

REPORT P23

PLANNING COMMITTEE

28.08.2007

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

BACKGROUND PAPERS

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

Item: 01
Reference: 06/01270/CON
Applicant: George Wimpey E. Midlands Ltd
Location: Land North of 11 Newtown Linford Lane Groby Leicestershire
Proposal: DEMOLITION OF AGRICULTURAL BUILDINGS

Introduction:-

This application is for Conservation Area Consent to demolish two agricultural buildings at land to the north of 11 Newtown Linford Lane, Groby. The demolition is to facilitate the redevelopment of the site for 24 new residential units with associated parking and access. An application for the redevelopment of the site follows this item on the agenda (ref. No. 06/01288/FUL).

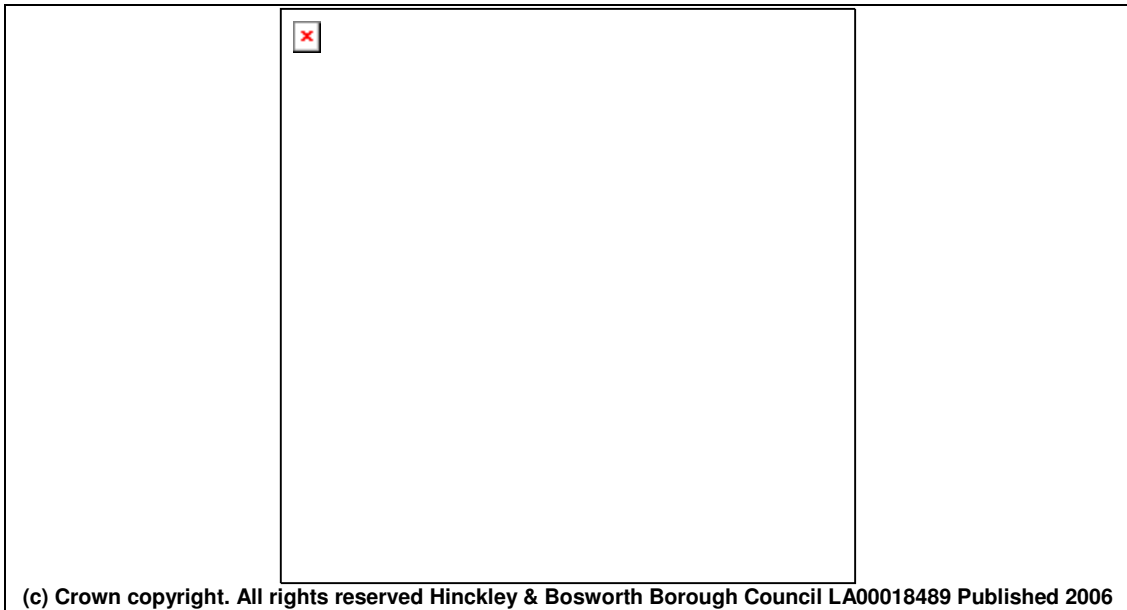
The site is accessed from Newtown Linford Lane and measures approximately 4,900 square metres. The site is bounded to the north by the A50, to the east by residential and one industrial building, to the south by residential and the Co-Operative store, and to the west by 'Groby Motte' a Scheduled Ancient Monument and a complex of barns which are within the curtilage of the Grade II* Listed Old Hall.

The site itself is roughly an L-shape wrapping around the northern and western boundaries of the dwellings fronting Newtown Linford Lane. The site lies approximately 1 metre below the level of Newtown Linford Lane and two metres below the Co-Operative store car park. It currently comprises two large modern agricultural barns measuring approximately 325 and 400 square metres. The buildings are constructed of low level light coloured blockwork followed by darker metal sheet walling and roofing, with large metal roller shutter doors. The remainder of the site comprises various areas of hardstanding.

The justification provided by the applicant states that the buildings are vacant and the farm is severed and no longer in use. The buildings detract and have a negative impact on the Conservation Area and the proposed residential development will enhance the setting of the Conservation Area.

History:-

No relevant history.



Consultations:-

No objections have been received from:-

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

Groby Parish Council does not object to this application subject to conditions relating to the further surveys and the controlled removal of any asbestos present on site and archaeological and bat surveys and works.

Twelve letters of objection from five addresses have been received relating to the following matters:

- a) noise and traffic pollution
- b) over development
- c) insufficient parking
- d) insufficient access width
- e) position of access opposite Parkside Close

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

Site Notice
Press Notice

Development Plan Policies:-

The site lies within the settlement boundary for Groby and is within the Groby Conservation Area as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE8 of the Local Plan states that applications for the demolition of buildings in Conservation Areas will be refused except where it can be demonstrated that the loss of the buildings will not be detrimental to the character and appearance of the Conservation Area and that there are proposals for their replacement which would preserve or enhance the character or appearance of the Conservation Area.

Appraisal:-

The key issues relating to this application are whether the loss of these buildings would be detrimental to the character and appearance of the Conservation Area; the setting of the adjacent Grade II* Listed Building; or, the setting of the Scheduled Ancient Monument.

The buildings themselves are large scale agricultural buildings that have a rather industrial appearance. It is not considered that they have any architectural or historical merit. Due to their size and position they are prominent from views within the Conservation Area. In particular, from Newtown Linford Lane, Parkside Close and Leicester Road across the Co-Operative store car park. In addition, they obscure views from Newtown Linford Lane and Parkside Close towards the Scheduled Ancient Monument and views of the Grade II* Listed Building. As such, it is considered that the removal of these buildings would enhance the character and appearance of the Conservation Area and provide further views of the Scheduled Ancient Monument and views of the Grade II* Listed Building.

It is not considered that the objections raised regarding noise and traffic pollution, overdevelopment, insufficient parking, insufficient access width, the position of access opposite Parkside Close and archaeology are relevant to this application. The same concerns have been raised in relation to the planning application for 24 dwellings and will be considered in detail within that report. In relation to asbestos and bat surveys, notes to applicant are proposed reminding the applicant of their responsibilities under the relevant legislation.

In conclusion, the application proposes to demolish two large agricultural buildings that do not contribute to the character of the Conservation Area. The relevant policy criteria is met and the application is, therefore, considered acceptable. Due to the benefits of improved views of the Grade II* Listed Building and Scheduled Ancient Monument from the removal of these buildings no condition requiring the implementation of a scheme for their replacement is proposed.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, BE5, BE7, BE8 and BE12 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 74 of the Planning (Listed Building and Conservation Areas) Act 1990.

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 applicant is advised that a survey and the subsequent controlled disposal of any asbestos material is required.

Contact Officer:- Mr D Warden Ext 5691

Item: 02

Reference: 06/01288/FUL

Applicant: George Wimpey E. Midlands Ltd

Location: Land North of 11 Newtown Linford Lane Groby Leicestershire

Proposal: **DEMOLITION OF AGRICULTURAL BUILDINGS AND ERECTION OF FOURTEEN APARTMENTS AND TEN DWELLINGS WITH ASSOCIATED PARKING AND ACCESS**

Introduction:-

This application is for planning permission for the demolition of two agricultural buildings and the erection of fourteen apartments and ten dwellings with associated parking and access at land to the north of 11 Newtown Linford Lane, Groby. An application for Conservation Area Consent for the demolition of these existing agricultural buildings precedes this item on the agenda (ref. No. 06/01270/COU).

The site is accessed from Newtown Linford Lane and measures approximately 4,900 square metres. The site is bounded to the north by the A50, to the east by residential and one industrial building, to the south by residential and the Co-Operative store, and to the west by 'Groby Motte' a Scheduled Ancient Monument and a complex of barns which are within the curtilage of the Grade II* Listed Old Hall.

The site itself is roughly an L-shape wrapping around the northern and western boundaries of the dwellings fronting Newtown Linford Lane. The site lies approximately 1 metre below the level of Newtown Linford Lane and two metres below the Co-Operative store car park. It currently comprises two large modern agricultural barns measuring approximately 325 and 400 square metres. The buildings are constructed of low level light coloured blockwork followed by darker metal sheet walling and roofing, with large metal roller shutter doors. The remainder of the site comprises various areas of hardstanding.

The application proposes to remove both of the existing buildings and erect two, two and half and three storey residential development fronting the proposed access road leading into the site from Newtown Linford Lane. The scheme has been amended taking into account comments from Officers and consultees, in particular, English Heritage, The Director of Highways, Transportation and Waste Management (Highways) and the Director of Heritage Services (Archaeology). As such, the amended scheme will be described in detail. Plot 1 and 2 turn through 90 degrees having frontage onto Newtown Linford Lane and the proposed access, respectively. Both plots are 2 storey cottage style dwellings constructed from re-used natural stone with brickwork window detailing. Plot 3 is a rendered 2 storey cottage style dwelling and plot 4 is a 3 storey dwelling constructed in brick with feature brickwork header detailing. Plot 5 is a further 2 storey rendered cottage style dwelling that, along with the access, turns the corner. Plots 6 to 9 are a terrace of two storey dwellings constructed from brick with flat roof dormer windows to the front and velux windows to the rear providing rooms in the roof. Plot 10 is a further 2 storey rendered cottage style dwelling that, similar to plot 5, turns the corner.

Plots 11 to 20 comprises a block of 6 two bedroom and 4 one bedroom flats on three floors. The front of the building is broken up to provide the appearance of a three storey dwelling

to the north and a two storey dwelling with rooms in the roof to the south. The three storey element will be constructed from a red brick and will have brickwork header, string, corbelled eaves and timber sill detailing. The two storey element will have flat roof dormer windows and be constructed from a lighter multi-brick with more simple arched brickwork header and timber sill detailing. The rear element of the entire apartment block will be two storey with flat roof dormer windows and a narrow central 3 storey rear projecting gable. This rear element will have arched brickwork and timber sill detailing. It will be constructed from red brick to take on the appearance of a later addition and add interest to the southern gable which will be prominent across the Co-Operative store car park.

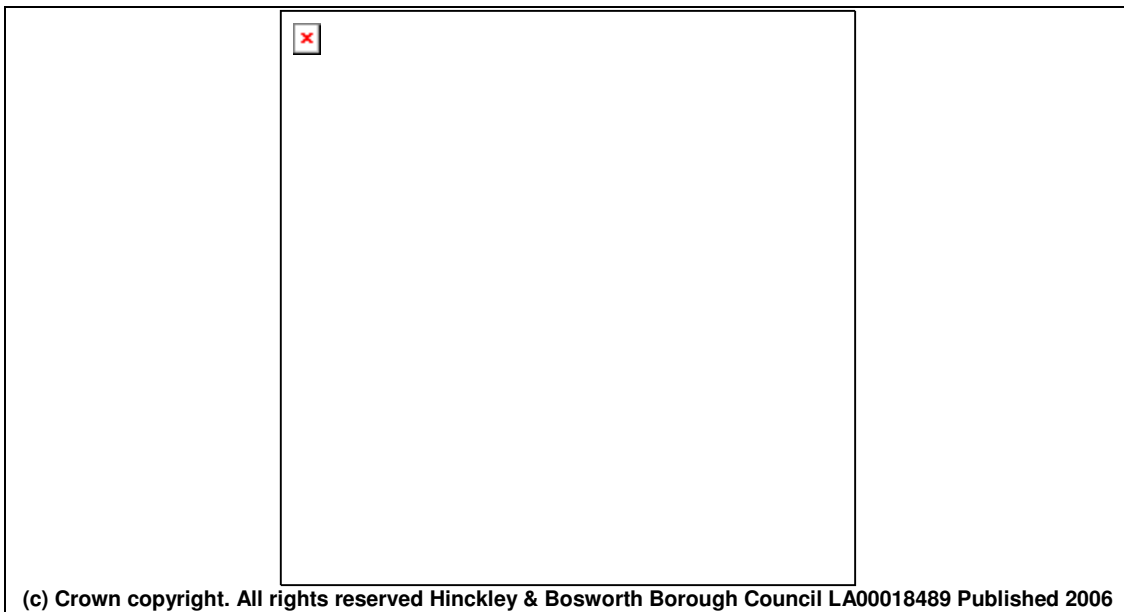
To the northeast corner of the site plots 21 to 24 front onto the opposite side of the proposed access. The two storey buildings comprise 4 two bedroom flats and architecturally are divided into two elements. Both elements are of a 'barn conversion' style and will be constructed in the lighter multi-brick. The southern element, along with the access, turns the corner and will have arched brickwork header and timber sill detailing. The northern element will have timber effect beams with bricked up openings below providing the appearance of a former agricultural use. In respect of roofing materials, plots 1-4 will utilise re-used natural slate, with the remainder of the development utilising imported natural slate.

