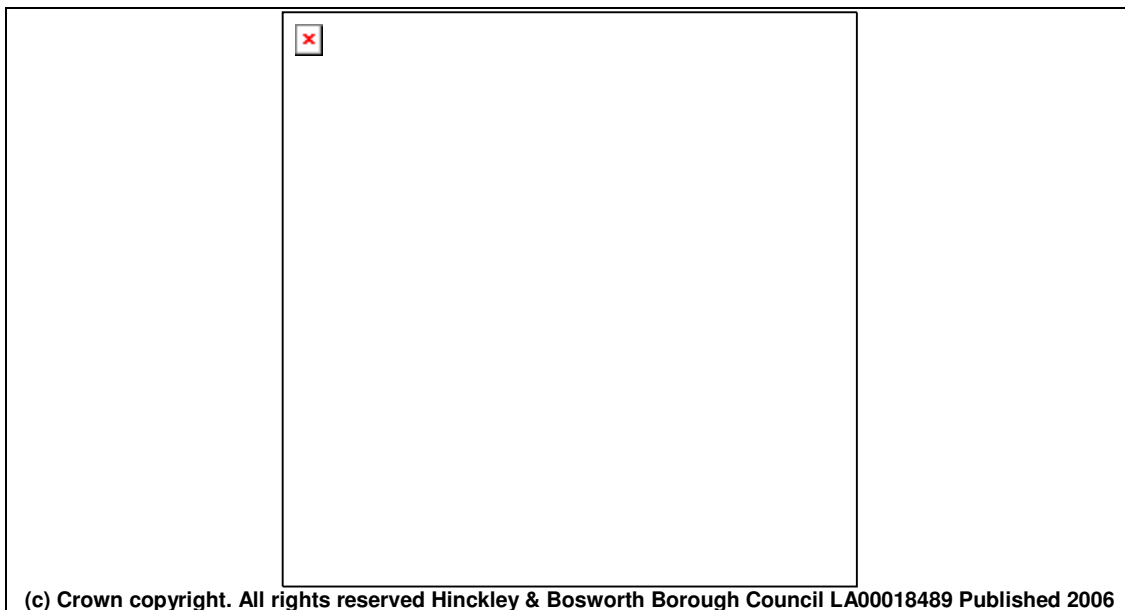
There are adequate parking and turning facilities within the site. Notwithstanding the situation in practice, the application shows parking for ten vehicles, being the number required to meet County and Borough design standards for B8 use. The business has six full time and six part time employees.

Employees participate in car sharing arrangements. Only three cars drive to the site on a daily basis with one other car arriving on three out of five working days per week.

There are no retail sales from the site, nor visits by customers or suppliers. There are no proposed changes to the appearance of either building.

**History:-**

96/00474/FUL	Erection of agricultural building	Approved	23.07.96
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**Consultations:-**

E-on Central Networks have no objections to the proposal.

Director of Highways, Transportation and Waste Management (Highways) recommends refusal on the grounds that the proposal could result in an unacceptable increase of traffic using an access which lacks adequate width and appropriate visibility for the speed of traffic on the main road. The proposal could result in an unacceptable increase in traffic turning onto or off an unlit section of road in an area remote from the main development and where traffic speeds are generally high. Furthermore, the development could create a precedent for similar proposals for commercial uses off Rogues Lane which would be difficult to resist and could lead to an increase in heavy goods/commercial traffic on Rogues Lane.

The Borough Council's Drainage Engineer comments that the suitability of the ground strata for soakaway drainage should be ascertained and if suitable, a soakaway system could be provided.

At the time of writing the committee report comments are awaited from Environmental Health Services.

A site notice was displayed.

## **Development Plan Policies:-**

### National Planning Policy

Planning Policy Statement 7 (PPS7) 'Sustainable Development in Rural Areas' supports the reuse of appropriately located and suitably constructed existing buildings within the countryside. PPS7 seeks to ensure that development in the countryside is sustainable.

Planning Policy Guidance Note 4 (PPG4) Industrial and Commercial Development and Small Firms' states that whilst industrial and commercial development is important to the economy, planning applications must be determined after due consideration is given to the Development Plan.

### Local Plan policies

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

Policy NE5 stipulates that the countryside will be protected for its own sake; however, it also states that the re-use of existing buildings within the countryside may be acceptable in principle, subject to there being no adverse affect on the appearance or character of the landscape and it is effectively screened by landscaping or other methods. Indeed, the re-use and adaptation of existing buildings in the countryside can also play an important role by providing rural employment opportunities and helping to reduce demand for new buildings in the countryside.

Policy BE20 states that in considering planning applications for the re-use of rural buildings, the primary consideration is whether the new use is acceptable in planning terms and care must be taken to ensure that the proposal does not have an unduly adverse effect on the character of the rural location. In order to promote the objective of diversifying the rural economy, the re-use and adaptation of rural buildings outside the boundaries of settlements defined in the Plan, may be acceptable where the building is to be used for employment, recreation and tourism related uses. Any proposal will be judged on its merits in relation to its location in the rural area, the nature of the business proposed, its scale, location, design, availability of services and other development control criteria.

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features, Development should incorporate landscaping to a high standard and ensure adequate highway visibility for road users and adequate provision for parking and should not adversely affect the occupiers of neighbouring properties.

Policy T5 seeks to apply the County Council highway standards and parking targets when considering new development.

## **Appraisal:-**

### Key Issues

The main issues are whether the retention of the use for storage and distribution has a detrimental effect on the character and setting of the open countryside, and whether traffic movements to and from the site cause, or are likely to cause, detriment to highway safety.

### Impact on Countryside

The buildings are well screened from the road, and the type and level of business operation currently taking place from the site, is considered to have little impact on the amenities of the countryside.

### Highways

The main issues are therefore, the poor vehicular access lacking adequate width and visibility, and the introduction of commercial traffic along this unlit and unclassified stretch of road, as mentioned in the County Highway Authority report.

### Precedent

It should be noted that the following two applications have previously been permitted for change of use to B1 and B8 at other sites along this stretch of highway and so the 'precedent' argument would be difficult to defend. An application for change of use of agricultural buildings to B1 and B8 at Westmorland Farm was approved on 10.12.02 (ref 02/00599/COU). A change of use of an agricultural building to mixed B1 and B8 use was approved on 2.6.04 at Odd House Farm Cottage (ref 04/00302/COU).

The County Highway Authority comments are related to possible increased traffic that could potentially occur if the application was approved, it is recognised that the current use is fairly low key, but there is potential for increased use.

It is considered that there is land in the applicants ownership that could be utilised to provide improvements to the access, however, whether such a scheme could achieve sufficient width and visibility in accordance with the requirements of the County Highway Authority has not been explored at the time of writing the report. The applicant's agent has requested that the matter be brought before the Committee as submitted for consideration. In the circumstances it is recommended that the application be refused on highway safety grounds.

### Conclusion

The buildings are well screened from the road and the type and level of operation currently taking place from the site are considered to have little impact on the amenities of the countryside. However, the concerns raised in connection with the inadequate access to the site and the potential for increased traffic have not been addressed and therefore, it is recommended that the application be refused.

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

- 1 The proposal if permitted could result in an unacceptable increase in traffic turning onto or off an unlit section of road in an area remote from the main development and where traffic speeds are generally high. Such an increase would not be in the best interests of highway safety.
- 2 The proposal if permitted could result in an unacceptable increase in traffic using an access which lacks adequate width and visibility. That could in turn lead to vehicles reversing onto or off the highway to the detriment of road safety.

**Contact Officer:- Mrs L Forman Ext 5682**

**Item:** 05

**Reference:** 07/00641/FUL

**Applicant:** Countrywide Homes Limited

**Location:** Breconshire Hosiery Rossendale Road Earl Shilton Leicester  
Leicestershire

**Proposal:** DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 13  
DWELLINGS WITH ASSOCIATED ACCESS AND PARKING

**Introduction:-**

This is a full application for the erection of 13 dwellings on land facing both Rossendale Road and New Street, Earl Shilton. The site consists of a number of commercial buildings of varying ages, sizes and styles previously used by Breconshire Hosiery which are all to be demolished.

Rossendale Road consists of a mixture of residential and commercial properties. Opposite the site are a pair of bungalows, a telephone exchange and further commercial buildings. Members will recall that these buildings form part of the Breconshire Hosiery site which were the subject of a residential permission issued in March of this year (06/01406/FUL). The remainder of Rossendale Road consists of Highfield Court, a two and a half storey residential development which also faces onto Highfield Street and New Street.

New Street is formed predominantly of residential terraced properties of a mixture of designs with varying eaves and ridge levels. On this elevation the existing commercial building is a high two storey structure positioned at the back of the pavement. The application site also includes a small car park accessed from New Street.

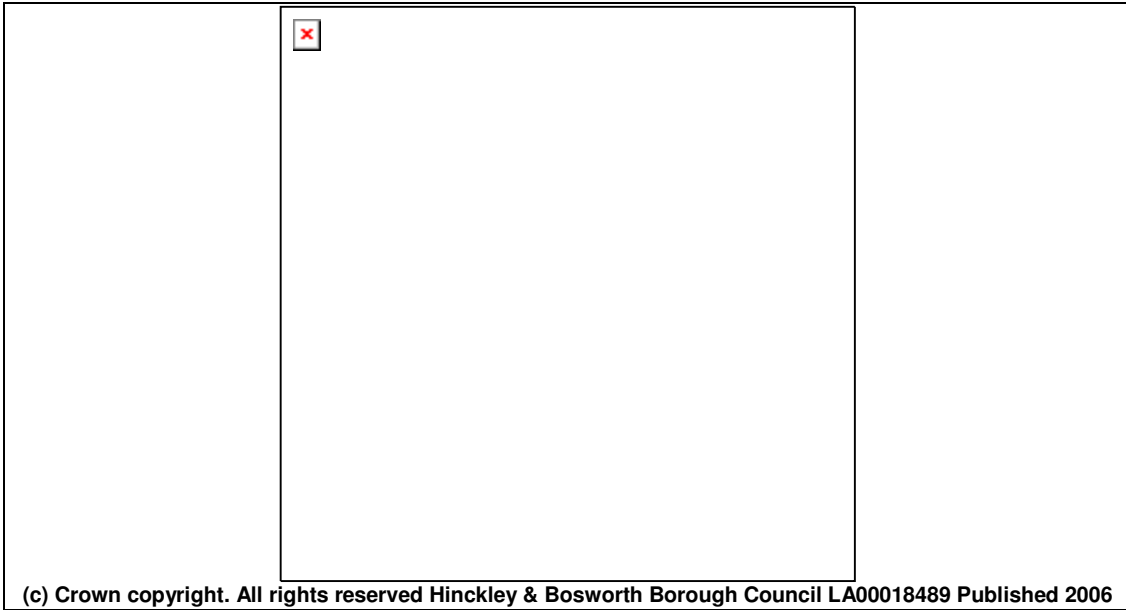
The application proposes 13 residential properties five facing on to New Street and the remaining 8 facing on to Rossendale Road. Fronting New Street are a detached two storey 3 bed property and a terrace of four two-storey properties. The application proposes a mixture of two and two and a half storey semi-detached and terraced properties facing on to Rossendale Road. Parking for all the proposed dwellings is located centrally and accessed from Rossendale Road.

The application has been accompanied by a Design and Access Statement and a Geo-Environmental Investigation Report. The Design and Access Statement states that the houses are to be of traditional appearance with general proportions and detailing that reflects, and is compatible with, the character and appearance of other properties in the area.

**History:-**

95/00920/FUL	Enclosure of Existing Loading Bay	Approved	29.01.96
98/00351/FUL	Extension to Factory	Approved	06.07.98





### Consultations:-

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

East Midlands electricity  
Severn Trent Water.

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

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

The Leicestershire Constabulary Crime Reduction Officer does not object to the proposal but states that each property will need to consider their own security from the street, lighting should be provided in the parking areas to allow natural surveillance from the properties, a symbolic barrier could be used to define public and private space and landscaping should be designed not to impede natural surveillance. The comments state that the proposed layout raises no major concerns and the layout of the parking provision is generally good.

Leicestershire County Council Developer Contributions have requested the following contributions:-

- a) The Director of Children and Young People's Service does not request a contribution as there is currently excess capacity in all sectors of education in the vicinity.
- b) The Group Manager of Environmental Management requests a contribution towards environmental improvements for Earl Shilton but states these cannot be formally requested until a policy is agreed.
- c) The Head of Commercial and Support Services requests a contribution of £750 in respect of the additional users of library facilities towards the costs of books, materials and other facilities.
- d) The Historic and Natural Environment Team recommend that the developer be required to incorporate bat bricks and boxes into the scheme and to plant native trees. Green corridors should be maintained and established and water and energy saving devices should be required.

- e) The Director of Highways, Transportation and Waste Management requests contributions towards Barwell Civic Amenity Site of £555.

The Primary Care Trust requests a total contribution of £11,667.

Neighbours have been notified and site and press notices posted. At the time of writing this report two responses have been received neither of which object to the proposal.

## **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.

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

### Local Plan

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

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

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

Policy EMP1c states that the Local Planning Authority encourage alternative uses subject to the appropriate design policies of this plan, on employment sites identified on the proposals map where environmental problems have, or are being experienced.

The Employment Land and Premises Study, commissioned by the Borough Council in 2003 recommends that the site is retained as an EMP1c designation. The study states that the site consists of outdated industrial buildings in a town centre location with limited commercial demand and poor access. Architecturally significant built form should be retained.

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 Earl Shilton as set out within the adopted Hinckley and Bosworth Local Plan. The site is classified as EMP1c therefore its redevelopment for alternative uses is encouraged. It is 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 13 dwellings on an area of 0.23 hectares. This equates to a density of 56 dwellings per hectare slightly above the PPS3 range of 30-50 dwellings per hectare but considered acceptable in a central location close to amenities and alternative transport choices.

### Layout and design

The application proposes properties facing onto both Rossendale Road and New Street with two parking courts accessed from Rossendale Road. The properties facing New Street have been positioned to reflect the existing building line. Amended plans have altered the design of the detached property to reflect the eaves and ridge levels of existing properties while the remaining plots have been designed in a terrace to reflect the predominant building form of New Street.