The layout includes 2 on plot parking spaces for each of the 4 bedroom dwellings. Shared parking courts will provide 1.5 spaces for each of the 3 bedroom dwellings and the four 2 bedroom flats at plots 21 to 24. Plots 11 to 20 will also have a shared parking court providing 13 spaces for 10 flats. This provides a total of 37 parking spaces. In addition, cycle and bin stores are provided adjacent to plots 11 to 20 and 21 to 24. Private amenity space is provided to the rear of each house with communal gardens to the rear of each block of flats.

Information submitted in support of the application includes a planning statement, a design and access statement, a transportation assessment, a phase 1 and preliminary protected species report, an archaeological desk-based assessment, a site investigation report, a noise assessment and a noise monitoring report, an asbestos report, a drainage statement, streetscenes, cross-sections, a photomontage, a topographical survey, a perspective view, a materials plan and a draft S106 agreement. The submitted planning statement describes the relevant policies and states that there is a presumption in favour of residential development. In relation to car parking provision, it quotes from PPG13 regarding seeking to reduce the amount of parking in new development. The document concludes that the proposal complies with the policies contained within the development plan and that planning permission should, therefore, be granted. The submitted design and access statement provides a detailed architectural assessment of the surrounding area and provides examples of features similar to those proposed. It provides a detailed constraints plan including noise sources, points of interest and sewer easements. It also includes illustrations of the previous eight proposed layouts and how these have evolved through pre-application advice to the current design solution.

History:-

No relevant history.



Consultations:-

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

The Director of Highways, Transportation and Waste Management (Highways)
The Borough Council's Drainage Engineer
Severn Trent Water

The Head of Health and Environment states that the submitted asbestos survey is only a proposal. The survey should be carried out and depending upon the results the site investigation report may need updating. Details state the contaminated land report has not assessed the ground under either of the existing buildings, therefore a standard contaminated land condition is recommended. Concerns are raised regarding noise from the refrigeration units of the Co-Operative store. Whilst the relevant standards can be met with windows closed, there is a request regarding the potential for an amended layout.

The Director of Heritage Services (Archaeology) has reviewed the submitted desk-based assessment, which concludes that the site has the potential for prehistoric, Roman, medieval and post-medieval remains. There is the potential that areas of the site may contain well preserved archaeological remains. A field evaluation was therefore required. A number of field evaluations have since been carried out in consultation with the Director of Heritage Services (Archaeology). A further response has been received stating that the results of the field evaluation have led to alterations to the proposed layout to minimise the impact on structural archaeological remains. This is achieved by providing car parking and no building structures within the area of archaeological interest. The details state the scheme is, therefore, subject to the imposition of conditions regarding the need for further archaeological work, considered acceptable.

English Heritage did not object to the original layout but expressed concerns regarding materials and the relationship of the proposed development to the adjacent Scheduled Ancient Monument and Grade II* Listed Building. A photomontage was requested showing this relationship. However, following the need for an archaeological exclusion area to the south-eastern corner of the site, the application was amended to include a 3 storey block of flats to the south-western corner of the site. Further comments were received from English Heritage objecting to the application on the grounds that this 3 storey block, comprising

plots 11 to 20, would have an unacceptable adverse impact on the adjacent Schedule Ancient Monument and Grade II* Listed Building. However, following further amendments to the scheme reducing the southern element of plots 11 to 20 to two storey with flat roof dormer windows the objection has been withdrawn. English Heritage have also requested that as the Old Hall, complex of barns and proposed development site are within the same ownership that every effort is made to secure the future of the adjacent building through a section 106 agreement on this site.

The Environment Agency states that the site falls within the Agency's standing advice. This provides guidance on sustainable drainage for sites of less than 1 hectare which are within Flood Zone 1 (meaning land which has a less than a 1 in 1000 annual probability of flooding).

Leicestershire Constabulary Crime Reduction Officer does not object to the application. They welcome the proposed single point of access, but state that consideration should be given to the provision of CCTV to cover of this area. This would provide the opportunity for identification of all those entering and exiting the site. Recommendations are also made in respect of lighting, window and door security, landscaping and boundary treatment.

The Cycle Touring Club (CTC) has expressed concerns regarding the level of traffic on Newtown Linford Lane and the identified need within the Rural Parishes Cycling Network Plan to provide traffic calming. However, following the receipt of amended plans, a further response has since been received which states that the CTC do not oppose the amended application.

Natural England objects to the application as the applicant's consultant has not conducted internal surveys of the buildings and indicated that these surveys are necessary. Concerns are also expressed regarding the limited provision of greenspace and lack of sustainable drainage.

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

- Director of Children and Young People's Service - there is currently surplus capacity in the local primary schools. However, the local high and upper schools are full and forecast to remain so. Contributions are therefore sought of £18,227 to Brookvale High School and £18,659 to Groby Community College giving a total of £36,886. The request is based on 10 apartments and 10 houses with two or more bedrooms.
- Head of Commercial and Support Services - based on the scale of this development in respect of additional users of the existing library facilities a contribution of £1,250 towards the cost of books, materials and other facilities is required. This would be spent over a period of 12 months.
- Director of Highways, Transportation and Waste Management (waste) - the site lies between Whetstone and Coalville civic amenity sites. Contributions are only required for Coalville, as Whetstone currently has sufficient capacity, at a rate of £16.22 per dwelling, equating to £389 (to the nearest £).
- Natural Life Project Officer - states that computer data indicates great crested newts, bats, song thrush, skylark and buzzard have been recorded in the vicinity of the site. 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.
- The Director of Highways, Transportation and Waste Management (Highways) - requires the making of Traffic Regulation Orders to: upgrade street lighting on Newtown Linford Lane between the junction with Leicester Road and the junction with the link road to the A50 bypass; amended waiting restrictions in the vicinity of the proposed access; and, extension of the existing 30 mph speed limit on Newtown

Linford Lane. In addition, the following improvements are also required: tactile paving, drainage provision, access improvements and travel information packs.

Hinckley and Bosworth Primary Care Trust have requested a financial contribution of £19,832 towards the provision of appropriate levels of health care which is an essential part of any sustainable community.

Groby Parish Council objects to this application stating the following concerns:

- a) materials
- b) three storey dwellings
- c) insufficient parking
- d) lack of provision for bins and recycling
- e) insufficient highway visibility
- f) lack of bat survey
- g) archaeology
- h) contributions for the provision of open space
- i) density

However, they do support the proposed traffic regulation order to extend the 30 mph speed limit to the northeast of the A50 bridge.

Groby Village Society objects to the application stating concerns relating to:

- a) density
- b) design
- c) lack of gardens
- d) amount of hardstanding resulting in increased risk of flooding
- e) highway safety

Neighbours notified, site notice erected and press notice provided. Thirteen letters of objection from eight addresses have been received relating to the following matters:

- a) noise and traffic pollution
- b) highway safety
- c) out of character
- d) adverse impact on Listed Building and Conservation Area
- e) archaeology
- f) over development
- g) insufficient parking
- h) insufficient access width
- i) position of access opposite Parkside Close
- j) too much development in Groby
- k) lack of existing infrastructure and facilities
- l) height of proposed buildings
- m) materials
- n) window styles
- o) lack of provision for bins and recycling
- p) potential for flooding

Development Plan Policies:-

The site lies within the settlement boundary for Groby and is within the Groby Conservation Area and the National Forest, as defined in the adopted Hinckley and Bosworth Local Plan.

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

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

Policy BE7 of the Local Plan states that in Conservation Areas, the primary planning policy will be the preservation or enhancement of their special character (including buildings, related spaces, views into and out of the area, topography and vegetation) and appearance. When determining applications for development, consideration will be given to the siting of proposals in relation to existing urban spaces, the desirability of retaining features of historic or characteristic value and the use and application of building materials.

Policy BE8 of the Local Plan states that applications for the demolition of buildings in Conservation Areas will be refused except where it can be demonstrated that the loss of the buildings will not be detrimental to the character and appearance of the Conservation Area and that there are proposals for their replacement which would preserve or enhance the character or appearance of the Conservation Area.

Policy BE12 of the adopted Local Plan states that planning permission will not be granted for any proposed development which would adversely affect a scheduled ancient monument or other nationally important archaeological site or its setting.

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.

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

Policies REC2 and REC3 of the adopted Local Plan require an appropriate level of formal and informal 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 where policy RES5 allows for residential development, subject to compliance with other relevant policies. The principle of residential development is, therefore, considered acceptable.

Density

National and regional policy seeks a density of between 30 and 50 dwellings per hectare for all new residential developments to promote the better use of land. The application site measures approximately 0.49 hectares, to develop this at the lower end of the recommended density would result in a scheme for 15 dwellings and at the higher end would result in a scheme for 25 dwellings. The proposed development of 24 dwellings would result in a density of 49 dwellings per hectare. The application proposes 14 flats and schemes for flats normally result in a density of over 100 dwellings per hectare. In addition, the site is located close to local facilities and public transport. The proposed density is within the specified range and given that part of the scheme is for flats and the location of the site is considered acceptable.

Siting and Design

The design and layout of the proposed dwellings and flats has been the result of substantial discussion and amendment, both before this application was submitted and during its consideration. The proposed buildings are considered to be of a sympathetic and high quality design incorporating a number of local features and are considered acceptable. Concerns have been raised regarding the use of 3 storey buildings within the scheme. It is considered that these buildings are well integrated and make a positive contribution to the proposed development. High quality materials will be used including natural slate throughout, as well as reclaimed stone and slate from 'Branting Lodge', Branting Hill, Groby.

The amended layout takes into account comments regarding urban design, archaeology, noise and highways. The buildings are now located outside of the area of archaeological interest and at least 20 metres from the noise source at the Co-Operative store. It is considered the proposed layout provides strong frontages of perimeter development to form an attractive streetscene. Window to window distances from plots 21 to 24 towards plots 6 to 9 are approximately 13 to 14 metres against an adopted standard of 25 metres. However, this is within the site, across a road and to the fronts of dwellings where lesser distances can generally be expected. The proposed relationship with the adjacent dwellings is considered acceptable. The proposed garden sizes for plots 1, 2 and 5 to 10 fall below the adopted standards by up to 20 square metres. However, the site is located in close proximity to the village centre, recreation and local facilities and it is not considered that a reason for refusal could be sustained on these grounds.

Concerns have been raised regarding the relationship of the proposed development to the Grade II* Listed Building and Scheduled Ancient Monument, in particular plots 11 to 20. However, plots 11 - 20 are over 50 metres from the Listed Building and the proposal has been amended to ensure the proposed building does not compete with the Listed Building. English Heritage have withdrawn their objection and the proposed relationship is considered acceptable. The proposed buildings will impact upon views towards the Listed Building and Scheduled Ancient Monument from Newtown Linford Lane and Parkside. However, it is considered that the more important views from within the centre of the village are being preserved and the unrestricted retention of the views from Newtown Linford Lane and Parkside would effectively sterilise this land. As such, it is not considered that a reason for refusal could be sustained on these grounds. In addition, the proposal will allow improved views from within the site and the potential for future public access to the Scheduled Ancient Monument which will be secured by condition.

Highways

The application proposed 37 car parking spaces against a Local Plan standard of a maximum of 47 spaces. However, the site is located within the centre of the village in close

proximity to local facilities and public transport. The scheme proposes an average of just over 1.5 spaces per dwelling with, each of the four bedroom dwellings having 2 spaces. Additional cycle storage facilities are proposed. As such, the proposed level of parking is considered acceptable. Highway improvements are proposed to the site access and Newtown Linford Lane and subject to conditions the Highways Authority, raise no objection. Concerns have been raised regarding the position of the access in relation to Parkside. However, the application has since been amended to relocate the access further north, in line with comments from the Highway Authority. The highway elements of the proposal are, therefore, considered acceptable.

Financial Contributions

The application proposes 24 residential units; therefore contributions towards education of £36,886, libraries of £1,250, civic amenity of £389, health of £19,832 and play and open space of £45,600 are payable giving a total contribution of £103,957 are required. Due to the constrained nature of the site it is not possible to provide onsite open space. The site is approximately 290 metres from Highfield Road recreation ground which provides informal open space and 930 metre from Groby Community College formal recreation facilities. There is a recognised need to improve infrastructure at both areas of open space. At Groby Community College this includes improving access to and the quality of existing outdoor sports provision and at Highfield Road improving the quality of the existing amenity green space. The play and open space contribution will be utilised to partially fund these improvements.

Other Considerations

The Head of Health and Environment has expressed concerns regarding noise from the adjacent Co-Operative store refrigeration units. However, these comments are based on an earlier layout and further comments regarding the revised layout are awaited and will be reported as a late item. Concerns have been expressed regarding archaeology. However, the current layout is the result of substantial liaison with the Director of Heritage Services (Archaeology) and trial trenching. In addition, further post-determination archaeological works will be secured by condition. Natural England objects to the application due to the lack of a detailed Bat Survey. However, the work for this survey and report is currently being carried out and will be reported as a late item. In addition, the bat bricks and boxes required by the Natural Life Project Officer will be secured by condition. Concerns have been expressed regarding the provision of greenspace and sustainable drainage. Conditions are proposed which require the approval landscaping and drainage details and the applicant will be advised of the need for a sustainable approach to drainage of the site.

Given the village location of the site, it is not considered appropriate to require the installation of CCTV at the point of access as requested by Leicestershire Constabulary Crime Reduction Officer. The applicant's attention will be drawn to the guidance on window and door security. In addition, conditions are proposed in respect of lighting, landscaping and boundary treatment. Concerns have been raised regarding the provision for bins and recycling facilities. Communal areas are shown for bins for the proposed flats and each of the proposed dwellings has access to their private amenity space for bin storage. Concerns have been raised regarding the amount of hardstanding resulting in increased risk of flooding. A large percentage of the site is currently laid to hardstanding and the site is located within Flood Zone 1, where there is less than a 1 in 1000 year risk of flooding. As stated above, a note to applicant is proposed providing guidance on sustainable drainage. Concerns have also been raised regarding noise and traffic pollution from the proposed development. There is an existing agricultural use of the site and it is not considered that the proposed development will give rise to undue noise or traffic pollution. The Head of Health and Environment has not raised concerns regarding this matter. The presence of other development in Groby is relevant only to the level of infrastructure available. In addition, concerns have been raised regarding the lack of existing

infrastructure and facilities. The contributions detailed above will ensure that the proposed development does not have an unacceptable adverse impact on the existing infrastructure within the area and provide any additional infrastructure to mitigate the impact of the development.

English Heritage has requested the Council seek to secure the future of the Grade II* Listed Old Hall and barns within its curtilage. The application proposes residential development on a site within the settlement boundary and does not seek to justify the application based on enabling development to improve the adjacent Listed Buildings. As such, it is not considered reasonable to require contributions or otherwise from the proposed development. Any requirement would need to be imposed on applications to develop the complex of buildings themselves, rather than on an adjacent site.

The site lies within the national forest where policies seek particularly high quality design, materials and landscaping. It is considered that the proposed development meets these high standards. The adopted Supplementary Planning Guidance on the National Forest does not require a specific area for tree planting on a site of this size. A condition is proposed regarding landscaping and a note to applicant will advise that a particularly high standard of landscaping is required for this site.

Conclusion

The principle of residential development on sites within existing settlements, particularly close to village centres, is supported by local and national policy. The application proposes perimeter development on a heavily constrained site with particularly high quality buildings and materials providing an attractive streetscene. Adequate parking is proposed and relevant contributions will be secured by a section 106 agreement. As such, the proposed development is considered, subject to the receipt of an adequate Bat Survey, conditions and a section 106 agreement.

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, education, highways 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 17th September 2007 may result in the application being refused.:-

SUMMARY OF DECISION - The proposal is in conformity with Policies BE1, BE5, BE7, BE8, BE12, RES5, REC2, REC3, NE12, NE21, NE22, NE23 and NE24; 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 plans no.'s GW.048.05/A, GW.048.10/A, GW.048.11/A received by the Local Planning Authority on 18th June 2007, further amended plans no.'s GW.048.01/G, GW.048.02/C, GW.048.06/C, GW.048.07/B, GW.048.08/C, GW.048.09/B, GW.048.12/B, GW.048.13/B, GW.048.14/A and GW.048.15/B and additional plans GW.048.16, GW.048.17, GW.048.18 and GW.048.19 received by the Local Planning Authority on 16th August 2007.
- 3 The scheme shall be constructed in accordance with the materials treatment schedules reference no.'s GW.048/08/C, GW.048/16 and GW.048/16 received by the Local Planning Authority on 16th August 2007, unless otherwise agreed in writing with the Local Planning Authority.

- 4 The scheme shall be implemented in accordance with the levels shown on plan GW.048/09/B received by the Local Planning Authority on 16th August 2007, unless otherwise agreed in writing with the Local Planning Authority.
- 5 Prior to the commencement of development a scheme to provide public access to the adjacent Scheduled Ancient Monument 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 first occupation of any dwelling hereby approved and shall thereafter be maintained.
- 6 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.
- 7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 8 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.
- 9 Prior to the occupation of any dwelling hereby approved, 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.
- 10 Prior to the commencement of development details of the bin storage areas shall be submitted to and approved in writing by the Local Planning Authority. The bin storage areas shall be implemented in accordance with the approved scheme before any of the dwellings hereby approved are first occupied and shall thereafter permanently remain available for use.
- 11 Prior to the occupation of the any dwelling hereby approved, 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.
- 12 Notwithstanding the details submitted, details of all boundary treatment to the site including retaining walls shall be submitted to and approved in writing by the Local Planning Authority before development commences, and implementation in accordance with the approved scheme before any of the dwellings hereby approved is first occupied.
- 13 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 prior to the occupation of any dwelling hereby approved and thereafter retained unless otherwise agreed in writing with the Local Planning Authority.

- 14 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.
- 15 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.
- 16 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 17 Notification of the commencement of development should be given in writing not less than 14 days before development commences.
- 18 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 19 No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has previously been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitable qualified body approved in writing by the Local Planning Authority.
- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A - E (inclusive) shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 21 No development approved by this permission shall be commenced until the proposals contained within the submitted Asbestos Survey shall be completed and a detailed report, including proposals for remediation if required, has been submitted to and approved by the Local Planning Authority. 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.
- 22 Development shall not begin until a scheme for protecting the proposed dwellings from noise from the A50 and the adjacent Co-Operative store has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

- 23 There is a public sewer which crosses this site. No building shall be erected or trees planted within 2.5 metres of the 300mm public foul sewer. The applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with Section 185 of the Water Industry Act 1991.
- 24 Before development commences on site, a working practice schedule associated with the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. This schedule shall include full details of the provision for parking of construction vehicles, wheel cleansing facilities with locations, hours of operation, lorry movements and traffic routeing, and supervision procedures. These facilities and associated measures shall then be implemented in accordance with the approved details and shall be provided and fully operational at the site at all times during the construction of the development.
- 25 Before the first occupation of any dwelling hereby approved the access drives, turning areas and parking spaces shown on the approved plans shall be constructed in a hard bound pervious paving system (not loose aggregate), with or without attenuation storage, depending on ground strata permeability and shall be so maintained at all times.
- 26 No part of the development shall be occupied unless and until improvements have been undertaken along Newtown Linford Lane, to the satisfaction of the Local Planning Authority in consultation of the Highway Authority, as follows: -
- a) Tactile paved road crossings to the Newtown Linford Lane/Leicester Road junction as shown on your drg. no. GW048-01.
 - b) upgrading of the street lighting on Newtown Linford Lane between the junction with Leicester Road and the junction with the link road to the A50 Groby Bypass.
 - c) alterations to the existing waiting restrictions on Newtown Linford Lane in the vicinity of the proposed access junction.
 - d) Extension to the existing 30mph speed limit on Newtown Linford Lane.
 - e) undertaking the application site access improvements as detailed on plan GW.048/01/G received by the Local Planning Authority on 16th August 2007.
- 27 Notwithstanding the drawings as submitted, all details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing and visibility splays and be submitted for approval by the Local Planning Authority in consultation with the Highway Authority before development commences. The approved scheme shall be provided prior to first occupation of any part of the development and shall thereafter be so maintained.
- 28 Visibility splays of 3.4 metres x 90 metres shall be provided at the site access at its junction with Newtown Linford Lane.
- 29 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 in consultation with the Highway Authority prior to the occupation of any dwelling hereby approved.
- 30 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 6 metres behind the Highway boundary and shall be hung so as to open inwards only.
- 31 The gradient of access drives shall not exceed 1:20 for first 10m behind the highway boundary, unless otherwise agreed in writing by the Local Planning Authority.
- 32 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. This is to include any necessary provision or alterations to the existing highway drainage to the adjacent A50.