The proposed properties fronting Rossendale Road face the previously approved scheme, the telephone exchange and two bungalows. The design of these properties are a mixture of two and two and a half storey semi-detached and terraced properties reflecting the previously approved scheme. Amended plans have removed frontage parking.

Back to back separation distances within the site are in excess of 40 metres well exceeding the 25 metre requirement as set out in Supplementary Planning Guidance. Separation

distances are around 14 metres across New Street which reflects the relative positioning of the majority of the property along New Street. Rossendale Road is particularly wide with window to window separation distances exceeding 25 metres. The bungalows both have screening to their front gardens which will further maintain their privacy.

The majority of the gardens exceed requirements with the exception of plots 10 and 11, all properties also benefit from front gardens. It is considered that the scheme is acceptable in design terms following these amendments.

#### Parking and access

Plots 1 and 9 to 13 are served by the northern parking court and have two parking spaces available per property as required. The southern parking court provides 12 parking spaces for the remaining plots against a requirement of 14. The short fall of two spaces is not considered significant in this sustainable location. The parking is hidden from view and subject to natural surveillance from the properties. The proposed accesses are acceptable to highways subject to standard conditions. The applicant is willing to improve Rossendale Road to an adoptable standard. This will be controlled by condition as was the case with the previous application opposite the site.

#### Contributions

Contributions have been requested of £750 towards libraries and £555 towards civic amenity. County Council have requested a contribution towards environmental improvements in Earl Shilton but acknowledge that this cannot be formally requested until a policy is in place. The developer has stated that they consider the works to make Rossendale Road to adoptable standard to be a sufficient environmental improvement for the area. The Primary Care Trust have requested a total contribution of £11,667.

The site is around 400 metres from the informal open space at Wood Street 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.

#### Conclusions

The principle of residential use is considered acceptable given the sites sustainable location and the classification of EMP1c where alternative uses are to be encouraged. The design and layout of the scheme have been amended as requested to reflect the style of properties on New Street and remove frontage parking on Rossendale Road. While there is a shortfall of two parking spaces and some gardens fall short of standard it is considered that overall the application proposes an acceptable layout with design details which relate well within both street scenes.

**RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide financial contributions towards play and open space, libraries, civic amenity and primary care trust and subject to no further significant additional objections being raised by the end of the consultation period, the Head of Culture and Development be granted powers to issue Planning Permission subject to the conditions below. Failure to complete the agreement by the 31st August 2007 may result in the application being refused:-**

**SUMMARY OF DECISION** - The proposal is in conformity with Policies BE1, RES5, T5, EMP1(c), IMP1 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 This permission relates to the application as revised by amended plan 227/14/B, 227/09/C, 227/13/A and 227/10/A received by the Local Planning Authority on 17th July 2007
- 4 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 5 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 6 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.
- 7 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.
- 8 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.
- 9 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 10 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.
- 11 Before first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and shall be so maintained at all times.
- 12 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.

- 13 Both shared private drives shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the Highway boundary and have 4 metres kerbed radii at their junction with the adopted road carriageway. The access drives once provided shall be so maintained at all times.
- 14 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.
- 15 Before first use of the development hereby permitted, visibility splays of 2.4 metres by 70 metres shall be provided at the junction of the access with Rossendale Road. 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.
- 16 Prior to the occupation of the dwellings hereby permitted an approximate section of Rossendale Road, as hatched blue on the attached plan (dated \*\*\*\*) shall be made up to an adoptable standard unless otherwise agreed in writing by the Local Planning Authority.
- 17 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 18 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - (i) boundary treatments
  - (ii) hard surfacing materials
  - (iii) planting plans
  - (iv) written specifications
  - (v) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - (vi) implementation programme.
- 19 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

#### **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 and Bosworth Local Plan.

- 3 To define the permission.
- 4 To ensure the safe development of the site and to protect amenities of future occupiers of the development to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure the safe development of the site and to protect amenities of future occupiers of the development to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure satisfactory provisions are made for the drainage of the site
- 7 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 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 T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.
- 11 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 12 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.
- 13 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 14 To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 15 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 16 In the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 17 To define the permission and for the avoidance of doubt.
- 18 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley and Bosworth Local Plan.
- 19 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley and Bosworth Local Plan.

## Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (01530 262380)
- 4 There will be a requirement to seek the imposition of a T.R.O waiting restriction to be provided across the sites frontage to Rossendale Road and Rossendale Road's junction with Hinckley Road. If the T.R.O can not be imposed due to objections this will not affect your ability to development the land and the T.R.O will be dismissed.
- 5 In relation to condition 4 and 5 advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

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

**Item:** 06

**Reference:** 07/00674/OUT

**Applicant:** Demontfort Property Co Ltd

**Location:** 5 Lutterworth Road Burbage Hinckley Leicestershire LE10 2DJ

**Proposal:** DEMOLITION OF EXISTING DOMESTIC DWELLING AND ERECTION OF EIGHT ONE BEDROOM RESIDENTIAL FLATS WITH ASSOCIATED CAR PARKING

## Introduction:-

This is an outline application for the demolition of an existing two-storey detached dwelling and the erection of 8No. new one bedroomed apartments with associated parking. This application seeks approval of access and siting only with all other matters reserved. The plot measures 0.078 hectares and is located close to the centre of Burbage in a prominent position. There are residential properties to the north and south, Burbage Liberal Club to the west and an MOT/car repair garage to the east.

The design and access statement submitted with the application states that the proposal seeks to create an attractive building that will form a focal point at the end of Church Street when approaching from the north and enhance the character and appearance of the village at this prominent location. By providing off-street car parking to the rear along with shared amenity areas, the visual impact of the parked car will not be detrimental to the street scene and will offer secure and safe facilities for the future occupiers. The access has been located along the north eastern boundary in order to allow maximum visibility for vehicles entering and leaving the site.

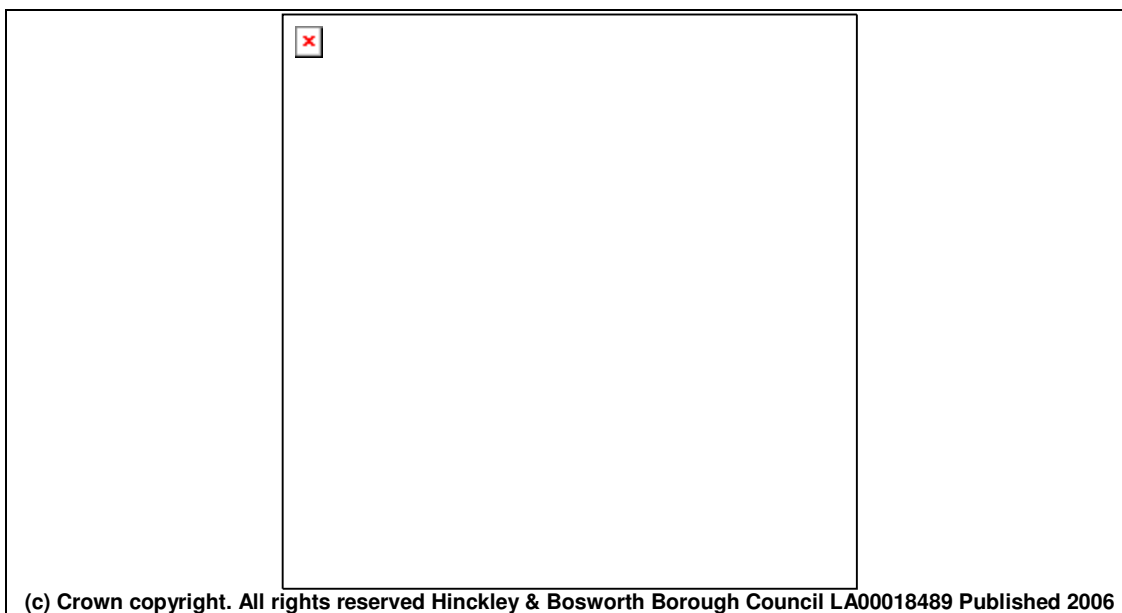


## History:-

07/00175/OUT Demolition of Existing Dwelling  
and Residential Development with  
Associated Parking

Withdrawn

03.04.07



## Consultations:-

No objection has been received from the Environment Agency.

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

Severn Trent Water Limited  
Borough Council's Land Drainage Engineer.

Director of Highways, Transportation and Waste Management (Highways) has no objection subject to standard conditions but comments that a higher level of off-street parking would be expected.

Head of Health and Environment (Waste Management) comments on the requirement for refuse and recycling facilities to be provided within the site and recommends that these should be at the front of the development.

No response has been received at the time of writing this report from Burbage Parish Council.

Neighbours notified, five letters of objection received raising the following issues:-

- a) Road safety
- b) increase in traffic on a double bend
- c) site access too narrow and dangerous
- d) out of keeping with the centre of the village
- e) may lead to other similar development
- f) loss of privacy
- g) additional traffic noise
- h) overdevelopment.

## Development Plan Policies:-

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

Policy BE1 of the adopted Local Plan seeks to secure attractive development and to safeguard and enhance the existing environment. Development should: complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features; incorporate landscaping to a high standard; ensure adequate highway visibility for road users and adequate provision for on and off street parking for residents and visitors together with turning facilities; not be adversely affected by activities within the vicinity of the site that are likely to cause a nuisance to the occupiers of the proposed development; not adversely affect the occupiers of neighbouring properties.

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

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

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

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

### **Appraisal:-**

The existing dwelling is of no particular architectural merit therefore demolition and residential redevelopment of this "brown field" site within the settlement boundary of Burbage is considered acceptable in principle, subject to the siting, design, density, scale and layout not being in conflict with the relevant plan policies.

The proposal is for one large building providing 8No. one bedroom apartments and equates to a density of 103 dwellings per hectare which is higher than the Government guidance of between 30 - 50 dwellings per hectare contained in Planning Policy Statement 3 but not considered to be unacceptable in this centre of settlement location for this type of development. Whilst the design and scale of the proposed building is to be considered as a reserved matter, the design statement recognises the scale of surrounding buildings and indicates that a two storey building would achieve the proposed level of accommodation. The site is in a prominent location forming a focal point at the end of Church Street when viewed from within the Burbage Conservation Area and a building of quality with attractive features would enhance the character and appearance of this part of the village.

The proposed access has been located along the boundary adjacent to the commercial garage in order to achieve maximum highway visibility for vehicles entering and leaving the site and to minimise the impact of additional traffic in this location. The proposed building has therefore been sited further to the south west than the existing house and is set back from the highway by between 1 metre and 6 metres roughly in line with the front elevation

of the existing dwelling and has a footprint of 16 metres by 15 metres. It is between 9 metres and 15 metres from the adjacent commercial garage with two vehicular accesses between them. The two and a half storey side gable on the dwelling to the north on the opposite side of Lutterworth Road is at a distance of 15 metres and is on a higher ground level and at an angle. The nearest dwelling to the south is two storey and at a distance of 17 metres and has no habitable room windows on the side elevation facing the site, other dwellings in Library Close are over 30 metres away and there is some mature planting on the rear boundary to the site that will help to screen the development. The nearest elevation of the Liberal Club to the east is at a distance of 18 metres and there is a car parking area in the space between. The position of the access and the siting of the building is therefore considered to be acceptable and achieves minimum separation distances to existing residential properties. Despite representations made by the occupiers of neighbouring dwellings, the proposed development is not considered to have an unduly detrimental impact on any residential privacy or amenity. Details of the provision of cycle storage, refuse and recycling facilities will be required by a reserved details condition.

The Highway Authority has confirmed that they have no objections to the current proposals subject to standard conditions but comment that they would have expected a higher level of off-street car parking provision. The layout provided demonstrates that adequate amenity and turning facilities together with 100% off-street car parking can be provided within the curtilage of the site. Whilst this is less than the 150% normally required, the site is within walking distance of community/retail facilities and public transport routes and the proposal relates to one bedroomed apartments therefore it is not considered that a refusal of the application could be sustained on these grounds.

As no public play and open space has been provided within the site, a financial contribution of £8,867 (£1241 X7) towards the provision and maintenance of informal public play and open space will be required in line with policy REC3 of the adopted Hinckley and Bosworth Local Plan, the Council's Play and Open Space Guide together with the objectives of both the adopted Green Space Strategy and recommendations of the Parish Open Space Quantity/Accessibility Audit 2005.

### Conclusion

The use of the site for residential development is acceptable in principle subject to approval of reserved matters including scale and design. The Highway Authority do not object to the current proposal. The layout provided on the approved plan is considered to demonstrate that the proposed apartment building can achieve minimum standards of distances between existing dwellings, provide adequate residential amenity and parking and turning facilities.

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

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

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:

- i) The scale of the building proposed in relation to its surroundings.
- ii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
- iii) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

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

3 The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.

- i) The external building materials
- ii) The method of disposal of surface and foul water drainage, which shall be on separate systems
- iii) The existing trees and hedges on the site, which are to be retained
- iv) The provision to be made for screening by walls and fences
- v) The floor levels of the proposed building in relation to the existing ground level and the finished levels of the site.
- vi) The provision to be made for cycle storage and refuse and recycling facilities.

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

4 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.

5 Before first occupation of the development hereby permitted, off-street car parking and turning facilities shall be provided within the site in accordance with the details shown on the approved plan. The parking area shall be surfaced and marked out prior to the development being brought into use and shall be so maintained at all times thereafter.

6 Notwithstanding the details submitted on the approved plan, before first occupation of the development hereby permitted, the access drive shall be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 7 metres behind the highway boundary and shall be so maintained at all times thereafter.

7 Notwithstanding the details submitted on the approved plan, before first occupation of the development hereby permitted, the vehicular access to the site shall be provided with 4 metre controlled radii on both sides of the access.

8 Notwithstanding the details submitted on the approved plan, before first occupation of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided 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 control of the applicant.

9 Notwithstanding the details submitted on the approved plan, the vehicular access shall have an effective width of a minimum of 4.8 metres for a distance of at least 5 metres behind the highway boundary and once provided shall be so maintained at all times thereafter.

- 10 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 7 metres behind the highway boundary and shall be hung so as to open inwards only.
- 11 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.

**Reasons :-**

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 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 the adequate provision of public play and open space within the vicinity of the site to accord with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the Council's Play and Open Space Guide.
- 5 To ensure that adequate off-street car parking and turning facilities are available within the curtilage of the site and to ensure that vehicles may enter and leave the site in a forward direction in the interests of road safety to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6 To reduce the possibility of deleterious material (loose stones etc) being deposited in the highway causing danger to road users to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 7 To enable vehicles to enter and leave the site in a controlled manner and in the interests of general highway safety to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 8 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.
- 9 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and in the interests of highway safety to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 10 To enable a vehicle to stand clear of the highway to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 11 To reduce the possibility of surface water from the site being deposited in the highway causing danger to road users.

**Notes to Applicant:-**

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

advised to contact the Building Control Section.

- 3 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (01530 262380)
- 4 In respect of Condition 4, a financial contribution of £8687 is required towards the provision and maintenance of informal public play and open space within the vicinity of the site.
- 5 In respect of the drainage of the site, surface water should be managed by sustainable methods, preferably those which disperse run-off by infiltration (i.e. soakaways and pervious paving etc) subject to satisfactory ground strata permeability.
- 6 This outline planning permission relates to the erection of 8No. one bedroomed apartments and the level of parking provision within the curtilage of the site reflects the size of the accommodation proposed. The Local Planning Authority may require an increase in the parking provision within the site should any change in the size of the units be proposed.
- 7 In relation to Condition 3, the Local Planning Authority considers that there is a need for some form of acoustic barrier to the side boundaries of the site rather than the standard 1.8 metre high close boarded fence indicated on the submitted plan.

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

**Item:** 07

**Reference:** 07/00683/FUL

**Applicant:** Mr Steve Cresswell

**Location:** Land To The Rear of 130 - 136 Newbold Road Barlestone  
Leicestershire CV13 0DT

**Proposal:** ERECTION OF FIVE DETACHED BUNGALOWS WITH ASSOCIATED  
ACCESS

**Introduction:-**

This application is for the erection of five detached bungalows with associated access at land to the rear of 130 - 136 Newbold Road, Barlestone. The site is located on the south side of Newbold Road, approximately 600 metres east of the junction with Meadow Road. The site measures approximately 3,400 metre and is accessed from Newbold Road. The site is bounded to the north by residential, to the east by a paddock with agricultural land beyond and to the south and west by agricultural land.

The site itself is roughly rectangular in shape with an access to the northeast corner. It currently comprises a large concrete base to the west of the site with the remainder of the site a mixture of grass and hardstanding. There are existing hedges to the northern, eastern and southern site boundaries, with a further hedge approximately 10 metres from the western site boundary.

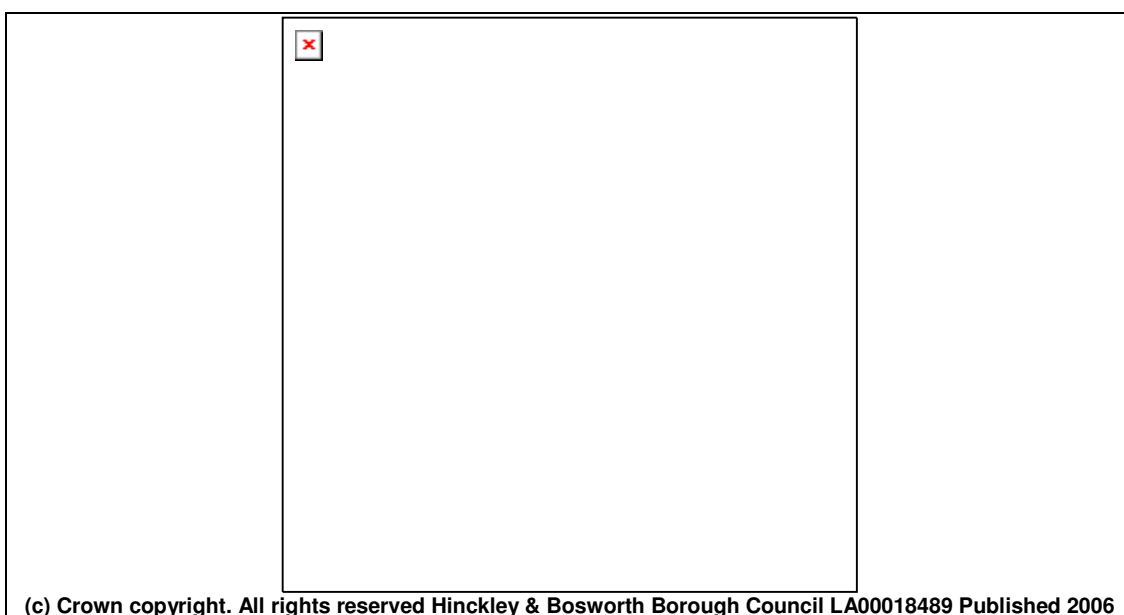
The application proposes five dormer bungalows of near identical design with detached double garages. The dwellings will be arranged in a horseshoe shape. Plot 1 will occupy the eastern half of site and plots 4 and 5 the western half, all of which will be orientated east to west. Plots 2 and 3 will occupy the remaining southern end of the site and will be orientated north to south. All five dwellings will face onto a central block paved turning

area, with a landscaped area to the south. Further landscaped areas are proposed to the north of plot 1, adjacent to the proposed access. All five dwellings will have gabled roofs, with plots 1 and 3 having hipped dormers and single storey front projections and the remained having gabled dormers and single storey front projections. Plot 2 will have a hipped roof garage, with the remaining garage having gabled roofs.

A design and access statement has been submitted in support of the application states that the proposals comprise a high quality landscaped development of 5 dwellings with a style of chalet bungalows which will minimise the height impact to neighbours yet maximise the use of the loft space. The details go on to state that the proposed development has been formed from that of the previous application which has now lapsed, with the benefit of a full site boundary as the original plan was based on an inaccurate ordnance survey data, which resulted in the previous permission expiring. In relation to car parking and transportation the details state that the application seeks to avoid a car dependant development but still provide sufficient car parking spaces to avoid on-street parking. As such, the application proposes 1.5 parking spaces per dwelling in line with national guidance. The turning area proposed is described as being large enough to serve refuse collection and emergency service vehicles.

**History:-**

06/01321/FUL	Erection of 5 detached bungalows (resubmission of 00/01172/FUL)	Withdrawn	14.05.07
00/01172/FUL	Erection of five detached dwellings Allowed	Appeal	04.04.01
99/00092/REM	Erection of five single storey dwellings	Approved	23.06.99
98/00634/OUT	Renewal of consent 91/00001/OUT to erect five single storey dwellings	Refused	09.12.98
96/00001/OUT	Erection of five single storey dwellings	Approved	07.02.96
93/00994/COU	Change of use to light industrial (B1)	Approved	02.02.94



**Consultations:-**

Two letters of objection have been received from local residents raising concerns regarding highway visibility and public safety.

Barlestone Parish Council have raised questions regarding vehicular access to the site, drainage and clarification as to which 'town' and 'market' the design and access statement is referring to. Further comments are to be provided following the next Parish Council meeting.

The Borough Council's Waste Minimisation and Education Officer states that the proposed private drive will need to be constructed to take a 26 tonne gross vehicle weight if the recycling and refuse vehicles are to use it; otherwise residents will need to bring their wheeled bins/containers to the main boundary footpath.

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

Head of Health and Environment  
The Borough Council's Drainage Engineer  
Site Notice.

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

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

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

Policy EMP1(c) categorises the site as one where the Local Planning Authority should encourage alternative uses subject to the appropriate design policies. These are site where environmental problems have, or are being experienced. However, the Employment Land and Premises Study completed in 2004 states that the site should be retained for employment in its entirety and should be moved from a category EMP1(c) to category EMP1(b) site with 100% retained for employment. Category EMP1(b) states that proposals for alternative uses should be considered on their merits in the context of the appropriate design policies of the local plan. These sites are generally considered to be acceptable employment locations and are indicated on the proposals map.

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

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

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

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



## **Appraisal:-**

### Principle

The site is within the settlement boundary on a brownfield site where policy RES5 allows for residential development, subject to compliance with other relevant policies. The site is also allocated as an employment site. The Local Plan classified the site as a category 'c' site where alternative uses should be encouraged. Whilst the Employment Land and Premises Study conducted in 2004 recommends 100% of the site be retained for employment, the principle of residential development for five bungalows was established with granting of planning permission in 1996 and further with the allowed appeal for dormer bungalows, nearly identical to the current scheme, in 2001. As such, it is not considered that there is a justification for retention of the site for employment use. There has been a material commencement of the 1996 permission, which remains extant. Whilst attempts were made to make a material commencement of the 2001 dormer scheme, the foundations were found to not be in accordance with the approved plans. As such, no material commencement has occurred. The current application, in effect, proposes the same scheme with alterations to the siting of the proposed dormer bungalows. As such, it is considered that the principle of residential development has already been established.

### Density

National and regional policy seeks a density of between 30 and 50 dwellings per hectare for all new residential developments to promote the better use of land. The application site measures approximately 0.34 hectares, to develop this at the lower end of the recommended density would result in a scheme for 10 dwellings and at the higher end would result in a scheme for 17 dwellings. The proposed development of 5 dwellings would result in a density of 14.7 dwellings per hectare. This is considerably lower than the recommended density. However, it is considered that the form and character of the surrounding area should be reflected in any new residential development and there are large spacious development in the vicinity of the site. In addition, the improvements that have previously been approved in respect of the access are acceptable for 5 dwellings; a development of more than 5 dwellings may result in concerns. As such, due to the character of the surrounding area, concerns regarding use of the access to serve more than 5 dwellings, the extant permission and the 2001 appeal decision the proposed density is considered acceptable.

### Siting and Design

The siting of development is similar to that previously approved by the 2001 appeal decision. The main differences in this application relate to relocating plots 1 and 2 approximately 5 metres to the west. Plot 5 and its detached double garage will both be 2 metres closer to no.'s 128 and 130 Newbold Road. However, the proposed garage will be at a distance of 17 and 16 metres, respectively, against a standard of 12 metres, and the proposed dwelling will be at a distance of 24 and 23 metres respectively, against a standard of 14 metres. In addition, there is mature screening to the boundary. As such, this relationship is considered acceptable. There are further minor amendments to the exact positioning of the buildings across the remainder of the site; it is considered many of these result from the plans being based on a more accurate site survey. Excluding the amendments to plot 5 discussed above, none of the other alterations to the siting of the proposed development will have a greater impact on any of the adjacent dwellings or the surrounding countryside.

The design of the proposed dwellings mirrors, almost exactly, that approved in the 2001 appeal. The only perceivable differences are that the chimneys to all dwellings have been removed and the detached garage to plot 2 now has a hipped rather than gabled roof.

Whilst the proposed dwellings have limited architectural features, they do mirror those previously approved. However, it is considered that the removal of the previously approved chimneys adversely impacts upon the design. Amended plans have been requested from the applicant to include chimneys on all proposed dwellings and will be reported as a late item. In addition, the submitted proposed block plan displays three dwellings with gabled dormers, two with hipped dormers and one garage with a hipped roof with the remaining four with gabled roofs. However, the submitted plans only show elevations with hipped dormers and a hipped garage roof. In addition, the red edge on the existing site block plan differs from the remaining plans submitted with the application. Clarification has been sought from the applicant and will be reported as a late item. Subject to clarification of the above issue and the receipt of amended plans the design of the proposed dwellings is considered acceptable.

### Highways

Comments are awaited from the Highway Authority and will be reported as a late item. However, the previous permissions on this site were for the same number of dwellings. Although concerns have been raised regarding access to the site, there is a former industrial use, an extant permission for 5 dwellings and an appeal decision where, access was considered acceptable. Whilst the applicants design and access statement indicates that 1.5 spaces per dwelling will be provided, each dwelling has a double garage with space for parking two cars in front. The Local Plan standard for 2 bedroom dwellings is a maximum of 2 spaces per dwelling. When providing a double garage there will almost always be capacity for 2 parking spaces in front. Given the rural location of the application site and the low density discussed above the proposed parking is considered acceptable.

### Financial Contributions

The application proposes 5 residential units. Due to the small scale of the development it is not possible to provide on site open space. However, the site is not within 400 metres of any informal open space. As such, under policy REC3 of the adopted Local Plan and the adopted Supplementary Planning Guidance on Play and Open Space a play and open space contribution cannot be sought.

### Other Considerations

Concerns have been raised regarding drainage and details within the submitted details. Clarification has been sought from the applicant regarding which 'town' and 'market' is referred to in the design and access statement. Comments are awaited from the Borough Council's Drainage Engineer. However, from the previous applications it is considered that suitable drainage will be secured by condition. Drainage will also be considered further through the building control process. Clarification has been sought from the applicant regarding the proposals for the collection of waste and recycling.

### Conclusion

The principle of the erection of 5 dormer bungalows on this site has already been established. This application proposes minor alterations to the scheme previously approved at appeal. It is not considered that any of the alterations will have an unacceptable impact to either the adjacent residents or the countryside. Whilst concerns have been raised regarding the access, this matter has previously been considered acceptable, circumstances have not materially changed. As such, subject to the receipt of amended plans and to conditions, the proposed development is considered acceptable.

**RECOMMENDATION :- That subject to no significant additional objections being raised by 8th August 2007 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 Policies BE1, RES5, NE12 and T5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 This permission relates to the application as revised by amended plan \*\*\*\* received by the Local Planning Authority on \*\*\*\*.
- 3 The external elevations of the proposed dwellings shall be constructed in the following materials, unless otherwise agreed in writing with the Local Planning Authority following the submission of representative samples of the types and colours of materials:
  - a) External brickwork – Istock Dorset Red Stock
  - b) Soldier Courses – Leicester Multi Yellow Stock
  - c) Roofing Materials – Marley Plain Grey Tiles
  - d) Windows – UPVC in oak finish
  - e) Rain Water Goods – Black Plastic OGEE Finish
- 4 Notwithstanding the submitted details, 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.
- 5 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.
- 6 The proposed ground levels and finished floor levels shall be implemented in accordance with approved plan \*\*\*\* submitted to the Local Planning Authority on \*\*\*\*.
- 7 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no window other than those approved under this permission shall be inserted into the north elevation of plot 5, unless otherwise agreed in writing with 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 boundary treatment shown on approved plan \*\*\*\* submitted to the Local Planning Authority on \*\*\*\* shall be implemented before any of the dwellings hereby approved is first occupied.
- 10 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.
- 11 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.