- 33 Before the development is first occupied, off-street car parking provision shall be made within the application site, as detailed on approved plan GW.048/01/G received by the Local Planning Authority on 16th August 2007. The parking areas shall be marked out prior to the development being brought into use and shall be so maintained at all times.
- 34 Upon the first occupation of each dwelling hereby approved, the developer shall supply a transport information pack with walking, cycling, bus and rail maps and timetables, means of application for free bus passes, and locations of local schools, shops and other amenities to the satisfaction of the Local Planning Authority.
- 35 No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.
- 36 Notwithstanding the drawings as submitted, and before the plots 11-24 hereby permitted are first occupied, secure and weather protected 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.
- 37 The proposed private drives shall provide the minimum widths, for at least the first 5 metres behind the Highway boundary, and the radii at their junction with the adopted road carriageway as shown on approved plan GW.048/01/G received by the Local Planning Authority on 16th August 2007. The access drives once provided shall be so maintained at all times.
- 38 Before first use of the development hereby permitted, the hedgerow to the existing highway boundary of the A50 alongside the proposed access road, shall be reinstated behind a new post and rail fence as detailed on approved plan GW.048/01/G received by the Local Planning Authority on 16th August 2007 and thereafter maintained. If the roads within the development are to be adopted by the Highway Authority, the hedge and fence co-incident with the development access road will be included in an agreement under Section 38 of the Highways Act 1980.
- 39 Before first use of the development hereby permitted, a new gate to the access way at the foot of the A50 embankment, shall be provided as detailed on approved plan GW.048/01/G received by the Local Planning Authority on 16th August 2007.
- 40 During the period of construction heras fencing shall be provided along the site boundary with the A50 embankment to prevent pedestrians gaining access onto the A50 embankment from the development and Newtown Linford Lane. The temporary fencing shall remain until it is replaced with the boundary treatment required by condition 38.

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, BE5, BE7, BE12 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that the development has a satisfactory external appearance and to safeguard amenities of neighbouring properties to accord with policies BE1, BE5, BE7, BE12 and RES5 of the adopted Local Plan.

- 5 To safeguard access to the Scheduled Ancient Monument, to accord with policy BE12 of the adopted Local Plan.
- 6 To enhance the appearance of the development to accord with policy BE1, NE12, NE22, NE23 and NE24 of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1, NE12, NE22, NE23 and NE24 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that all communal areas are satisfactorily maintained at all times.
- 9 To provide sufficient security measures as well as preventing unnecessary light pollution to accord with policies BE1 BE5, BE7, BE12 and BE26 of the adopted Hinckley and Bosworth Local Plan.
- 10 To safeguard amenities of neighbouring properties to accord with policy BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 11 To ensure that the development has a satisfactory external appearance to accord with policy BE1, BE5, BE7, BE12 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 12 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 & Bosworth Local Plan.
- 13 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.
- 14 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.
- 15-18 To ensure that the site is not contaminated, to safeguard the health of future occupiers and prevent pollution of the water environment to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 19 To ensure satisfactory archaeological investigation and recording to accord with policy BE13, BE14, BE15 and BE16 of the Hinckley & Bosworth Local Plan.
- 20 To safeguard amenities of neighbouring properties to accord with policy BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 21 To ensure that the site is not contaminated by asbestos and to safeguard the health of future occupiers to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 22 To safeguard amenities of future occupiers to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 23 To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system.

- 24 To minimise the impact of the development on the amenities of neighbouring properties during construction, to reduce the possibility of on-street parking and in the interests of general highway safety, to accord with policies BE1 and T5 of the adopted Local Plan.
- 25 To ensure that the development has a satisfactory external appearance, to aid sustainable drainage and to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), to accord with policies BE1, RES5 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 26 In the interests of highway safety, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 27&28 To ensure a satisfactory form of development and in the interests of Highway safety, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 29 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 Local Plan.
- 30 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway, to accord with policy T5 of the adopted Local Plan.
- 31 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 policy T5 of the adopted Local Plan.
- 32 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 Local Plan.
- 33 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area, to accord with policy T5 of the adopted Local Plan.
- 34 In the interests of the sustainability of the development and to encourage alternative transport choice, to accord with policy T5 of the adopted Local Plan.
- 35 To afford adequate visibility at accesses, in the general interests of highway safety, to accord with policy T5 of the adopted Local Plan.
- 36 In the interests of the sustainability of the development and to encourage alternative transport choice, to accord with policy T5 of the adopted Local Plan and Accessibility and Transport Policy 3 of the adopted Structure Plan.
- 37 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 Local Plan.
- 38 To provide satisfactory landscaping along the site boundary and prevent pedestrians from accessing the highway embankment area from the access road, to accord with policy T5 of the adopted Local Plan.
- 39&40 In the interests of highway safety, to accord with policy T5 of the adopted Local Plan.

Notes to Applicant:-

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

and the local office of Natural England contacted for advice.

- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 4 The applicant's attention is drawn to the recommendations of the Leicestershire Constabulary Crime Reduction Officer in their letter dated 11th July 2007.
- 5 The applicant's attention is drawn to the attached Environment Agency Standing Advice on flooding and sustainable drainage.
- 6 C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Area Manager.
- 7 You will be required to enter into suitable legal Agreement(s) with the Highway Authority for the off-site Highway works, and in respect of these, you are advised to consider the lead times before development commences.
- 8 If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development.
- 9 The Highway boundary is normally the wall/hedge/fence etc fronting the premises and not the edge of the carriageway.
- 10 If you intend to provide temporary directional signing to your proposed development, you must ensure that prior approval is obtained from the County Council's Area Manager for the size, design and location of any sign in the Highway. It is likely that any sign erected in the Highway without prior approval will be removed. Before you draw up a scheme, the Area Managers' staff (for Hinckley & Bosworth: tel: 01530 262380) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of your abortive sign design work.
- 11 In relation to Conditions 6, 7 and 8, as the site is located within the National Forest and a Conservation Area, as well as its proximity to a Grade II* Listed Building and Scheduled Ancient Monument, a particularly high standard of landscaping will be required for this site.

Contact Officer:- Mr D Warden Ext 5691

Item: 03

Reference: 07/00386/FUL

Applicant: Roy Knowles

Location: Haywain Barn Insleys Lane Shackerstone Leicestershire CV13 6NL

Proposal: RETENTION OF BALCONY, METAL FLUES AND TWO WINDOWS

Introduction:-

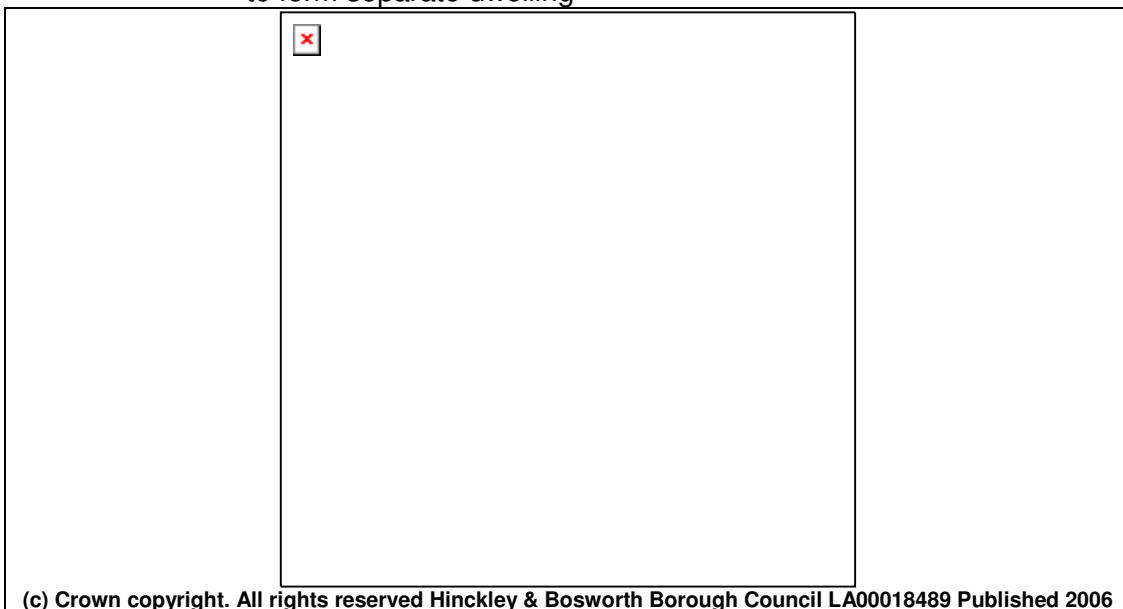
This is a full application is for the retention of a balcony, two metal flues (one serves a kitchen AGA, the second metal flue serves a wood burning stove) and two windows to a barn conversion known as Haywains Barn, Insleys Lane, Shackerstone. The site is on Insleys Lane approximately 25 metres from its junction with Allotment Lane on the north east edge of the village, surrounded by residential properties.

In support of the proposals, the applicant has stated that the old balcony was rotten and unsafe and the new balcony, is larger than the original so as not to impede the drain pipes. The original steps were not refitted as they would be too steep between the end of the balcony and ground floor french doors. The windows were replacements within existing original openings.

Amended plans have been received in relation to repositioning of the 2m metal flue along the line of the roof in order to move it further from the adjacent dwelling, in an attempt to overcome objections. The applicant has also confirmed that he would be willing to obscure glaze the two windows which are proposed to be retained to make them more acceptable.

History:-

04/00552/FUL	Conversion of ancillary buildings to form separate dwelling	Approved	17.08.2004
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Consultations:-

Letters of objection have been received from eight local residents on the following grounds;

- a) The two flues are in view of the neighbouring kitchen window
- b) The large wood burner flue is 4 metres from the neighbouring house and when there are prevailing winds, the smoke and fumes swirl around the property expel dust and

ash pollution giving rise to a health hazard, affecting washing and use of the garden and parking area

- c) The large metal wood burner flue is unsightly and obtrusive, spoils the roof of the building on which it is situated, is out of character with the Conservation Area and will set a precedent for the future developments within the Conservation Area
- d) The windows take away privacy from the adjoining property and garden
- e) In relation to the amended plans, no objection to windows being obscured glazed but objections to amended flue, it should be located within the roofspace and outlet on the opposite side of the roof

One letter of support has been received on the following grounds;

- a) The metal wood burner flue is not visible from the road and should be viewed as a replacement for a flue in a similar location that was removed before 1985.
- b) The revised flue arrangement ensures that the flue is not visible from any part of the village open to public access.
- c) The windows were present in 1985 and had been there for many years, they should be retained as part of the history of the property.
- d) The small AGA flue is not visible from the road and can be viewed as a replacement for one of the original flues for the Smithy which formerly occupied this part of the site. Originally there were two flues in this part of the building.
- e) The applicant has stated that the steps to the balcony have no historical significance, external steps were provided in 1986 as the internal steps were unsafe.

Shackerstone Parish Council have commented that the balcony is not seen from the road and therefore does not affect the appearance of the building from a conservation point of view, it is in accordance with the original planning permission but without the external steps, and, it is required for safety reasons from the first floor door. The small metal flue is not noticeable from the road and does not affect the appearance of the building. The large metal wood burner flue is not visible from the road and does not affect the building from a conservation point of view. There were windows in this location in the original building and therefore, these windows should be retained for the historical accuracy of the building, and in any case, they cannot be seen from the road.

Director of Environment and Heritage Services (Archaeology) does not wish to comment on the application.