- 12 Notification of the commencement of development should be given in writing not less than 14 days before development commences.
- 13 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.
- 14 No development shall commence until details of the proposed access road, including its width surfacing, any gates and pedestrian visibility splays, have been submitted to and approved in writing by the Local Planning Authority. The access road shall be implemented in accordance with the approved details prior to the occupation of any dwelling hereby approved and shall remain permanently available for use thereafter.
- 15 Prior to the first residential occupation of any dwelling hereby approved car parking provision shall be made within the curtilage of the each dwelling for 2 spaces. 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.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 4 To enhance the appearance of the development to accord with policy BE1 and NE12 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 and NE12 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property, to accord with policies BE1 and RES5 of the adopted Hinckley and 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 ensure that the development is not detrimental to the privacy and amenity of the neighbouring property and to enhance the appearance of the proposed development, to accord with policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 10-13 To ensure that the site is not contaminated and to safeguard the health of future occupiers to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 14 In the interests of highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 15 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 4 In relation to Condition 4 the hard surfacing should incorporate permeable paving as part of a sustainable drainage system (SUDS).

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

**Item:** 08

**Reference:** 07/00690/COU

**Applicant:** A L Lain & Son

**Location:** Gopsall Hall Farm Gopsall Estate Twycross Atherstone  
Leicestershire

**Proposal:** CARAVAN AND CAMPSITE

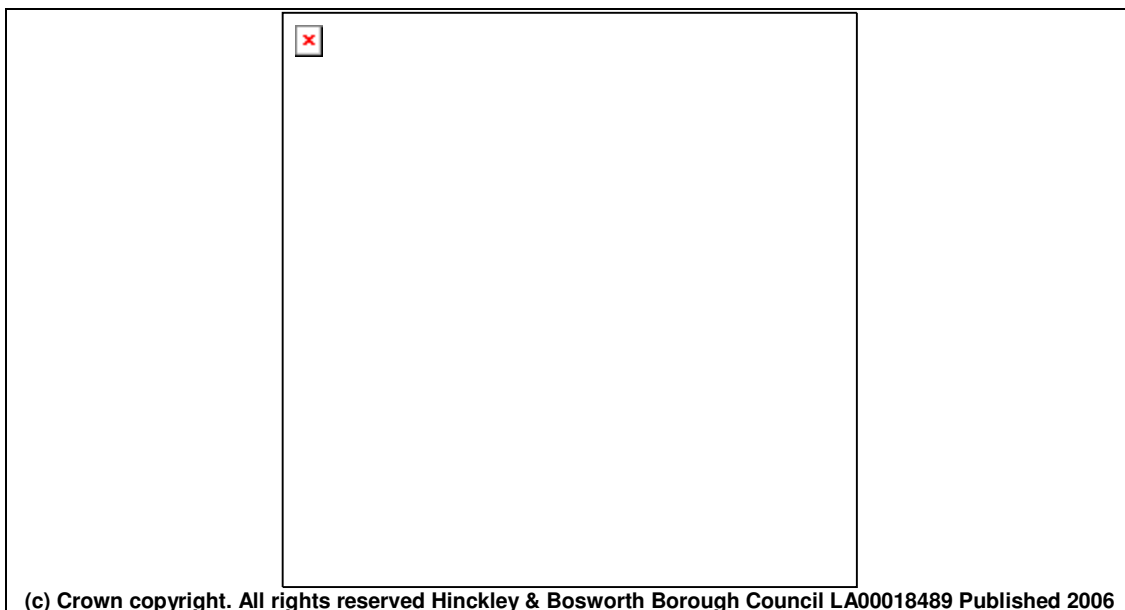
**Introduction:-**

This is a change of use application for a caravan and campsite which was subject of a temporary planning consent which expired on 25th December 2006. The site is located in the open countryside near the village of Congerstone and the access track to the site runs between Gopsall Road, Congerstone and Ashby Road, Twycross. There is screening to the north, west and east of the site, with the existing farm buildings of Gopsall Hall Farm to the west, providing further screening to the open countryside. The outlook to the south is open with views over the countryside and the Gopsall Hall Monument.

The site has had temporary planning permission for a caravan and campsite dating back to 2000 (00/00634/COU). This consent has been renewed every two years for no more than 20 caravans and 30 tents at any one time. This application is to permanently change the use of the land to a caravan and campsite for 48 caravans and 15 tents.

**History:-**

06/01257/COU	Caravan and campsite	Withdrawn	22.01.07
04/01096/COU	Renewal of consent 02/01132/COU for a carvan and camping site	Approved	10.11.04
03/00730/FUL	Reinstatement of pond	Approved	12.06.07
02/01132/COU	Caravan and camping site	Approved	26.11.02
00/00634/COU	Change of use to caravan and camping site	Approved	25.08.00
00/00262/COU	Change of use to caravan and camping site	Withdrawn	30.06.00
95/00611/COU	Change of use to storage of caravans	Approved	20.09.95
94/00408/COU	Change of use of land for storage of caravans	Approved	06.07.94



**Consultations:-**

No objections have been received from :-

- The Environment Agency
- Environmental Health Services
- The Borough Council's Land Drainage Engineer
- The Director of Environment and Heritage Services (Archaeology), subject to no groundworks being undertaken.

The Director of Highways, Transportation and Waste Management (Highways) object to the proposal:-

- a) Highway safety
- b) Increase in traffic movements.

No response has been received from :-

Neighbours  
Norton Juxta Twycross Parish Council.

Site Notice posted and no comments received.

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

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

#### Local Plan Policy

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

Policy 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 REC24 seeks to support caravan and camping in the countryside subject to the protection local wildlife, sites of archaeological interest and the proposal should not contrary to other policies within the Local Plan, particularly environmental and highway considerations.

### **Appraisal:-**

#### Principle

The site lies within the open countryside. The principle of the site being used for a caravan and campsite is acceptable due to its location in the open countryside in relation to local tourism interests.

#### Layout and Landscaping

The site proposed has a similar layout as the temporary permission with the only difference being the number of caravans proposed. The temporary permission gives approval for 20 caravans and 30 tents and this application is for 48 caravans and 15 tents. There is sufficient screening to the north, east and west provided by tree planting, the southern outlook provides views of the attractive countryside, as the open view to the south gives the site a more undeveloped and open appearance which adds to the appeal of this location for

those visiting the site, but equally does not detrimentally affect the visual amenities of this rural location.

### Highways

The access from Ashby Road has been substantially improved since the temporary permission was granted but the proposal being considered more than doubles the number of caravans visiting the site which would greatly increase the potential dangers to traffic movements by vehicles turning into the site, detrimental to highway safety. The Highways Authority object to the proposal as there would be an unacceptable increase in the volume of traffic in a location remote from main development, lacking street lighting, separate footway facilities and where traffic speeds are generally high. The Highway Authority have requested a Traffic Impact Assessment be submitted to address the issues mentioned, this assessment may be sufficient to overcome the issues raised by Highways.

### Conclusion

The principle of the site being used as a caravan and campsite is acceptable in terms of policy REC24 and this is reinforced by the Good Practice Guide on Planning for Tourism issued by the Department for Communities and Local Government, but the impact on the highway network and safety is unacceptable at the present moment without justification to the contrary and is therefore against policy. It is therefore recommended that the application be refused.

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

- 1 In the absence of a Traffic Impact Assessment, the Local Planning Authority is unable to fully assess the full impact of the development on the highway network. To permit the development therefore would not be in the interests of Highway safety contrary to policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

### **Notes to Applicant:-**

- 1 Resubmission of this application with a Traffic Impact Assessment addressing the issues raised by Highways may be considered more favourably by the Local Planning Authority.

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

**Item: 09**

**Reference: 07/00713/FUL**

**Applicant: Chase Homes Plc**

**Location: Land At Rear of 49 Newstead Avenue Burbage Leicestershire LE10 2JA**

**Proposal: DEMOLITION OF EXISTING GARAGES AND NURSERY BUILDINGS AND ERECTION OF EIGHT DWELLINGS AND ASSOCIATED PARKING**

### **Introduction:-**

This is a full application for the erection of eight detached dwellings on the site of Three Pots Nursery at Newstead Avenue, Burbage. The site includes the nursery, adjacent caravan storage area and garage court and is to be accessed via the existing nursery



access from Newstead Avenue. The site is surrounded by established residential properties on all sides.

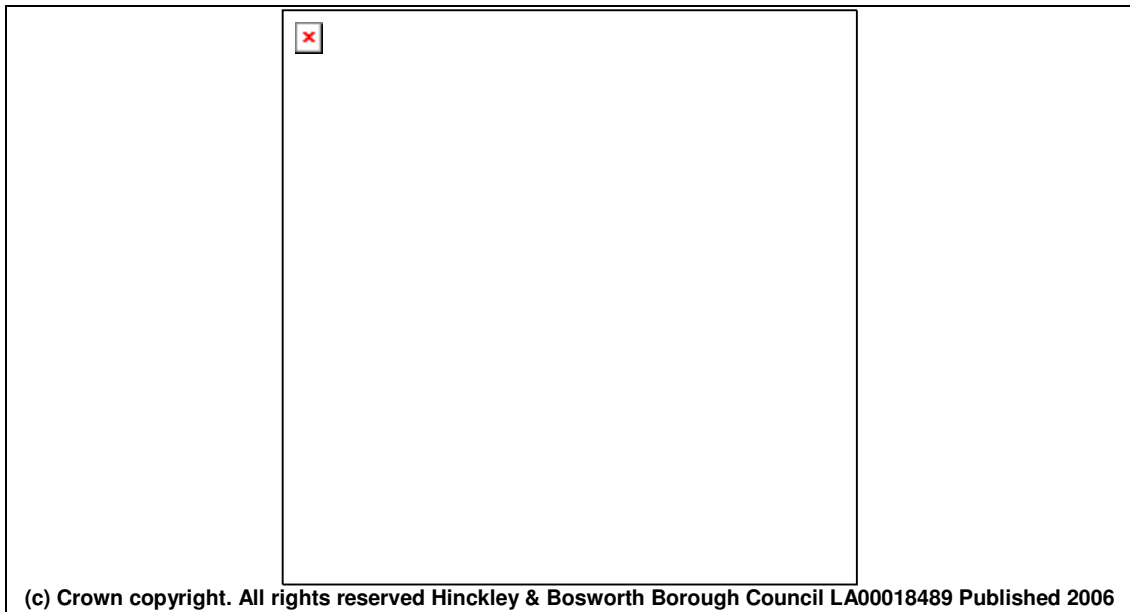
The application proposes the demolition of a detached garage at 49 Newstead Avenue to allow the creation of a wider access and the erection of a replacement garage to the rear of no. 49. The existing garages and nursery buildings are to be demolished and eight detached properties proposed. The proposed properties are all of individual design with front projecting gables and eaves level timber detailing as common features.

The surrounding properties are predominantly inter war semi-detached dwellings with hipped roofs, many have been extended to the side or rear.

The application has been accompanied by a Design and Access Statement and a Transport Statement. The Design Statement states that the intention is to design a group of buildings which enhance the site and compliment the local area by responding to local contextual constraints.

**History:-**

86/1168/4	Permanent permission to store caravans	Approved	23.12.86
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**Consultations:-**

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

The Director of Highways, Transportation and Waste Management (Highways)  
Severn Trent Water Limited  
Director of Environment and Heritage Services (Archaeology).

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

The Head of Health and Environment  
The Environment Agency.

Neighbours have been notified. At the time of writing this report 5 letters of objection have been received on the following grounds:-

- a) Erection of property on the boundary of existing houses
- b) Proposed dwelling is disproportionate to the space available
- c) Local schools are full
- d) Burbage is over populated with new build
- e) Proposal is not in keeping with the village
- f) Impact on outlook and privacy from surrounding neighbours
- g) Congestion from additional traffic
- h) Additional noise from properties
- i) Existing boundary screen should be protected
- j) Loss of sunlight to neighbouring gardens
- k) Impact on neighbouring property values
- l) Increased access leading to increased risk of crime.

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

#### National Policy

Planning Policy Statement 3 - Housing encourages the use of previously developed land within urban areas in preference to the development of greenfield sites for housing. This statement sets out 30-50 dwellings per hectare as guidance.

#### Structure Plan

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

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

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

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

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

#### Local Plan

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

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

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

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

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

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

The Burbage Design Statement (2006) defines Newstead Avenue as part of zone three which covers Rugby Road to the western settlement boundary and more specifically as part of the Three Pots Estate. The statement describes the area as being developed between the 1920s to 1950s with a mixture of dwellings with large back gardens. The tree lined roads are listed as being an important feature of the area.

## **Appraisal:-**

### Principle

The site is located within the settlement boundary of Burbage and is surrounded by existing residential development. The site would be classified as brownfield under annex B of PPS3. Residential redevelopment is therefore considered acceptable in principle.

### Density

The site covers approximately one third of a hectare therefore the proposal equates to a density of 24 dwellings per hectare (dph). This is below the indicative minimum density of 30 dph set out in PPS3 however given the long and narrow nature of the site it is considered that further dwellings would be difficult to accommodate without compromising separation distances. The character of the surrounding area is also generally low density.

### Layout and Design

The site is surrounded by existing residential properties with long rear gardens. All the proposed dwellings are in excess of 25 metres from existing properties therefore overlooking is not considered to be a concern. Further to this, the properties have been positioned to predominantly have side elevations facing neighbouring properties with limited fenestration to these elevations.

Plot 1 has been positioned to the head of the access drive to provide a visual end stop and to create a feature when viewed from Newstead Avenue. The rear of the property faces towards Brockhurst Avenue however the separation distance at this point is around 29 metres and the property has been designed with only ground floor windows and rooflights to the rear.

All plots include garages, parking spaces and rear gardens in accordance with adopted Supplementary Planning Guidance. Separation distances within the site are a minimum of 22 metres between the rear of plots two and three and a minimum of 20 metres between the front of plots four and five. As these are all within the site the proposed layout is considered acceptable.

The properties have all been designed individually. Plot 1 includes a double height bay window as a feature at the head of the access, plot 2 along side the access has been designed with a dual aspect including dummy windows to add interest. Properties to the rear of the site include front gable projections and integral garages as common design features. The relative positioning of properties to the rear of the site have been amended to improve the relationship of plots 6 and 7 and to add additional parking. A number of the properties and detached garages have feature eaves level timber detailing as a common theme.

### Landscaping

The eastern part of the site which is currently occupied by the nursery is bounded by conifers on three sides which will help screen the site from neighbours. The site only contains trees planted as part of a nursery display and are not considered to warrant protection. Concerns have been raised regarding the proximity of a poplar tree in a garden adjacent to plot 1. The impact of the proposed dwelling on the tree is not a planning consideration but a note to applicant (note 5) will recommend that the applicant speaks to the owner of the tree before work commences.

### Access

While formal comments from the Director of Highways, Transportation and Waste Management (Highways) are awaited, the existing access which serves the garages, caravan store and garden centre is proposed to be widened to 4.8 metres in width by demolition of an adjacent garage. The access is then considered likely to be acceptable in highways terms. The formal comments will be reported as a late item.

The access runs in between two properties one of which is in the ownership of the applicant. The other property, no. 51, will have experienced existing traffic levels using the garages, caravan store and nursery. It is considered that the proposed residential properties may well lead to a reduction in use and a reduction in impact. The property is also separated from the access by a single storey attached garage. Notwithstanding this, part of the landscaping scheme (condition 6) requires submission of acoustic screening details to reduce the impact on the garden of properties adjoining the access.

The applicant has submitted information which states that none of the existing garages are used for vehicle parking. Those currently in use are used for storage and therefore their loss will not lead to increased on street parking in Newstead Avenue. The existing parking on Newstead Avenue is a mixture of on street and frontage parking.

### Contributions

The site is around 100 metres from the informal open space at Colts Close 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.

While the impact of the additional dwellings on local amenities and facilities has been raised as a concern contributions are only sought from developments of 10 or more dwellings.

### Conclusion

The proposed development exceeds the required separation distances from surrounding properties and, following amendments, proposes properties of high individual design. While highways comments are awaited it is considered that the proposal is likely to be acceptable on these grounds.

**RECOMMENDATION:- That subject to no further significant objections being raised by the end of the consultation period, the Head of Culture and Development be granted powers to issue planning permission subject to the conditions below: -**

**SUMMARY OF DECISION** - The proposal is in conformity with Policies BE1, RES5, REC3, 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 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.
  
- 3 This permission relates to the application as revised by amended plan 776/03/D and 776/07/D received by the Local Planning Authority on 17th July 2007.
  
- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - (i) proposed finished levels or contours
  - (ii) means of enclosure
  - (iii) hard surfacing materials
  - (iv) lighting to access and drive
  - (v) planting plans
  - (vi) written specifications
  - (vii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - (viii) implementation programme.
  
- 5 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.
  
- 6 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.
  
- 7 None of the proposed dwellings shall be occupied until works for the disposal of surface water and foul water have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**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 and Bosworth Local Plan.
- 3 To define the permission.
- 4&5 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.
- 6 To ensure the provision of Play and Open Space to accord with policies of REC3 of the adopted Hinckley and Bosworth Local Plan.
- 7 To safeguard the capacity of the foul sewer.

**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 applicants attention is drawn to the Lombardy Poplar positioned immediately to the rear of plot 1. The proximity of this tree to the property may cause a problem to the stability of the tree. This issue should be addressed between the applicant and tree owner as it falls outside the scope of this application.
- 5 Condition 6 refers to play and open space contribution. In this instance a total contribution of £9,928 is required towards the provision and maintenance of off-site Public Open Space.
- 6 Conditions 4 and 5 refer to landscaping. The proposed boundary treatments should include a wall or similar acoustic screen to either side of the access to reduce the impact on 49 and 51 Newstead Avenue.

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

**Item:** 10

**Reference:** 07/00714/COU

**Applicant:** Market Bosworth RFC

**Location:** Market Bosworth Rugby Football Club Cadeby Lane Cadeby Nuneaton Leicestershire

**Proposal:** CREATION OF AN ADDITIONAL RUGBY PITCH AND OVERSPILL CAR PARK

## Introduction:-

This application is for the change of use of land to create an additional rugby pitch and overspill car park at Market Bosworth Rugby Football Club, Cadeby Lane, Cadeby. The site is located on the south side of Cadeby Lane, approximately 600 metres east of the junction with The Park. The existing site measures approximately 3.7 hectares and is accessed from Cadeby Lane. The proposed extensions are to the south measuring approximately 6,050 square metres and to the east measuring approximately 2,470 square metres. The site is bounded on all sides by agricultural land, with an isolated dwelling, Knots Bungalow, and Gate House Bed and Breakfast, to the North.

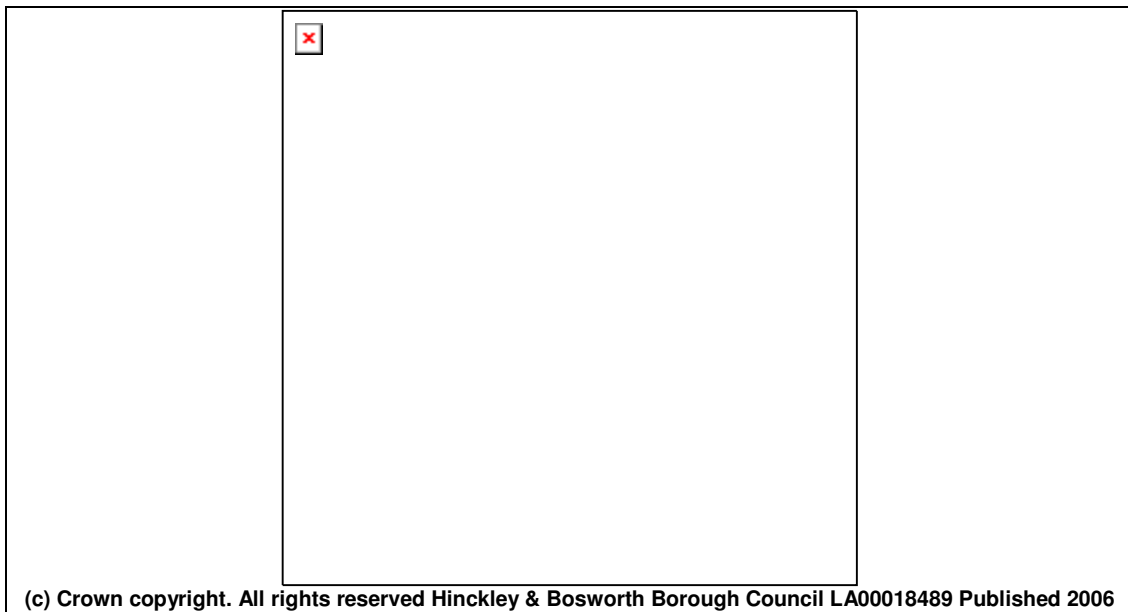
The site itself is roughly rectangular in shape and comprises a single storey club house to the northwest corner, an L-shaped car park spanning the northern and half of the eastern boundary, with the remainder site is laid to grass pitches. There is a line of mature trees running through the centre of the site from east to west and an earth bund running along the eastern boundary.

The application proposes a further rugby pitch to the south of the existing pitches and 88 additional car parking spaces to the east of the site. Access to the proposed car parking spaces will be via the eastern edge of the existing parking area involving removal of 5 metres of the existing 600 mm high earth bund. There are 13 trees proposed along the northern boundary of the parking area, adjacent to the highway. No landscaping or earth bund is proposed to the eastern or southern boundaries of the car parking, nor on any side of the proposed rugby pitch.

Information submitted in support of the application includes a planning statement, photographs of the existing car park with further cars parked on Cadeby Lane and correspondence between Leicestershire Constabulary and the applicant. The information details that a total of 16 teams operate from the site which can result in over 500 players and members being present with approximately 250 cars. A letter from Leicestershire Constabulary details that over 40 cars were parked on grass verges along the road. The planning statement details that the application proposes the enhancement of an existing sports facility, consisted with PPG17 and the development plan. It goes on to state that the development is aimed at accommodating growth in the success of the club rather than seeking to expand facilities to generate growth. The pitch is essential to meet existing levels of usage and relieve strain on existing facilities. The parking facilities aim to provide overspill to avoid indiscriminate parking within the site and on the public highway. The site itself is extremely well screened by substantial hedgerows and there will be no adverse visual impact from any surrounding public vantage points.

## History:-

06/01016/COU	Creation of an additional rugby pitch and overspill car park	Refused	03.11.06
02/00173/COU	Pre and after school club	Approved	24.04.02
97/00033/COU	Change of use from agriculture to additional rugby pitch and parking	Approved	05.03.97



### **Consultations:-**

No objections subject to standard conditions have been received from Borough Council's Land Drainage Engineer.

Director of Environment and Heritage Services (Rights of Way) requests that the applicants attention is drawn to the existence of footpath S62 and that the club will be responsible for ensuring that the line of the path is not affected by any operations associated with the development, and that free access by pedestrians is maintained at all times.

The Director of Environment and Heritage Services (Archaeology) states that a Roman coin hoard was discovered very close to the eastern edge of the proposed development and that it is likely that there was a Roman settlement of some kind close to the hoard. Consequentially, there is a likelihood that buried archaeological remains will be affected by the proposed development. Standard conditions are proposed requiring details of development works and a programme of archaeological works.

One letter of objection has been received from a local resident raising the following concerns:-

- a) Anti-social behaviour on the existing car park
- b) parking on and blocking Cadeby Lane
- c) containers from previous construction still remains on site.

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

The Director of Highways, Transportation and Waste Management  
Ramblers Association  
Site Notice  
Press Notice.

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

The site lies in an area identified as countryside in the adopted Hinckley and Bosworth Local Plan.

Structure Plan



Strategy Policy 8 of the structure '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 NE12 of the adopted Local Plan 'Landscaping Schemes' seeks to secure good quality landscaping schemes; plans for the protection of trees, hedgerows, shrubs and other conservation features; and, landscaping maintenance plans.

Policy REC4 of the adopted Local Plan 'Proposals for Recreation Facilities' states planning permission will be granted for new recreation sites provided that: the facility does not have a detrimental effect on adjacent land uses or the amenity of adjacent residents; the form, scale and design of the proposal are in keeping with the area and do not detract from the character of the landscape; adequate parking and access arrangements are provided; landscaping is an integral part of the proposal; any development is not detrimental to the rights of way network; and, the proposal does not adversely affect sites of ecological, geological or archaeological significance.

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

### **Appraisal:-**

The key considerations for this application relate to balancing the need for additional parking and facilities against the harm that such improvements would have on the character of the surrounding landscape.

The site is located within the countryside where sports and recreation uses are acceptable provided they, amongst other things, do not have an adverse impact on the landscape and where necessary are effectively screened by landscaping and other methods.

The previous application was refused for reasons relating to: the lack of sufficient justification regarding the need for such a large area of additional car parking; and, insufficient and inadequate details of proposed landscaping. This application is supported by detailed descriptions and photographs of previous events where the existing facilities have been inadequate, along with correspondence from Leicestershire Constabulary confirming that there were over 40 cars parked on the public highway causing an obstruction. It is considered that the information submitted with the application certainly supports the need for additional parking. There is still some concern as to whether as many as 88 additional parking spaces are required. However, on balance, based on the information provided, particularly regarding peak periods and the proposed additional rugby pitch, the proposed level of parking is considered acceptable.

The application as submitted proposes a planting scheme to the northern boundary of the proposed parking area but no landscaping or earth bunds to the eastern or southern boundaries. The adjacent land to the east and south is flat open agricultural land and the proposed parking area would be visible for some considerable distances, particularly from the public footpath which crosses the site. It is considered the proposal in its current form lacks sufficient landscaping and consequentially would have an unacceptable impact on the character of the landscape. However, following discussions with the applicants agent, amended plans are awaited showing a 1 metre high earth bund with a hedge planted on top to screen the eastern and southern boundaries. It is considered that this bund and landscaping will provide sufficient screening, such that the proposed car parking will not be widely visible within the landscape. The proposed rugby pitch will be to the south of pitches which were granted permission in 1997. The pitches approved project beyond the existing line of dense trees that runs east to west and provides substantial containment for the remainder of the site; the landscape to the south of which is very open. Whilst it would be preferable that the entire recreational use was contained in such a way, it is not considered, due to the open nature of the pitches, that the southern most existing, nor the proposed pitch, will detract from the character of the landscape to an unacceptable degree. As such, it is not considered that there is a requirement to provide screen landscaping or bunds in this location.

Comments are currently awaited from the Highway Authority and will be reported as a late item. However, no objection, subject to conditions, was raised to the previous application for a similar proposal.

Concerns have been raised regarding anti-social behaviour on the existing car park. It is considered the proposed parking is further away from the residential dwellings to the north and it should alleviate the issues of parking within the highway. As for the misuse of the existing car park this is a matter covered by other legislation and not an issue which could prevent permission being granted. The presence of containers from previous construction works is equally not an issue which could prevent consent being granted; a note to applicant is proposed stating under what circumstances temporary buildings are permitted.

Officers have experienced difficulties with this site previously regarding non-compliance with landscaping conditions, and therefore the condition requiring landscaping seems to ensure this is in place before works commence.

In conclusion the proposed development expands an existing acceptable use within the countryside and whilst careful consideration must be given to the encroachment into agricultural land it is considered that there is sufficient need to justify the proposal. The landscaping that has been agreed and to be confirmed in the amended plans will provide sufficient screening of the proposed parking area from the wider landscape. As such,

subject to the receipt of amended plans and to conditions below, the scheme is considered acceptable.