The Borough Council's Conservation Officer comments that balconies are domestic features which are inappropriate on converted rural buildings. The original access to the first floor is an important feature which should be retained. The current balcony does not reflect this. The windows in the boundary were to be removed in the original planning approval and if retained cause overlooking to the neighbour's property. A very large glazed opening already exists in the end gable and a window in the other side elevation which lights the end room. The wood burner flue has been painted black but is still very prominent and was not indicated on the original approved drawings.

A site notice was displayed.

Development Plan Policies:-

The application site lies within the settlement boundary limits to Shackerstone as identified in the adopted Hinckley and Bosworth Local Plan. The property is also within the Shackerstone Conservation Area.

Policy RES9 states that planning permission for the conversion of buildings for residential use, within settlements, will be considered on their own merits.

Policy BE7 which relates to development in Conservation Areas, states that the preservation or enhancement of their special character or appearance will be the primary planning objective.

Policy BE1 of the Local Plan states that the Borough Council will ensure a high standard of design to safeguard and enhance the existing environment, provide safe access arrangements and not adversely affect neighbouring properties.

Policy BE20 seeks to ensure that the re-use or adaptation of rural buildings for residential purposes does not have an adverse effect on the design, appearance, character and setting of the building or affect highway safety. Further advice is given in the Local Planning Authority's Supplementary Guidance on Conversion of Rural Buildings (adopted June 2004).

Appraisal:-

It is considered that the proposed windows would be acceptable if they were satisfactorily obscure glazed and fixed so as to be incapable of opening, preventing over-looking into the adjacent property.

The SPG 'Conversion of Rural Buildings' states that metal flues may be acceptable provided they can be fixed internally with little impact on the external appearance of the building. It is considered that the smaller AGA flue is unobtrusive and in accordance with the SPG.

The SPG further states that 'Chimney stacks anywhere on the main roof profile are inappropriate as they will interrupt the unbroken roof profile and create an unwelcome domestic feature into the desired agricultural character of the farm building conversion. There is, however, a precedent for tall chimneys servicing smaller buildings attached to the main barn and this may be a solution to the problem in some circumstances.' The larger, wood-burner flue as built, and in its amended form, is obtrusive but is located on the single storey element away from the main two-storey barn so is not highly visible from the road frontage, and in this respect it complies with the SPG. However, it is fixed externally for 2 metres and is therefore highly visible both on the appearance of the building and from the neighbouring property.

The original 'balcony' was smaller than the one provided, and had steps to ground level, and was merely a landing as part of the external access to the first floor. Balconies alone are domestic features which are generally inappropriate on converted rural buildings. The original access to the first floor is an important feature which should be retained. The current balcony does not reflect this.

Conclusion

The AGA flue is small and unobtrusive, with little detrimental impact on the external appearance of the building. The windows could be retained if they are modified by satisfactory obscure glazing and non-opening. It is recommended that the application be refused on the grounds that the wood burner flue and balcony are unacceptable and uncharacteristic features on this rural building.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority the retention of the existing balcony is considered to be an unsympathetic addition, significantly detracting from the design, character and appearance of this former agricultural building. It provides an incongruous feature out of keeping with the building and, is therefore contrary to policies BE1 and BE20 of the adopted Hinckley and Bosworth Local Plan.
- 2 In the opinion of the Local Planning Authority the proposed wood burner flue by virtue of its size, siting and design, is considered to be unsympathetic, detracting from the design, character and appearance of this former agricultural building, providing an incongruous features out of keeping with the building. In addition, by virtue of its size, siting and design, the flue has an adverse impact on the neighbouring property and the amenities of the adjoining dwelling. The proposal is therefore considered to be contrary to policies RES7, BE1 and BE20 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 In relation to the balcony, it is considered that a more acceptable scheme could be achieved by the re-introduction of a staircase. Planning permission would be required for such a scheme as the existing balcony is larger than the original one that has been removed.
- 2 In relation to retention of the windows, the details submitted with the amended plans included the proposed obscure glazing of them which could provide an acceptable scheme. Planning permission would be required for their retention.
- 3 In relation to the wood burner flue, it is considered that a more acceptable scheme could be achieved by relocating the pipe inside the building with the flue exiting the roof closer to the ridge which would result in a lesser amount of pipe work being visible externally, therefore minimising the detrimental effect on the character and appearance of the building. Planning permission would be required for such a scheme.

Contact Officer:- Mrs L Forman Ext 5682

Item: 04

Reference: 07/00510/FUL

Applicant: Charles Church South Midlands

Location: 19 Bradgate Road Hinckley Leicestershire LE10 1LA

Proposal: DEMOLITION OF EXISTING DWELLING AND ERECTION OF 15 DWELLINGS WITH PARKING

Introduction:-

This is a full application for the erection of 15 dwellings (reduced from 16) on the site of 19 Bradgate Road Hinckley. The site extends to 0.64 hectares and is currently occupied by a single two-storey dwelling which is to be demolished. The site is bounded by residential properties except along the north eastern boundary which abuts an area designated as Green Wedge affording views across Burbage Common.

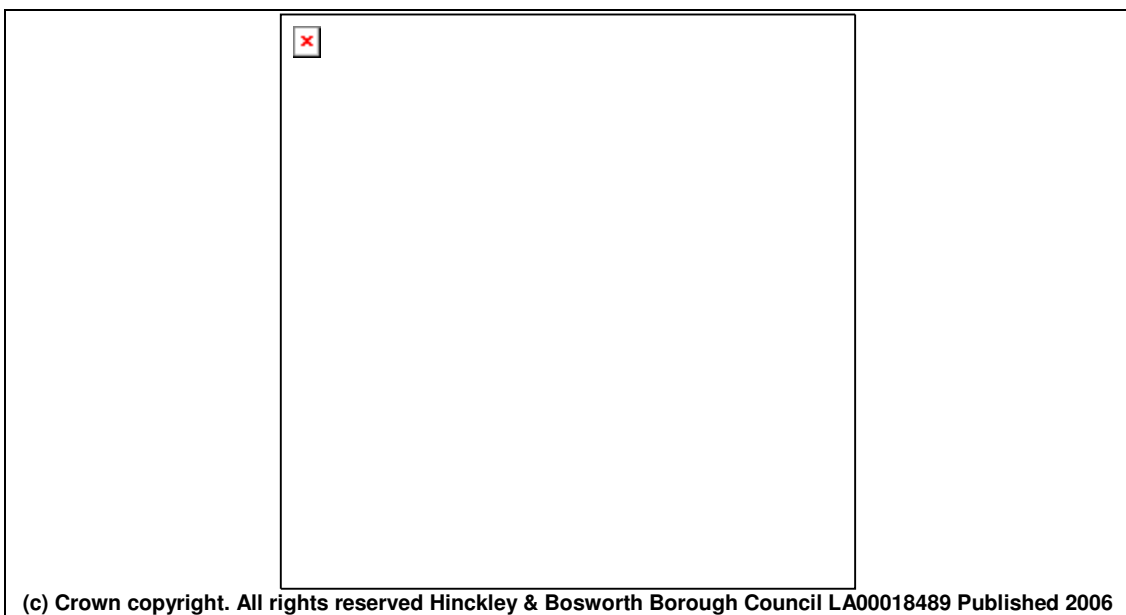
The proposal creates an new access off Bradgate Road with the formation of a "T" shaped cul-de-sac with 13 dwellings arranged around the new road comprised of 9 four bedroom

detached, 1 four bedroom semi-detached and 3 three bedroom semi-detached. At the front of the site, either side of the access, are two individually designed detached properties occupying relatively large plots consisting of a five bedroom house and a similarly proportioned four bedroom bungalow that continue and maintain the existing built form of Bradgate Road.

The design and access statement submitted as part of the application states that the proposal has been designed in response to the site opportunities and constraints as well as taking into account the existing topography and surrounding properties. The proposal is informed and makes reference to the recently completed Bovis scheme at the adjacent Bradgate Gardens development.

History:-

No relevant recent history



Consultations:-

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

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

Leicestershire Constabulary Crime Reduction Officer raises no objection to the proposal other than noting appropriate lighting should be provided to enhance security at the parking areas to plots 8-11.

The Cyclist Touring Club have no objection in principle but notes despite the presence of traffic calming measures and a 20mph speed zone, vehicles regularly exceed this figure causing concerns for vulnerable road users.

Site and press notices have been issued and neighbours notified, 21 letters of objection have been received raising the following concerns:-

- a) out of keeping with existing street scene, detrimental to visual amenity
- b) existing house is historically important to Hinckley and should be retained
- c) sets a precedent for other similar developments and further loss of the heritage of the town
- d) increased traffic movements has implications for highway safety in what is already a "rat run"
- e) will lead to an increased incidence of flooding along the properties of Bradgate Road and Gardens
- f) devaluation of property prices
- g) negative effect on countryside and wildlife
- h) loss of trees
- i) increased noise and disturbance during, and post construction
- j) over supply of housing on Bradgate Road
- k) will create increased congestion and on-street parking problems
- l) density too high in relation to existing properties
- m) position of new access inappropriate and dangerous and will affect access to adjacent properties
- n) the site is not brownfield land

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 Statement 3: Housing (PPS3) advises local planning authorities to promote developments that continue a mix of land uses and makes the most efficient use of land, particularly redeveloped land. 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 guidance set out in the Planning Policy Statements.

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 an efficient use of land in a manner which satisfactorily acknowledges environmental and amenity interests and protects or enhances the form, character and distinctiveness of the built environment.

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

The Local Plan

The application site is within the settlement boundary of Hinckley.

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 that they lie within an urban area and their siting, design and layout does not conflict with the relevant plan policies.

Policy BE1 of the 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.

Policy NE12 of the Local Plan states that proposals for development should take into account the existing landscaping features of the site and should make provision for further landscaping where appropriate. If existing landscape features cannot be retained then a scheme will be required to replace or reinstate that nature conservation value of the features that will be lost.

Policy NE3 of the Local Plan states that important areas of physical separation, or Green Wedges, between the existing built form should be protected and wherever possible improved and development should not undermine the character of these areas.

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

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.

Policy REC3 of the adopted Local Plan requires all new residential development to provide outdoor play space for children.

The Borough Council's Supplementary Planning Guidance on New Residential Development (revised July 1997) and on Play and Open Space (adopted October 2002) provide further guidance on development proposals including the provision of open space within development proposals or of financial contributions towards off site provision. In this case the developer is required to provide a contribution of £17,374.

Appraisal:-

Principle

The site is located within the settlement boundary of Hinckley in a predominantly residential area. The current property has no statutory protection in terms of either Local or National Listing which would prevent its demolition. When assessing this application officers were mindful of the Appeal Decision issued on the 5th July 2004 in relation to the adjacent Bovis site which is nearing completion. The Inspector ruled that in principle the residential development of the site would not be harmful to the character and appearance of the area. He also stated that national policy clearly and unequivocally seeks to maximise the development potential of previously developed land within urban areas.

In terms of national and local policy and the size and topography, the two sites are directly comparable. With the principle already established the main focus of the application is securing the appropriate design.

Density

The site covers approximately 0.64 of a hectare and the proposal equates to a density of 25 dwellings per hectare (dph) and is below the indicative minimum density of 30 dph set out in Planning Policy Statement 3. However, given the surrounding built form, the plot size of

the two frontage plots to continue the existing street scene, and the narrowing of the site in the south east corner this figure is deemed to be acceptable.