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

**SUMMARY OF DECISION** - The proposal is in conformity with Policies BE1, NE5, REC4 and NE12 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 This permission relates to the application as revised by amended plan \*\*\*\* received by the Local Planning Authority on \*\*\*\*.
- 3 Prior to the commencement of development a scheme for surfacing and setting out (including demarcation of individual spaces) of the approved car parking area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the approved parking area being first brought into use.
- 4 Prior to the commencement of development a scheme for implementation of the landscaping and earth bund shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to commencement of the car parking area and rugby pitch, unless otherwise agreed in writing by the Local Planning Authority.
- 5 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.
- 6 No works shall take place until the applicant or developer, or their agents or successors in title, has submitted a complete set of development details to the Historic & Natural Environment Team, Leicestershire County Council, as archaeological advisors to the planning authority. The details should include existing and proposed ground levels and layout and depths of all foundations, service trenches, drains, landscaping and other ground works.
- 7 No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted and approved in writing by the planning authority.
- 8 Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the Highway boundary and shall be so maintained at all times.

**Reasons :-**

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

- 3 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 4 To enhance the appearance of the development to accord with policy NE5, REC4 and NE12 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE5, REC4 and NE12 of the adopted Hinckley and Bosworth Local Plan.
- 6 To enable assessment of the development impact and preparation of an appropriate scheme of archaeological mitigation, to accord with policies BE13, BE14, BE15 and BE16 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure satisfactory archaeological investigation and recording, to accord with policies BE13, BE14, BE15 and BE16 of the adopted Hinckley and Bosworth Local Plan.
- 8 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

**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 3, the surfacing should be permeable and both the surfacing and setting out should reflect the countryside setting of the site.
- 4 The applicants attention is drawn to the existence of footpath S62 and the applicant will be responsible for ensuring that the line of the path is not affected by any operations associated with the development, and that free access by pedestrians is maintained at all times.
- 5 The applicant is reminded that the provision of structures required temporarily in connection with works being carried out on adjoining land must only be present for the duration of the operations. The applicants attention is drawn to the requirements of Schedule 2 , Part 4 'Temporary Buildings and Uses' of the The Town and Country Planning (General Permitted Development) Order 1995.

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

**Item:** 11

**Reference:** 07/00734/FUL

**Applicant:** Mr D Rayne

**Location: 73 Southfield Road Hinckley Leicestershire LE10 1UA**

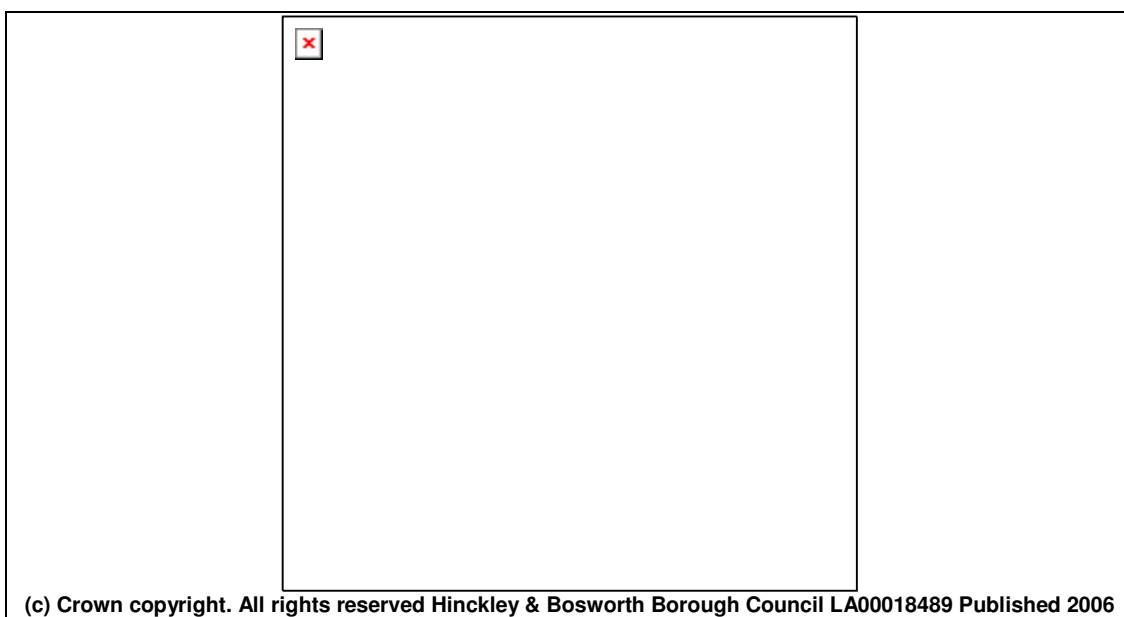
**Proposal: ERECTION OF AMATEUR RADIO TOWER**

**Introduction:-**

This application is for the erection of a free-standing amateur radio tower some 18.2m high when extended and 7.5m high when retracted, in the rear garden of 73 Southfields Road, Hinckley. It is proposed to locate the tower 18.1m from the rear elevation of the dwelling. The original dwelling is approximately 7m high to the ridge. Southfield Road is predominantly residential in character. The rear garden abuts the railway line.

**History:-**

There is no relevant planning history in relation to this application.



**Consultations:-**

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

- a) The structure by virtue of its size is an eyesore and out of keeping with residential area
- b) Concern that neighbouring property will be devalued and unsaleable
- c) Loss of view and visual intrusion to windows and gardens
- d) Possible TV interference
- e) No details of additional lateral elements shown on the submitted plans to be added to the top of the structure
- f) Concern that tower could fall on railway line.

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

- Burbage Parish Council
- Railtrack
- Environmental Health Services
- Site Notice.

**Development Plan Policies:-**

## National Policy

Planning Policy Guidance Note 8 Telecommunications states that applications for planning permission to install masts often used by amateur radio operators, usually present few potential planning problems in terms of size and visual impact over a wide area. Such masts need to be high enough for technical efficiency and located as far as possible from other antennas, in order to minimise the possibility of interference. However, they will not normally be of such a scale as to have a serious impact on local amenity. Such applicants will generally have less scope for using alternative sites or for sharing sites, and masts will often need to be located on the premises.

## Hinckley and Bosworth Local Plan 2001

Policy BE1 of the adopted Hinckley and Bosworth Local Plan states that the Borough Council will seek to safeguard and enhance the existing environment and to ensure that development does not adversely affect the occupiers of neighbouring properties.

### **Appraisal:-**

The proposed radio tower will be clearly visible from the surrounding area as it extends above the roof height by approximately 11 metres when in 'full' use, although the rear garden slopes away from the dwelling by approximately 2 metres which will mitigate the effect to some degree. The location, height and design of the tower is such that it will not easily assimilate into the street scene. When in use, it will appear as a prominent and discordant feature that will be highly visible from the nearby properties and the wider area.

Issues of possible devaluation of property and potential rail line safety hazard are not matters that can be dealt with under the planning legislation. There is no evidence to show that this type of radio tower installation will have any effect on television reception.

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

- 1 In the opinion of the Local Planning Authority, it is considered that the proposed amateur radio tower, would appear as a prominent and discordant feature that will be highly visible and have an overbearing and adverse impact on the visual amenities of the residents of the neighbouring properties and on the streetscene. It would therefore conflict with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

**Contact Officer:- Mrs L Forman Ext 5682**

**Item: 12**

**Reference: 07/00742/OUT**

**Applicant: Mr Simon England**

**Location: Dennis House 4 Hawley Road Hinckley Leicestershire LE10 0PR**

**Proposal: DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF NEW BUILDINGS ACCOMODATING 651 SQ. M OF A2 AND B1 USE EMPLOYMENT SPACE AND 56 ONE AND TWO BEDROOM FLATS WITH ASSOCIATED FACILITIES AND PARKING**

## Introduction:-

This application seeks outline planning permission for the demolition of the existing building and construction of 6 units for B1 office use and A2 financial and professional services and 56 warden controlled sheltered flats with associated facilities and parking. The application includes details of layout, scale, external appearance and means of access; landscaping is reserved until the detailed stage.

The site is located to the south of the Hinckley Town Centre. It measures approximately 0.33 hectares in area and can currently be accessed off Hawley Road and Station Road. The site lies within an area that consists of industrial/commercial and residential uses. Immediately to the north of the site is a sheltered housing development known as Royal Court. The north-eastern boundary adjoins and extends either side of 66 Station Road, a recent residential development previously an industrial unit. The south-eastern boundary of the site abuts the rear car park of the Railway Hotel. The southern boundary of the site is formed by Hawley Road and to the west there is a factory unit. The railway station is located to the south west of the site and directly south; on Hawley Road there is a retail use (Somerfield).

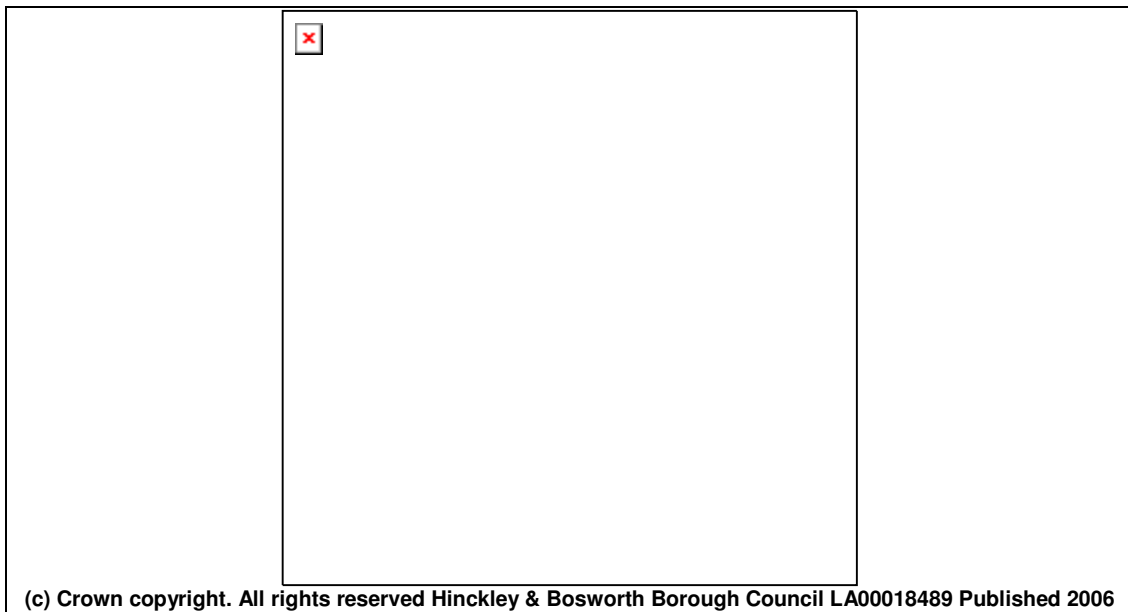
The site itself is 'L' shaped in nature and comprises two large industrial units, one known as Dennis House that fronts Hawley Road and the other 68 Station Road. Dennis House comprises an early 20th Century brick building, three storeys in height with a cream painted front façade and a pitched roof. There are a number of later single storey extensions that are not in keeping with the original building. No 68 Station Road is to the rear of Dennis House and is similar in age and appearance to Dennis House. The undeveloped areas of the site are hardsurfaced and used for car parking and loading activities. There is an electricity substation to the south-western corner of the site, this is constructed of red brick and has a flat roof.

The site has a gradual incline from the southern boundary to the northern boundary of approximately 1.5 metres. The surrounding area rises to the east and slightly to the west.

The application submission includes a Planning Development Brief, a Design and Access Statement, a Heads of Terms for developer contributions, a traffic safety audit and a Traffic Assessment. The Design Statement demonstrates how the development has progressed in design terms and considers the future of Hawley Road in relation to the Masterplan.

## History:-

05/01240/FUL	Conversion of existing building to 54 self contained flats to provide sheltered housing with associated parking and access	Refused Appeal Pending	12.10.06
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### **Consultations:-**

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

Environment Agency  
Head of Health and Environment Services  
Director of Highways Transportation and Waste Management.

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

- a) Director of Children and Young People's Service - No contribution is required as the development proposed is sheltered housing which will not impact on educational facilities.
- b) Head of Commercial and Support Services - based on the scale of this development in respect of additional users of the existing library facilities a contribution of £2,860 towards the cost of books, materials and other facilities is required. This would be spent over a period of 12 months.
- c) Ecology Project officer - The development involves demolition and therefore potential bat roosts make be destroyed, it is recommended the developer incorporate bat bricks and boxes into the scheme and plant native trees to establish feeding grounds for bats. Green corridors should be maintained and established to furnish wildlife links between habitats. The scheme should incorporate water and energy saving devices in accordance with the Government's Consultation Paper on climate change.
- d) Director of Highways, Transportation and Waste Management - No contributions is required as the development will be creating shared facilities for the residents and as such they will not need to use the Civic Amenity site at Barwell.

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

Severn Trent Water  
Green Space Manager  
Leicestershire Constabulary Crime Reduction Officer  
Primary Care Trust.

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

Central Government Guidance



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

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

### The Structure Plan

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

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

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

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

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

### The Local Plan

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

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

The site is identified in the Hinckley and Bosworth Local Plan (adopted February 2002) as an existing employment site. The current adopted Local Plan designates the site as part of the Hawley Road/Southfield Road Industrial Estate. This industrial estate is allocated as an EMP1 (b) - Existing Employment Site, which means the area is generally considered to be an acceptable employment location but where proposals for alternative uses would be considered on their merits. The Local Plan was adopted in 2001 but is currently under review in order to produce the Borough's first Local Development Framework. As part of this process, a review of existing allocations is being made and any new sites for

employment use designated. The Employment Development Plan Document is not due for adoption until February 2009 (as part of the Local Development Scheme).

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

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

Although the proposal may not easily be described as a residential care or nursing home, it is considered that given the circumstances of the intended nature of the occupation of the building as Warden controlled sheltered units, Policy CF8 of the adopted Local Plan remains relevant. This Policy states that planning permission will be granted for residential care and nursing homes providing the development is in-keeping with its surroundings and does not harm neighbouring amenity; has adequate gardens, car parking and servicing areas; has easy access to local facilities and is designed to accommodate easy access for the elderly and infirm.