Layout and Design

A key consideration of the scheme was the effect the development would have on the existing street scene. At an early stage of negotiations the continuation of the existing built form was a fundamental requirement and was secured with the inclusion of two bespoke properties. These frontage properties take their design cues from the individual properties occupying large plots that are a characteristic of Bradgate Road. The majority of the rest of the development will be largely concealed from view when travelling past the site.

Plots 3, 5 and 10 provide visual end stops as you enter the site. With the exception of the frontage properties the majority of the units on the site were of a standard specification and type. A series of amendments were secured consisting of differing elevational treatment and detailing, the rearrangement of internal layouts and styles of window including dummy windows that add interest and help differentiate the house types.

Landscaping

To the north east of the site is an area of Green Wedge which serves as a physical break between the built environment and Burbage Common and beyond to the settlements of Barwell and Earl Shilton. It is important to maintain this relationship and prevent the development from detracting from the views of the surrounding countryside when viewed from Burbage Common. To this end a condition can be attached to an approval requiring the current tree and hedge line to be managed and maintained in such a way so not to affect the amenity of any future occupiers and also protect the status of the Green Wedge.

Access

The proposed development is not contrary to the Highway Authority's access to road network policy contained in the Leicestershire County Council developer guidance document, "Highways, Transportation & Development". It is considered that this proposal is unlikely to have a material impact in terms of the number of vehicle movements on Bradgate Road when considering the other properties and the school that are served off Bradgate Road.

Officers have noted the concerns regarding the increase in traffic generated by the development, but are mindful of the Department of Transport's new technical guidance document, "Manual for Streets". The document indicates that on traffic calmed streets with relatively low levels of traffic (below 2000 vehicles per day), visibility requirements at junctions should be significantly lower than those contained in the Highway Authority's design guidance document. Given the status of this document as the most recently published guidance available, the Highway Authority would not be in a position to object to the proposal based on the standard of vehicular access proposed.

Parking and Private Amenity

Through the various amendments secured, all the dwellings now meet the requirements regarding private amenity space, parking provision and distances between habitable room

windows. Achieving these requirements was problematic with the original number of 16 dwellings and was compounded by the narrowing of the site in the south east corner. The solution was to reduce the number of dwellings to 15 and arrange the units so they effectively "turn the corner". This gives the area of the site a less rigid and more "organic" arrangement and thereby introducing additional interest within the street scene.

Contributions

The application attracts contributions towards libraries of £860, civic amenity of £598 and health of £ 3,215. As the site does not make any provision for onsite open space a contribution would be required to improve existing open space within the immediate locality. The contribution towards open space improvements would be £17,374. Contributions made towards the informal open space will go towards improvements detailed in the Green Space Strategy. There is no requirement for a financial contribution towards education facilities as all sectors of education currently have spare capacity. A total of £22,047 would be required for all contributions.

Other Material Considerations

Recent weather events have highlighted the need for new developments to incorporate sustainable methods of drainage provision within the schemes to deal with the issue of flooding. Careful consideration was given to this site and four separate drainage conditions can be attached to the permission including the requirement that the development be served by a Sustainable Urban Drainage Scheme (SUDS). Detailed advice from the Environment Agency regarding these measures can also be contained in a note to applicant.

Conclusion

Whilst the loss of the existing house may be deemed as regrettable, there is no statutory instrument available with which to enforce its retention and the owners are at liberty to dispose of the property as they see fit. In terms of National and Local Plan policy, the development meets all of the necessary criteria and the design is such that the scheme would not be harmful to the character and appearance of the area. On this basis, combined with the Appeal Decision at the Bovis scheme at Bradgate Gardens, the application is recommended for approval.

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, Health Facilities 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 30th August 2007 may result in the application being refused:-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, RES5, T5, REC3, NE12, NE3, IMP1 and NE8 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

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

- 2 No development 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.
- 3 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.
- 4 Before development commences, full details of the window style and materials shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
- 5 Notwithstanding the submitted details 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 / boundary treatments
 - (iii) hard surfacing materials
 - (iv) planting plans
 - (v) written specifications
 - (vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - (vii) implementation programme.
- 6 The hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be carried out during the first planting and seeding season following the initial occupation of the first residential unit. All planted material shall be suitably maintained, and any which die, are removed or become diseased within a period of five years from the completion of the scheme, shall be replaced in the next planting season with others of such size and species as agreed with the Local Planning Authority by the applicant or owner of the land at the time, unless the Local Planning Authority gives written consent to any variation.
- 7 The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 8 Notwithstanding the submitted details, none of the trees or hedge running the entire length of the north eastern boundary of the site shall be cut down, uprooted or destroyed, nor shall be topped or lopped. Before development commences a landscaping scheme specific to this boundary shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before first occupation of any of the dwellings hereby approved. If any of the trees or hedge to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such a size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.
- 9 Development shall not begin until drainage details, incorporating sustainable drainage principles (SUDS) and an assessment of the hydrological context of the development have been submitted to and approved by the Council, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- 10 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- 11 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
- 12 The gradient(s) of the access drive(s) shall not exceed 1:12 for the first 5 metres behind the Highway boundary.
- 13 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.
- 14 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.
- 15 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 16 The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided before the dwelling is occupied and shall thereafter permanently remain available for such use.
- 17 Notwithstanding the submitted details, before first use of the development hereby permitted, the vehicular access to the site shall be provided with a minimum of 4 metre control radii on both sides of the access.
- 18 Before first use of the development hereby permitted the access drives and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) and shall be so maintained at all times.
- 19 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 accesses 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.
- 20 The proposed access shall have an effective width of a minimum of 4.8 metres for a distance of at least 10 metres behind the Highway boundary. The access drive once provided shall be so maintained at all times.
- 21 The use of the garages of plots 1 and 15 shall remain at all times for the purposes of parking a motor vehicle and shall not be converted to additional living accommodation, unless otherwise agreed in writing with the Local Planning Authority.
- 22 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 adopted Supplementary Planning Guidance Play and Open Space Guide(2002) has been secured in such a manner as is approved in writing by the Local Planning Authority.

- 23 Prior to the first occupation of any unit the applicant shall provide travel packs (1 per dwelling) and bus passes (2 x 3 monthly per dwelling).
- 24 This permission relates to the application as revised by amended plan 30140 01 rev C, 30140 02, 30140 03 rev A, 30140 04 rev A, 30140 05, 30140 06 rev A, 30140 07, 30140 08 rev B, 30140 09, 30140 10, 30140 11, 30140 12, 30140 13, 30140 14, 30140 15 rev A, 30140 16 rev A and 30140 17 rev A received by the Local Planning Authority on 13th August 2007.
- 25 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 prior to the occupation of any dwelling hereby approved and thereafter retained unless otherwise agreed in writing with the Local Planning Authority.

Reasons: -

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 & 5 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
- 8 For the avoidance of doubt and to enhance the appearance of the development to accord with policies NE3 and NE12 of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure that the scheme is provided with a satisfactory and sustainable means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem as a result of the development.
- 10 To avoid water pollution.
- 11 To prevent the increased risk of flooding.
- 12 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.
- 13 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
- 14 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.

- 15 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.
- 16 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
- 17 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway.
- 18 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
- 19 In the interests of pedestrian safety.
- 20 To 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.
- 21 To ensure that adequate off-street parking facilities are available to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 22 To ensure the provision of public open space to accord with policy REC 3 of the adopted Hinckley and Bosworth Local Plan and the Borough Council's adopted Supplementary Planning Guidance on Play and Open Space (October 2002).
- 23 To promote alternative modes of travel to and from the site other than by private vehicle.
- 24 To define the permission.
- 25 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.

Notes to Applicant: -

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager - (telephone 01530 262380).
If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. To comply with Highway Authority standards for adoption, alterations are likely to be required to the design of the access road & junction which may have implications of the existing trees on both sides of the proposed junction.

If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

- 5 The Environment Agency requires that run-off is restricted to greenfield run-off rates and that the 1 in 2 year runoff can be maintained. The 1 in 30 year event is therefore not allowed to flood the surface, meaning that water must stay in the pipes, manholes and storage systems. The 1 in 100 year event can be stored on site but will not be permitted to enter any buildings. The 1 in 100 year must also be limited to the development and not be allowed to migrate to any adjacent areas or properties.
Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach. Further information on SUDS can be found in paragraph F7 of Annex F of PPS25 Development and Flood risk and in the CIRIA C522 document Sustainable Urban Drainage Systems-design manual for England and Wales and the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available on both the Environment Agency's web site at: www.environment-agency.gov.uk and CIRIA's web site at www.ciria.org.uk
- 6 Condition 22 refers to public open space. In accordance with policy REC3 of the Hinckley and Bosworth Local Plan and the adopted Play and Open Space Guide, public open space should be provided either on site or a contribution made towards off-site provision. In this instance a contribution of £1241 per dwelling is required towards the provision of off-site public open space. This can be provided by a one-off payment or secured by the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.
- 7 This application is subject to a Section 106 agreement.
- 8 The suitability of the ground strata for soakaway drainage should be ascertained by means of the test in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively, by use of one of the modular systems comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
Otherwise, it will need to be demonstrated that an adequate alternative facility is available for the disposal of surface water.
- 9 In relation to Condition 20 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.

Contact Officer:- Mr S Cheshire Ext 5762

Item: 05
Reference: 07/00529/FUL
Applicant: Tungsten Properties Ltd
Location: Land Adjacent To 391 Coventry Road Hinckley Leicestershire
Proposal: MIXED COMMERCIAL DEVELOPMENT COMPRISING B1, B2, B8 AND SUI GENERIS USES

Introduction:-

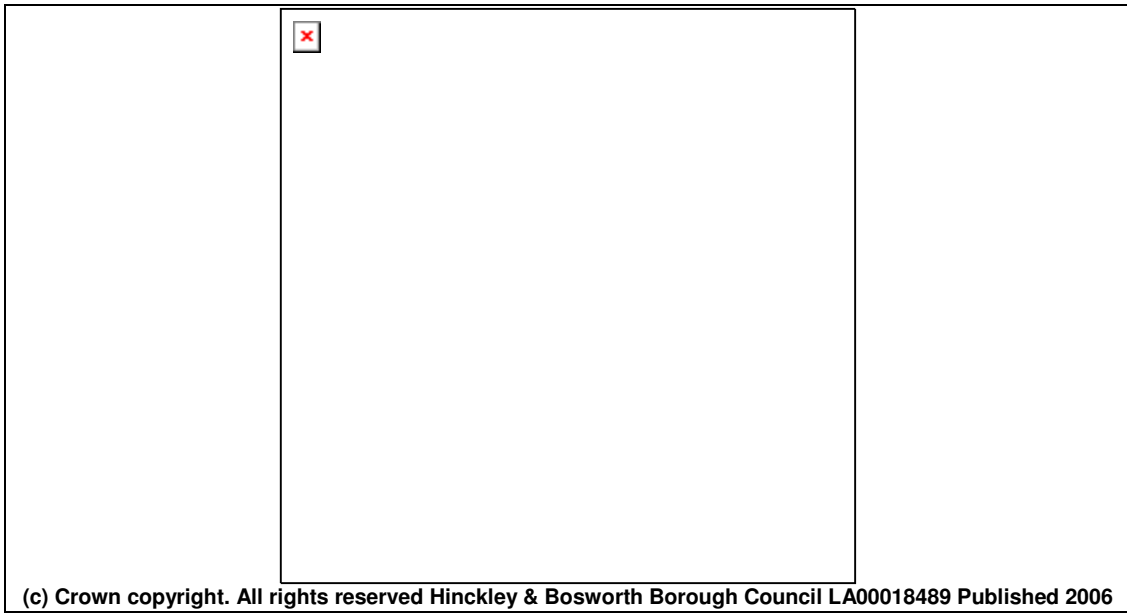
This application seeks full planning permission for the erection of 25 commercial units, comprising of two car showrooms, one car rental unit, three office units, 14 industrial nursery units, four medium sized industrial units, and one large industrial unit.

The site lies to the north of Coventry Road. It is a roughly rectangular field extending to 4.75 hectares. The western frontage of the site adjoins the end house (no 319) of a ribbon development along Coventry road, the western boundary is marked by the Harrowbrook Industrial Estate and the northern boundary by Harrow Brook and Hinckley Business Park. To the east, beyond a hedge, is the Ashby Canal.

The application submitted was accompanied by a comprehensive planning statement which incorporates the background to the application, policy framework, the evolution of the development proposal, a design and access statement, and suggested planning conditions. In addition a Flood Risk Assessment and Landscape Strategy has also been submitted.

History:-

99/00048/OUT	Industrial Development for B1, B2 and B8 uses	Allowed at Appeal	09.05.2000
03/00411/CONDIT	Variation of condition 3 of application 99.00048/OUT to allow extension of time for submission of reserved matters	Permitted	09.06.2003
05/00216/REM	10 Commercial/Industrial/Office units	Withdrawn	02.03.2005
05/00615/FUL	Erection of 10 Commercial units	Permitted	11.08.2005



Consultations:-

No objection has been received from:-

Director of Community Services (Rights of Way Officer)
Director of Environmental and Heritage Services (Archaeology)
Natural England

No objection subject to conditions have been received from:-

Severn Trent Water
Land Drainage Engineer
Director of Highways, Transportation and Waste Management
Head of Health and Environment
Environment Agency

British Waterways objects for the following reasons:-

- a) Development harms the visual relationship of the existing heritage buildings with the waterway
- b) Development is unattractive in its orientation to the canal
- c) Insufficient detail submitted to ensure the development will not affect the structural integrity and water tightness of the canal.

However, if planning permission is granted conditions should be imposed to address the areas of concern.

Leicestershire Constabulary Crime Reduction Officer raises no objections but makes the following observations:

- a) The road layout prevents a 'rat run' being created, however CCTV should be considered at the entrance to record details of vehicles entering the site to prevent crime occurring
- b) Street lighting should be to BS 5489, additional lighting of parking areas should be provided.

- c) The perimeter should be enclosed to reduce number of access points.
- d) Landscaping across the site should not impede the opportunity for natural surveillance and should not create potential hiding places.
- e) The position of buildings should not create hiding places
- f) All ground floor and easily accessible windows should be key operated and doors should comply with PAS 24/1.

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 required
- b) Head of Commercial and Support Services - No contribution required
- c) Director of Highways, Transportation and Waste Management - No contribution required
- d) Ecology Project Officer - The site is adjacent the brook which is a site of parish level ecological significance and the canal which is of district level interest. Therefore it is important that the brook is not culverted. There is a stand-off of at least 10 metres along both watercourses. A survey for protected species should be undertaken, and both watercourses should be managed to actively enhance their potential for wildlife. The application also proposes works to trees therefore potential bat roost sites may be destroyed. Bat bricks and bat boxes should be incorporated into the design. Green corridors should be maintained and established along the boundaries of the application site to increase wildlife habitat. The scheme should include water and energy saving measures.

The Ashby Canal Association objects to the application on the following grounds:

- a) Office units A and B are too close to the canal
- b) A buffer space between the development and the canal should be provided to allow maintenance of the canal corridor
- c) No improvements to the canal towpath from Coventry Road bridge to Dodwells Bridge are proposed

10 letters of objection have been received raising the following:

- a) Development will detach the western part of Hinckley from the Town Centre
- b) Development will change the character of the area to one of 'industrial with scattered residential'
- c) Increase of non-local traffic causing congestion, nuisance and highway hazard to local road network
- d) Car showrooms will not use sustainable methods of transport
- e) Public transport is insufficient in the area
- f) Loss of green space that is greatly needed by western part of Hinckley
- g) Impact on Ashby Canal
- h) Development will not benefit local residents
- i) Development will not create sustainable industrial economic activity
- j) Proposed access will have an adverse impact on highway safety along Coventry Road and to residents adjoining the site
- k) No emergency access point has been provided
- l) Impact on local residents, the canal and marina through unacceptable noise levels and pollution
- m) Other sites are available that are more appropriate
- n) Development should not be allowed on this Greenfield site, as it is contrary to Government guidance
- o) Increase in number of units should not be allowed
- p) Impact on wildlife through loss of green area
- q) Additional units not needed as there are already several empty units in the vicinity of the site
- r) Impact on approach road to the Town Centre
- s) Impact on property prices in the area

- t) Local Members historically promised this site would be developed for residential not industrial
- u) Loss of public right of way across the site
- v) Overdevelopment of site
- w) Previous permission included a significant buffer zone between the development and the canal and this has now been lost and is therefore contrary to the Local Plan
- x) Proposed opening hours are inappropriate
- y) Maintenance of landscaping should be permanent and not only for a 5 year period
- z) Traffic flow information submitted is not accurate
- aa) Insufficient parking provision
- bb) Access to the towpath should be made available and the towpath upgraded.

Development Plan Policies:-

Policy BE1 of the adopted Hinckley and Bosworth Local Plan seeks to achieve a high standard of design to secure attractive development that will safeguard and enhance the existing development.

Within the Hinckley and Bosworth Local Plan the site is designated an 'Area of Separation' under Policy NE4, this protects areas of land between settlements and/or other development against development other than that associated with agriculture, horticulture, community or sport and recreation uses.

Policy EMP4 of the adopted Hinckley and Bosworth Local Plan provides for employment development on sites other than those allocated for employment, subject to criterion.

The site lies adjacent to Ashby-de-la-Zouch canal, which is a designated Conservation Area and is afforded protection through Policy BE7 and Policy REC6 of the Hinckley and Bosworth Local Plan. Policy BE7 relates to development within the Conservation Area, whilst Policy REC6 provides a corridor either side of the canal in order to protect the recreational and ecological value of the canal. Development is allowed within the corridor subject to specified criterion.

Policy T5 of the Hinckley and Bosworth Local Plan requires access and parking in accordance with highway standards and policy T9 of the Hinckley and Bosworth Local Plan provides for facilities for cyclists and pedestrians.

Appraisal:-

Principle of Development

The application seeks full planning permission for the development of a site that is protected by an Area of Separation within the adopted Local Plan. This policy allows for certain sympathetic developments on such sites; however employment is not one of them. Furthermore, the site lies adjacent to Ashby-de-la-Zouch canal, which has a protection corridor alongside it, this also allows for development, but again not employment. Therefore the development of this site for employment uses is considered to be contrary to policies contained in the Local Plan.

However, the site has been subject to outline and full planning permission previously and the application was tested at public inquiry before an Inspector. It was held by the Inspector that the designation of the Area of Separation had no strategic or visual justification. He referred to the public local inquiry into objections to the Hinckley and Bosworth Local Plan where the Inspectors recommended the site as an allocation for employment uses. Whilst the Local Authority declined to accept the Inspectors recommendation the Inspector at the public inquiry for outline planning permission allowed the appeal. The Inspector when considering the development of this site at outline stage,

considered that any units within 150 metres of Coventry Road should be B1 use so as to not cause disturbance to adjoining residents.

It is considered that the planning history of the site is a material consideration that outweighs the policy objection to the development of this site for employment. It is further considered that if the principle of development was to be considered unacceptable it would be extremely difficult to defend the decision at appeal bearing in mind the Inspector previously accepted the principle and there has been no change in policy since this decision was taken.

Concerns that the development will result in the loss of green space have been raised. It is claimed the land is used by local residents and has been for a number of years. This claim has not been substantiated yet and is not a material consideration for the application. The site is privately owned and the principle of development has been accepted. Therefore it would not be justifiable to refuse permission on the basis of loss of green space or public access.

Siting and Design

The application proposes 25 commercial units that are arranged either side of a central spine road accessed off Coventry Road. The two front units comprise the car showrooms and have been designed to provide interest to Coventry Road. The Mitsubishi showroom to the east to the access road has been designed with a curved overhanging roof with bracing. The unit is modern in appearance with substantial areas of glazing. The car sales display to the front is at a lower level than Coventry Road and therefore will not be prominent from the road frontage. The Vauxhall showroom is to the west of the access road and is set back from the frontage by approximately 98 metres (Kerb of Coventry Road to front elevation), the rear of the unit is some 124 metres from Coventry Road. This unit has also been designed with a curved roof; the front elevation has large glazed areas. The car sales display is to the front and side of the unit but is set behind low level landscaping to reduce the prominence from Coventry Road, the boundary treatment to the west of this plot comprises a 2.5 metre high acoustic fence and trees, whilst the landscaping to the front of this unit is less than previously approved, it is considered that the planting and acoustic fence along with the type of use proposed will meet with the intentions of the Inspector in ensuring any disturbance to neighbours is kept to a minimum. The rear of the unit which provides access to the workshops is a future 26 metres away from Coventry Road.

Further into the site opposite the Brewers Fayre alongside the canal there are 3 office units, Unit A and B sit along the canal frontage behind the existing hedgerow, which it is proposed to improve. The elevations of these units that front the canal have been carefully designed with glazed areas that will overlook the towpath, this not only provides interest to the canal frontage but will also contribute to surveillance of the canal towpath. Unit C fronts the spine road providing interest within the scheme. All three office units are similar in design with curved roofs; materials proposed comprise composite cladding within a brickwork plinth.

The four medium sized units are located some 12 metres from the canal towpath, and are set behind the existing hedgerow which it is proposed to improve, these units as with the office units have glazed offices overlooking the canal, and curved roofs. The final unit adjacent the canal is the large industrial unit and due to the size of this unit it has been set approximately 21 metres from the canal to ensure any impact on the canal is kept to a minimum. Again the existing hedgerow is to be retained with additional planting added. The front elevation of this unit, which faces the spine road has a curved front projection, however the main building consists of a shallow pitched roof behind a parapet. Materials

proposed for this unit comprise horizontal flat panel cladding broken up by vertical cladding. The overall height of this unit is 8.6 metres.

The nursery units proposed are sited in two rows to the west of the spine road, and face in towards each other accessed off a shared service area. Again these have been designed to appear similar to the other buildings across the site with curved roofs, and glazed panels. Finally, the car rental unit sits opposite office unit C, the eastern end of this building, which will be prominent from the spine road, comprising a glazed waiting area. Again this will add interest within the development and also provide some natural surveillance.