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

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

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

The Borough Council's Supplementary Planning Guidance on New Residential Development and on Residential Care and Nursing Homes (revised July 1997) and Play and Open Space (adopted October 2002) provide further guidance on development proposals including design and layout standards and the provision of open space within development proposals or of financial contributions towards off-site provision. The Open Space guidance states that contributions will not normally be required for sheltered housing.

#### Other Material Considerations

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

#### **Appraisal:-**

The main considerations with regard to the application are the principle of mixed-use development, the design and scale of the proposed buildings and the vehicular access to the site.

## The Principle

The Employment Land and Premises Study recommends that employment uses should be retained on the site. This designated employment site is one where proposals for alternative uses of land and buildings can be considered on their individual merits. The Study further recommends that 25-50% of the whole of the Hawley Road/Southfield Road Industrial Estate should be retained in employment use.

The site measures 3438 square metres; the application proposes 651 square metres of employment use on the ground floor fronting Hawley Road including 238 square metres for associated parking. The area of employment land proposed equates to 26% of the site area being retained for employment use, which complies with the Employment Land and Premises Study. The rest of the site is proposed to be developed as residential, which is an acceptable alternative use in line with policy.

## Layout and Design

The site levels rise in height considerably from Hawley Road to Royal Court. As such the development proposed is five storeys fronting Hawley Road and 4 storeys fronting Royal Court with only the top 2 being visible. The scheme has been designed with two main frontage buildings with an internal courtyard. The lower ground floor which is only visible on the Hawley Road side consists of 6 commercial units sited either side of the vehicular access, parking for 56 vehicles and cycles is to the rear. The upper ground floor, which again is only fully visible from Hawley Road, consists of 9 flats including the warden's accommodation, the communal lounges, office and laundry facilities. In addition a terrace measuring 85 square metres is provided off the communal lounge. A further 34 parking spaces are provided to the rear of the site. The first floor consists of 19 flats in 2 blocks running along the front of Hawley Road and Royal Court; the blocks are linked by a glazed corridor and open walkway at either end. This level also accommodates 2 roof gardens, one over the communal lounge and one over the parking area; these gardens provide approximately 560 square metres of amenity space. The second floor consists of a further 19 flats arranged in the same way as the first floor. The third floor consists of 10 flats in a block that fronts only Hawley Road.

The design of the development takes on a modern appearance; the Hawley Road frontage is symmetrical around a central glazed projection over the main vehicular access. This element of the development is the full 5 storeys in height with a curved roof. There are two further front projections set centrally within the elevations either side of the glazed element. These 2 projections are only 3 storeys in height. The fourth storey is set back from the main elevation by 800 mm and the fifth storey is set back a further 800 mm. The purpose of setting the top two floors back slightly is to provide a slight relief on the street frontage. It is proposed that the materials of the top 2 floors will be lightweight to reduce the dominance on the streetscene whilst still providing enclosure to the street frontage creating a positive urban form. Further interest has been added to this elevation with diagonal corners enclosed by curved balconies, this along with the small balconies at the first and second floor and the commercial uses at the ground floor will add to the vitality of the streetscene. This front block has a low-barrelled roof adding to the contemporary design whilst not increasing the height significantly.

The Royal Court elevation whilst still modern in appearance is more simplistic. Articulation has been added to the elevation through single and double projecting bays. Further interest will be added to this elevation through the use of materials. Due to the proximity of this elevation to residential properties in Royal Court the height has been kept to two storeys and no balconies are proposed. Again this block has a low-barrelled roof.

Internally within the Courtyard the development takes on a similar appearance with small balconies overlooking the roof garden. The rear elevation of the Royal Court block has a glazed corridor at first floor, which fronts onto the largest roof garden.

#### Impact on Neighbouring Properties

With regards to residential properties in the area the development adjoins properties in Royal Court and Station Road. The block that faces Royal Court has been positioned in more or less the same position as the existing building. The distance between the proposed elevation and the rear of the properties in Royal Court is approximately 22 metres. Whilst this distance is below the standards suggested in the supplementary planning guidance it is considered that the location with a built up urban area has to be a major consideration, furthermore the properties already have a building at this distance from them with numerous windows facing them. The existing building is of poor quality; it is therefore considered that the proposed development will improve the quality of the environment whilst not detrimentally impacting on residential amenity anymore than the existing development.

The properties that front Station Road consist of the new flats, Vincent House and the Railway Hotel. Officers were concerned about the impact the development would have on the amenity space of Vincent House. The developer has therefore agreed that the windows to the communal area that overlook the garden of Vincent House can be non opening and obscure glazed, furthermore the roof garden can be enclosed by a solid boundary to prevent overlooking to both Vincent House and the new flats. These measures will ensure that neighbours amenity is not adversely effected.

#### Access and Parking

The application proposes alterations to the road layout on Hawley Road due to the conflict between the site access and the pedestrian refuge. It is thus proposed to relocate the pedestrian refuge 20 metres to the east and reposition the existing bus stops further east. Existing accesses off Station Road are to be closed to vehicles with the northern most access providing only pedestrian access and the southern access being enclosed to form a terrace for residents of the scheme to use.

The development proposes parking for 88 vehicles, this are split between the residential and commercial elements of the scheme with 19 spaces for the commercial units, which is in line with policy requirements. This leaves 69 spaces for the residential scheme, which requires 1 space per unit and 1 visitor space per 4 units resulting in a requirement for 70 spaces. Bearing in mind the proximity to the town centre it is considered that a shortfall of 1 space is acceptable.

#### Infrastructure Improvements

In addition to improvements to the road layout on Hawley Road, there is a requirement for financial contributions towards library and health facilities. Confirmation has been received that the library contribution is £2,860. Discussions between the developer and the Primary Care Trust have indicated the requirement for a health contribution of £12,858. A consultation response has yet to be received to confirm this latter contribution.

With regard to contributions towards play and open space, the supplementary planning guidance sets out the requirements for play and open space and states that schemes for sheltered accommodation would not normally attract a financial contribution, therefore no such contribution is requested on this application.

#### Environment

The scheme proposes to redevelop an employment site that is currently vacant. Hawley Road comprises predominantly commercial uses, several of which are vacant or underused. The western end of Hawley Road is identified as a Masterplan site and it is likely that in the near future a large percentage of the northern side of Hawley Road will come forward for development. The application site, whilst not included within the Masterplan site, is considered important to the overall development of Hawley Road. It is considered that the scheme has been designed to a high quality and could potentially act as a catalyst for other sites along Hawley Road to come forward, which will kick-start the regeneration of the area.

The developer has verbally indicated the intention to incorporate some energy saving measures into the development, these details are currently awaited.

### Conclusion

It is considered that this is an important site along Hawley Road that is in need of development. The scheme will assist with the revitalisation of the area as a whole whilst providing a high quality and well designed building that provides a strong street frontage and sense of enclosure to the street scene. The scheme complies with policy with the provision of employment land, sufficient parking for both commercial and residential and adequate amenity space to serve the residents. The applicant has submitted a heads of terms, which confirms willingness to pay contributions towards library and health facilities.

**RECOMMENDATION: That following the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide financial contributions towards libraries and health facilities and restrict the residential development to sheltered accommodation, the Head of Culture and Development be granted powers to issue Outline Planning Permission subject to the conditions below. Failure to complete the agreement by 25 September 2007 may result in the application being refused.-**

**SUMMARY OF DECISION** - The proposal is in conformity with Strategy Policy 10 and 11; Housing Policy 5; Employment Policy 5 and Accessibility and Transport Policy 1 of the Leicestershire, Leicester and Rutland Structure Plan and Policies Strategy Objective 1a; EMP1(b), RES5, BE1, CF8, T5, T11, IMP1 and NE2 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) Samples of the external building materials to be used
  - ii) The provision to be made for loading and unloading within the site

- ii)      iii)      The method of disposal of surface and foul water drainage, which shall be on separate systems
- iii)      Any existing trees and hedges on the site, which are to be retained
- iv)      The provision to be made for all screening by walls, fences and balcony and roof garden ballustrading
- v)       The phasing of the development
- vi)      The provision to be made for the storage of refuse and/or recycling facilities

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

- 4      Notwithstanding the details submitted windows on the south elevation of the upper communal lounge as shown on drawing number FP4.04-04-08 shall be obscure glazed and non-openable and retained as such at all times thereafter.
- 5      No deliveries shall be taken at or dispatched from the site outside the hours of 08:30 to 17:30 Monday to Friday and 08:30 to 13:00 on Saturdays nor at any time on Sundays, Bank or Statutory Public Holidays.
- 6      The B1/A2 units hereby approved shall not be open to the public outside the following times:- 08:30 to 17:30 Monday to Friday and 08:30 to 13:00 on Saturdays.
- 7      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.
- 8      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.
- 9      Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- 10     The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 11     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.
- 12     Prior to commencement of development details that indicate how the parking spaces are designated for the commercial and residential uses on the site shall be submitted to and approved in writing by the Local Planning Authority. In accordance with the approved

details the parking spaces shall be surfaced and marked out prior to the development hereby permitted being brought into use.

- 13 Before first use/occupation of the development/dwellings hereby permitted, turning facilities shall be provided within the site in accordance with the approved plans in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.
- 14 For the period of the construction of the development, 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.
- 15 No part of the development (as approved) 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.
- 16 The gradient of the access drive shall not exceed 1:12 for the first 10 metres behind the Highway boundary.
- 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 All existing vehicular accesses 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.
- 19 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.
- 20 Before the development hereby permitted is first used, cycle parking provision shall be made to the satisfaction of the Local Planning Authority and once provided shall be maintained and kept available for use in perpetuity.
- 21 Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the Highway boundary and shall be so maintained at all times.
- 22 Prior to the new access being brought into use, 2 No bus stops shall be moved and all associated works including works to kerbing and refuges completed as well as the provision of a right hand turn lane at the junction of the access with Hawley Road in general accordance with the details shown in the submitted Dwg No:- FP4.04-04-06.
- 23 Prior to the first occupation of any dwelling each dwelling shall be issued with a Travel Pack and 2 x 3 monthly travel passes.

- 24 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. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.
- 25 Prior to the development being brought into use, a footway link shall be provided from the site to Hawley road.
- 26 Before first use of the development hereby permitted, visibility splays of 2.4 metres by the maximum achievable across the sites frontage within land controlled by the applicant shall be provided at the junction of the access with Hawley Road. 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.
- 27 The commercial premises hereby approved shall not be used other than for purposes falling within Class B1(a), (b) and A2 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.

**Reasons :-**

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 To ensure the development is of an appropriate standards to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 4 To safeguard amenities of neighbouring properties to accord with policy BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 5&6 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 and RES5 of the Hinckley and Bosworth Local Plan.
- 7 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.
- 8 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.
- 9 To avoid water pollution to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 10 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 11 To enable a vehicle to stand clear of the highway to accord with policy BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.



- 12 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 13 To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 14 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.
- 15 In the interests of the sustainability of the development and to encourage alternative transport choice to accord with Accessibility and Transport Policy 1 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016.
- 16 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety to accord with Policies BE1 and T5 of the adopted 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 Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 18 To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 19 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 T5 of the adopted Hinckley and Bosworth Local Plan.
- 20 In the interests of the sustainability of the development and to encourage alternative transport choice to accord with Accessibility and Transport Policy 1 of the Leicestershire, Leicester and Rutland Structure Plan.
- 21 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 22 In the general interests of Highway and pedestrian safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 23 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 Accessibility and Transport Policy 1 of the Leicestershire, Leicester and Rutland Structure Plan.
- 24 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.
- 25 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 Accessibility and Transport Policy 1 of the Leicestershire, Leicester and Rutland Structure Plan.
- 26 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 27 To ensure that the use remains compatible with the surrounding area to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 In relation to condition advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager - (telephone 01530 262380).
- 5 The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the Highway works are commenced.
- 6 Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the highway authority.

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

**Item:** 13  
**Reference:** 07/00744/DEEM  
**Applicant:** Hinckley And Bosworth Borough Council  
**Location:** 30-41 Peggs Close Earl Shilton Leicester Leicestershire LE9 7BP  
**Proposal:** CHANGE OF USE OF GROUND FLOOR TO COMMUNITY FACILITIES

**Introduction:-**

This is a deemed application made under the Town and Country Planning General Regulations 1992. The application has been submitted by Housing Operations for the

change of use of three ground floor flats at Peggs Close Earl Shilton to accommodate community facilities.

Peggs Close consists of three blocks of three storey flats surrounded by further residential areas. The application concerns the ground floor of the detached block which is situated at the corner of Peggs Close and Candle Lane. The block accommodates flats 30-41 with the change of use specifically concerning the ground floor flats numbers 30 to 33.

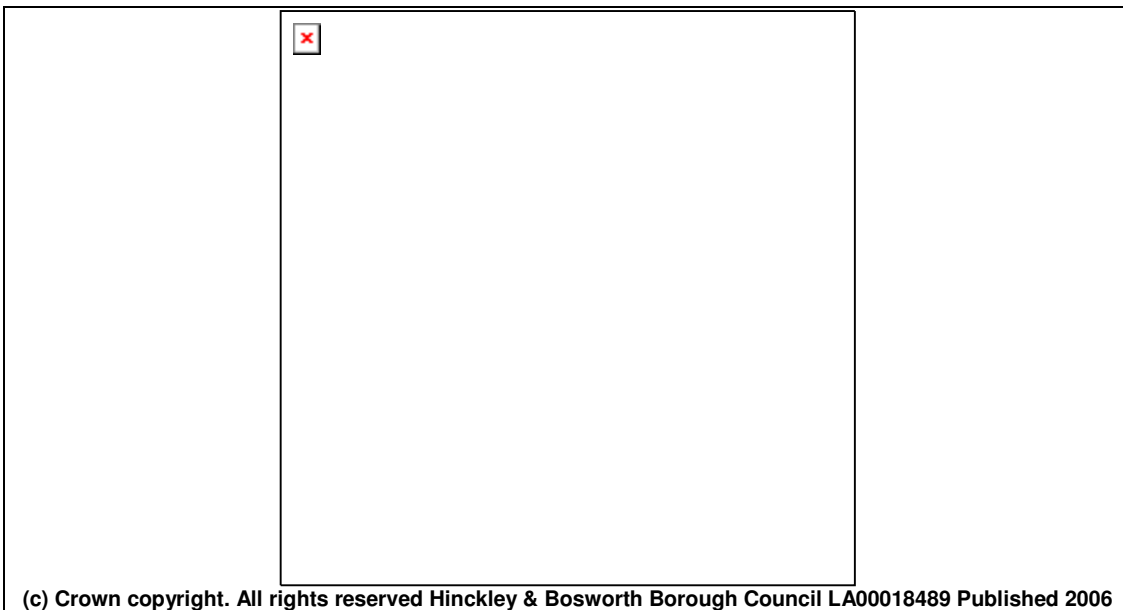
The application proposes to alter the interior layout to change the three flats into a range of community facilities. These facilities are to be relocated from the Community House in Avenue North. The proposed facilities include meeting rooms and office accommodation available for community uses, a caretakers office, an estate management office, police facilities and temporary accommodation for Earl Shilton Town Council. The current Community House is used by groups such as mother and toddler, adult learning and youth groups which would be accommodated in the proposed ground floor accommodation.

The application also proposes conversion of an existing bin store to a cycle store including the erection of a roof, replacement of tarmac paths by block paving and the in filling of the space between the projecting bay windows with timber boarding. Part of the surrounding open space is proposed to be fenced off to be used as a garden area.

The application has been accompanied by a design and access statement which sets out the proposals and their compliance with the accessibility requirements of the building regulations.

**History:-**

01/01200/DEEM Removal of parapet walls	Deemed Approval	04.02.02
06/00597/DEEM Conversion and alteration of flats into managed single accommodation facility comprising 22 bedsits with shared facilities	Deemed Approval	19.07.06



**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 raises no objection.

Neighbours have been notified and site and press notices posted. At the time of writing this report 1 letter of objection has been received on the following grounds:-

- a) Type of people who may occupy the accommodation
- b) Need for a police presence.

## **Development Plan Policies:-**

### Local Plan

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

Policy CF1 concerns community uses. This states that planning permission for the development of community facilities within or abutting the centres of local settlements will be granted unless: a) the proposed development will have a detrimental impact on the amenities enjoyed by the occupiers of adjoining residential properties in terms of height, mass, design, proximity, noise, disturbance or excessive traffic generation, b) the proposed development has a detrimental impact on the character of the area, c) the proposed development would represent an over development of the site which would be out of keeping with the character of the area, d) the proposed development would involve the intensified use of an existing access or the creation on an inadequate new access or e) the proposed development would make inadequate provision for off street car parking.

## **Appraisal:-**

### Principle

The site is located within the settlement boundary of Earl Shilton as defined in the adopted Hinckley and Bosworth Local Plan. In principle, new community facilities should ideally be located within the retail area of the town where a range of transport options and the opportunity for linked trips exists. However, the explanatory text of Policy CF1 explains that consideration may be given to alternative sites in primary residential areas where the criteria set out above are met. In this instance, where an existing facility located in a similar residential area is being relocated and where the use is for the local residents rather than the community as a whole the proposed location is considered acceptable.

### Access/parking

The application proposes minor alterations to the existing access and car parking area including formally marking out 28 spaces. While comments from highways are still awaited, and will be reported as a late item, it is not considered that these alterations will raise any concerns.

The Peggs Close development is served by a large parking area to the rear. While the proposed change of use may lead to an intensification of use of this area during recent site visits the car park has rarely been used. Further to this, the current Community House does not have any off road parking available therefore the proposal is considered to be an improvement on the current position. If further parking was required then surrounding areas

are in the ownership of the applicant and could be laid out for parking though this is not considered necessary at this time.

#### Other considerations

The proposed change of use includes minor external alterations which are considered acceptable in design terms. The proposal is unlikely to have any detrimental impact on the character of the area or on the occupiers of the flats above the facilities. The use of the facility will predominantly be within office hours and the proposals do not include any uses likely to have an impact on amenity through noise and disturbance.

The application also proposes to enclose an area of the surrounding green space for use as a garden. The proposed position is considered prominent when viewed from Astley Road and out of character with the open landscaping which surrounds the blocks. The garden could be accommodated in a less prominent position between the blocks. Amended plans have been requested showing this alteration but have not been received by the time of writing this report. If acceptable plans are not provided then a condition will require the position and boundary treatment of the garden area to be agreed with the Local Planning Authority before commencement.

It is understood that following refurbishment of the block the upper floors will be made available as general housing stock with the rooms allocated through the normal council procedures. Objections on the grounds of who the occupants of these flats may be are not considered relevant to this application.

#### Conclusion

The proposed change of use is considered to provide much needed facilities in an accessible location. The facility is served by adequate parking and is unlikely to have any detrimental impact on the amenity of existing residents in terms of noise, disturbance or traffic generation. The proposal is therefore recommended for approval subject to conditions.

**RECOMMENDATION :- That Committee agree to the development being carried out under Regulation 3 of the Town and Country Planning General Regulations 1992 and subject to the following conditions :-**

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

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

#### **Reasons :-**

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

#### **Notes to Applicant:-**

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

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

**Item:** 14

**Reference:** 07/00767/FUL

**Applicant:** Mr R Hartley

**Location:** Cleartherm Ltd Unit 2b Stafford Street Barwell Leicester

**Proposal:** DEMOLITION OF EXISTING FACTORY UNITS AND ERECTION OF NINE DWELLINGS

**Introduction:-**

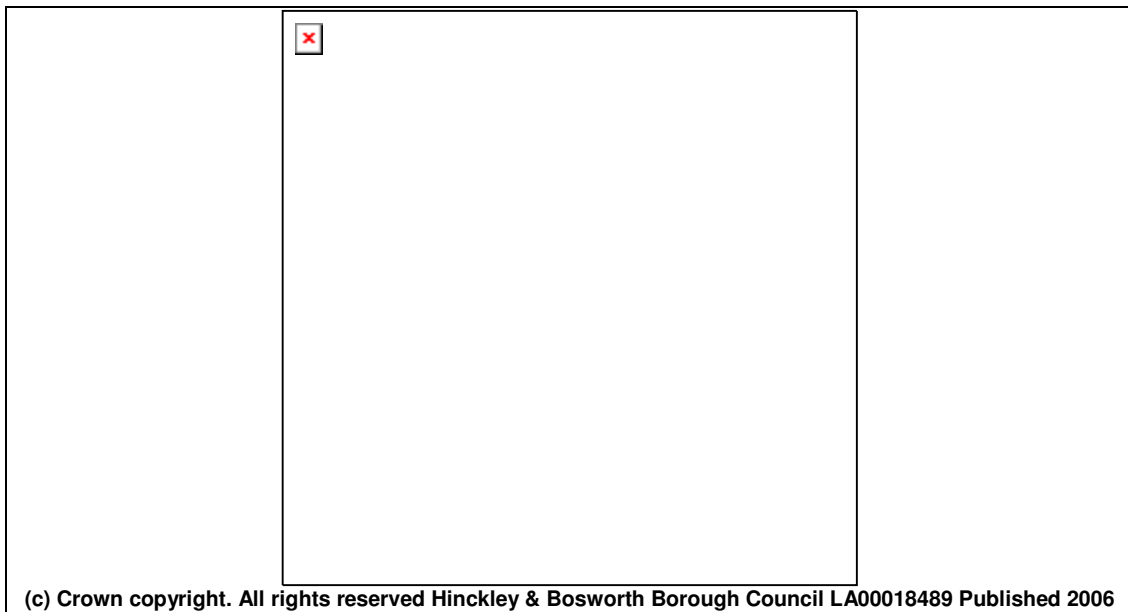
This is a full application for the demolition of factory buildings and the erection of nine houses. The houses are proposed in three groups, a semi detached pair, a group of four and a group of three. Each house is three storeys with two bedrooms in the roof space, an integral garage with parking space off Stafford Street.

Stafford Street consists of two storey terraced properties to the western side of the road positioned at the back of the pavement. The application site forms the majority of the eastern side and consists of a mix of single storey commercial buildings of various ages.

A Design and Access Statement and an Acoustic Assessment have been submitted with the application. The Design Statement states that the site is constrained by the terraced properties opposite and factory buildings to the rear. The design therefore incorporates an integral garage to reduce frontage parking and bedrooms in the roofspace allowing the proposal to be in scale with the existing terrace.

**History:-**

98/00933/FUL	Rebuilding part of fire-damaged industrial unit	Approved	06.01.99
02/00067/FUL	Erection of building for glass cutting, storage and boiler room.	Approved	05.03.02
02/00587/FUL	Erection of building for glass cutting, storage and boiler room (amended scheme).	Approved	02.07.02



### **Consultations:-**

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

The Director of Highways, Transportation and Waste Management (Highways)  
The Borough Council's Land Drainage Engineer.

No objection subject to standard conditions has been received from The Head of Health and Environment.

Neighbours have been notified. Five letters of representation have been received, three from the same resident objecting on the following grounds:-

- a) Overlooking
- b) loss of privacy
- c) loss of light
- d) overshadowing
- e) increase in noise
- f) pollution
- g) loss of parking provision for existing dwellings
- h) impede ability to sell property
- i) Increase in traffic levels.

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

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

Policy EMP1c of the adopted Local Plan encourages alternative uses subject to the appropriate design policies of the plan, on employment sites identified on the proposals map where environmental problems have, or are being experienced.

The Employment Land and Premises Study, commissioned by the Borough Council in 2003 confirms the designation of the site and recommends alternative use with no requirement to retain an employment element.

Policy BE1 of the adopted Local Plan seeks to secure attractive development and to safeguard and enhance the existing environment. Development should: complement or

enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features; avoid the loss of open spaces and features that contribute to the quality of the local environment; incorporate landscaping to a high standard; ensure adequate highway visibility for road users and adequate provision for on and off street parking for residents and visitors together with turning facilities; not adversely affect the occupiers of neighbouring properties and not prejudice the comprehensive development of a larger area of land of which the development forms part.

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

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

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

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

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

## **Appraisal:-**

### Principle

The site is located within the settlement boundary of Barwell in an area with a mix of commercial and residential uses. The application site is part of a larger area identified as EMP1c in the adopted Hinckley and Bosworth Local Plan which suggests that redevelopment proposals should be considered. The Employment Land and Premises Study confirms the allocation. Residential redevelopment is therefore considered acceptable in principle in this location.

### Impact on neighbouring properties

Residential properties are located to the north of the site on Stapleton Lane and to the west of the site on Stafford Street. Given the proximity of the units to those dwellings it is not considered that any residential amenities will be affected in order to warrant a refusal of planning permission on amenity grounds.

### Layout and design



The application site is a 0.15 hectare plot located on the corner of Stafford Street and Bank Terrace. The land is currently occupied by several disused industrial units. Bank Terrace runs along the southern length of the plot with Stafford Street to the west. An existing flat roofed, two storey high industrial unit is sited to the north east of the site and is currently used by George Danby & Co. Ltd. The west side of Stafford Street consists of a long terrace of Victorian houses which are located on the back edge of the footway.

The nine units are proposed to be set back off the road frontage to allow for off-street parking provision to the frontages. Due to the staggered boundary to the rear of the site Plots 1 and 2 have larger rear garden provision. Plots 3-7 are positioned in line with the side wall of the factory unit, approximately 9.5 metres from the rear wall of those dwellings. Part of Plot 8 and Plot 9 are positioned beyond the front wall of the factory unit. The proposed layout results in five of the nine plots having a distance of approximately 9.5metres to the side wall of the adjacent (George Danby & Co) factory unit. The land rises slightly towards the rear of the site, with the factory unit positioned on the higher ground. Given the land level differences together with the proximity of the dwellings to the two storey blank wall elevation of the factory unit it is considered that the proposed scheme would create an unsatisfactory living environment for the future occupiers of those dwellings. The development is therefore contrary to Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan and adopted Supplementary Planning Guidance: New Residential Development.

It is considered that the proposed layout could be amended by moving the proposed dwellings forward to increase the separation distance between the rear of the dwellings and the factory wall. This would remove the frontage parking allowing the positioning of the properties to reflect the position of the terrace opposite. While amendments have been discussed with the agent, the agent has requested that the application be determined at Planning Committee in its submitted form.

#### Developer Contributions

The site is situated within 300 metres of Kirkby Road Neighbourhood Park therefore a contribution can be sought at £1,241 per dwelling towards improvements to the quality of informal play space facilities as set out in the Quality and Accessibility Audit 2005.

#### Other considerations

In response to the letters of objection received that have not been outlined above. The impact of the development on property values is not a planning issue and therefore has not been considered as part of the assessment of this application. With regard to the car parking provision, the scheme includes the required off-street car parking provision in accordance with the County Council's Guidance for new residential development. At the time of writing the report no consultation response had been received from the County Highway Authority with regard to other highway issues however it is unlikely that any further highway issues will arise given the previous use of the site. Any response received will be reported as a late item.

It is therefore recommended that planning permission be refused for the reasons set out below.

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

- 1 In the opinion of the Local Planning Authority the proposed layout results in a development with distances of approximately 9.5 metres to the rear blank wall of the adjacent factory unit. This would create an unsatisfactory living environment for the future occupiers of those

dwellings due to the overbearing impact and restricted outlook. This is contrary to Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan and adopted Supplementary Planning Guidance: New Residential Development.

- 2 In the opinion of the Local Planning Authority the positioning of the proposed dwellings, set back from the highway, and the incorporation of integral garages is considered out of keeping with the existing residential properties on Stafford Street. The proposal is therefore contrary to Strategy Policy 10 and Housing Policy 5 of the Leicestershire, Leicester and Rutland Structure Plan 1996-2016 and Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan and adopted Supplementary Planning Guidance: New Residential Development
- 3 In the opinion of the Local Planning Authority, the lack of any financial contribution to address the increase in pressure placed on the play and open space facilities in the local area by the proposed development would not accord with Government Guidance Circular 5/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996-2016, Policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Supplementary Planning Guidance on Play and Open Space adopted October 2002.

**Contact Officer:- Cathy Horton Ext 5605**