The scheme has been designed to ensure the prominent elevations facing both Coventry Road and the Ashby Canal incorporate interest whilst also ensuring the views within the site are attractive. It has been a difficult balance to achieve, the landscaping strategy submitted with the application proposes landscaping integral to the design of the overall estate which indicates that the spine road will be landscaped to enhance the appearance internally softening the large areas of parking and servicing that are required for the development proposed. Overall it is considered that the scheme proposed offers a good mix of uses and choice. The design is considered to be sensitive to the location adjacent the Ashby Canal Conservation Area. The built form alongside the canal has been kept to a minimum with high quality office space forming a visual pinch point opposite the Brewers Fayre development.

The scheme differs considerably from the previous approved scheme in that it utilises the whole of the site and does not incorporate such a large landscaped buffer. However, the built footprint increase is only 2,784 square metres, which on a site this size is not considerable. Realistically, a denser scheme could be proposed which would be difficult to refuse. The buildings are well spaced, interspersed with parking, servicing and landscaping.

Highways

The current application proposes the access in the same location as that previously approved; this is to the south-west corner of the site. It sweeps away from the residential properties to the west. The Director of Highways, Transportation and Waste Management raises no objection to the scheme subject to conditions, and requests the opinion of the Highway Agency be sought with regards to impact on the A5 and Dodwells Roundabout. The planning application submitted includes a highway statement and an email from the Highway Agency at the pre-application stage, which confirms the Highway Agency, has no objections to the increase in floor space with regards to impact on the highway. Therefore with no objection from either the Highways Authority or the Highways Agency there is no justification to refuse the application on traffic generation and highway safety grounds.

With regards to parking across the site the Highways Authority considers the level of parking provided is acceptable but is concerned regarding the provision of vehicle loading and unloading for the two car showrooms. It is therefore proposed to request details of such provision by condition to ensure loading and unloading does not take place within the highway.

Noise

Concerns have been raised regarding noise disturbance from the units. Discussions between the applicant and Health and Environment have resulted in Unit D being kept beyond the existing adjacent industrial unit with planting and a 70 metre long, 2.5 metre high acoustic fence proposed to the western boundary. The servicing to the unit has been kept to the rear of the building with all openings along the rear elevation, which faces away from the residential area, to ensure noise disturbance is kept to a minimum. Whilst, the

workshop element of the car showroom can be considered to be a noise generating use, it is considered that the imposition of the noise condition as recommended by the Head of Health and Environment will ensure noise levels are kept below recommended standards. Whilst the Inspector at appeal restricted units within 150 metres of Coventry Road to B1 use it is considered that as any potential for noise generation can be controlled by condition it would be unjustified to refuse the application on this basis.

Conservation

The site is located in a sensitive area, adjacent to Ashby-de-la-Zouch Canal, a designated conservation area. The areas to be addressed under this heading include: hedgerow; water voles; landscaping; canal and towpath; and archaeology.

- Hedgerow

The hedgerow along the canal frontage is proposed to be retained for the majority of the length of the site with the exception of 10 metre section between Unit A and B to provide access from the site onto the canal towpath. The hedgerow along the canal towpath belongs to British Waterways and therefore any works to the hedgerow will require their consent. It is considered that the hedgerow along with the additional planting proposed to strengthen it will provide a good landscaped buffer between the canal and the proposed development and will contribute to and enhance the Conservation Area.

- Water Voles

Harrowbrook to the north of the site is a known site for water voles, which have protection of their homes under the Wildlife and Countryside Act. In order to protect the water voles habitat a grassed margin is to be retained which will require appropriate management to protect the habitat.

- Landscaping

The site currently comprises an open field surrounding by landscaping. The application proposed includes a landscaping strategy, which strengthens the hedgerow along the canal side and proposes to create a green corridor along the spine road. This it is considered will not only provide a visual green corridor but will also assist with the ecology of the site and will provide a wildlife habitat. Further landscaping details are required by condition, it will be ensured that a high quality scheme is achieved due to the location adjacent to the Ashby Canal Conservation Area, in addition landscaping to the front of Unit D will be carefully considered to ensure the residential area is not unduly and detrimentally effected visually bearing in mind the change in character of the site this proposal will bring about.

- Canal and Towpath

The canal itself is identified as a Conservation Area within the Local Plan and is afforded protection under Policies BE7 and REC6. Policy REC6 provides a corridor either side of the canal. This corridor is not prescribed a recommended width but should be adequate to protect the canal. The towpath is a public right of way (T54) and as such should not be affected by any operations associated with the development.

The proposal seeks to provide a link from the site to the towpath at the point where the proposed development sits closest to the towpath (6 metres). This link will improve the existing towpath route and is considered a sustainable pedestrian and cycle route to work and recreational use. Furthermore, the use of the towpath is likely to increase.

- Archaeology

Archaeological work has been undertaken and an archive deposited, therefore there are no further archaeological implications.

Sustainability

Concerns have been raised that the development proposed is not sustainable in terms of transport and the long term future of the site. The Director of Highways, Transportation and Waste Management has recommended a green travel plan condition which will require the developer to look and propose methods of alternative transport for the site users.

The developer has considered the need for the development and have identified that there is a deficiency of modern serviceable B1, B2 and B8 employment opportunities in the area. Three of the units have already received interest, and it is considered by the developer that the range of units proposed will provide choice for the market. The robustness of the scheme in economic sustainability terms is therefore not questioned.

With regards to energy saving measures, none have at this time been proposed. It is therefore considered appropriate to request such measures by condition.

Other Issues

Pollution - concerns that the proposal will create excessive pollution have been considered and the head of Health and Environment has suggested the imposition of a condition.

Opening Hours - The previous approval included a condition restricting the opening hours of any unit within 150 metres of Coventry Road. It is proposed to condition this application in a similar manner with both Car Showrooms being restricted to 8am to 8pm Monday to Friday; 8am to 6pm on Saturday and 10am to 4pm on Sundays and Bank Holidays.

Benefits to Local Residents - concerns have been raised that the development will not benefit the local residents, however it is considered that opportunities to benefit local residents will be created through the potential for employment opportunities.

Property Prices - This is not a material planning consideration.

Conclusion

It is considered that the principle of development is accepted bearing in mind the site history. The siting and design is considered to be acceptable and sympathetic to the surrounding areas. The design is considered to be of high quality and will enhance the character of the surrounding area. It is therefore recommended that planning permission should be granted.

RECOMMENDATION :- Permit subject to the following conditions :-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed buildings shall be deposited

with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

- 3 No development shall commence until a scheme for the provision of surface and foul water drainage works, which shall be on separate systems, has been submitted to and approved in writing by the Local Planning Authority. No building on the site shall be occupied until the scheme has been completed in accordance with the approved scheme.
- 4 No development shall commence until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. No building on the site shall be occupied until the scheme has been completed in accordance with the approved scheme.
- 5 There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank or watercourse and/or 3 metres of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise by the Local Planning Authority.
- 6 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.
- 7 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- 8 There shall be no discharge of foul or contaminated drainage from the site into either ground water or any surface waters, whether direct or via soakaways.
- 9 No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall be in accordance with the strategic landscape framework drawing number Oo12A received by the Local Planning Authority on 31 May 2007 and shall include all existing trees and hedges on the site which are to be retained, the provision for screening by walls and fences, the provision of open spaces within the site, and full details of treatment to points of pedestrian access with the canal towpath. All landscaping works shall be carried out as approved.
- 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 No part of the development hereby permitted shall be occupied until a comprehensive green travel plan has been submitted to, and approved in writing, by the Local Planning Authority. Thereafter, the plan shall be fully implemented in accordance with the approved details.
- 12 Prior to commencement of development full details of the provision to be made for the parking of cycles within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

- 13 None of the industrial units on the site shall be occupied until the proposed junction improvements shown on drawing No 12088/03C, attached to planning permission 99/00048/OUT, have been substantially completed.
- 14 No more than 2500 square metres of floorspace shall be occupied until the improvements shown on TPK Drawing No 12088/14 Revision B, attached to planning permission 99/00048/OUR, or such other similar schemes have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Agency and have thereafter been sustaintially completed.
- 15 Before the start of the development, facilities shall be provided to enable vehicle wheels to be washed prior to the vehicle entering the public highway. Such facilities shall be used as necessary to prevent extraneous material being carried out onto the highway.
- 16 Any unit within a distance of 150 metres from the edge of the carriageway of Coventry Road, shall only operate between the hours of 8.00 am to 8.00 pm Monday to Friday; 8.00 am to 6.00 pm on Saturday; and 10:00 am to 4.00 pm on Sundays and Bank Holidays. There shall be no working or deliveries taken outside of these hours.
- 17 No machinery for the wholesale of painting of vehicles, including dedicated paint booths and/or ovens, shall be operated from the car showroom premises and curtilages.
- 18 Noise from fixed services plant associated with each car dealership shall not exceed 10dB below the lowest measure background noise levels on the site (LA90 46 dB(A) for daytime periods and LA90 34 db(A) for nigh time periods). Limiting noise levels for fixed services plant for either daytime or night-time periods are as follows:

OBCF - Octave Band Centre Frequency

OBCF (Hz)	125	250	500	1000	2000	4000	dB(A)
Limiting night-time noise levels @ 1m from any residence	23	19	22	19	9	1	24
Limiting day time noise levels @ 1m from any residence	34	31	32	33	24	13	36

The combined noise levels from activities (excluding vehicular movements and fixed services plant) associated with the general operations of each car dealership shall not exceed LAeq, 1hour 58.8 dB(A) at the nearest residential dwelling.

- 19 Before development commences, details of the proposed access junction onto Coventry Road shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include junction geometry, signal timings and trackings for HGVs and once approved the junction and traffic signals shall be provided and made fully operational before the first occupation of any unit hereby permitted.
- 20 Notwithstanding the submitted plans, before development commences further details of parking and manoeuvring facilities within the curtilage of units D and E shall be submitted to and approved in writing by the Local Planning Authority. Each approved parking and manoeuvring facility shall be provided prior to the first occupation of their respective units and once provided shall thereafter be maintained in perpetuity.
- 21 The gradient of the access drive shall not exceed 1:12 for the first 15 metres behind the highway boundary.

- 22 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.
- 23 Before first use of the development hereby permitted turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.
- 24 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.
- 25 Before the development hereby approved is first used, off-street car parking / lorry parking provision and turning facilities shall be made within the application site in accordance with 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.
- 26 Before first occupation of any unit, its access drive and any turning space shall be surfaced with tarmac, concrete or similar hard bound material for a distance of at least 15 metres behind the Highway boundary and shall be so maintained at all times.
- 27 Before development commences full details of energy saving measures for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.
- 28 Before development commences full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

Reasons :-

- 1 In the interests of road safety to accord with policy BE1 and T5 of the Hinckley & Bosworth Local Plan.
- 2 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 & 5 To ensure satisfactory provisions are made for the drainage of the site.
- 6 To maintain access to the watercourse for maintenance or improvement and provide for overland flood flows to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 7 - 9 To avoid water pollution.
- 10 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 11 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 12 To ensure adequate steps are taken to provide a transport choice / a choice in mode of travel to and from the site in accordance with Planning Policy Guidance Note 13.

- 13 To ensure adequate provision is made on the site for methods of transport other than the car in accordance with Planning Policy Guidance Note 13.
- 14-16 In the interests of road safety to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 17 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 18&19 To ensure that the use remains compatible with the surrounding area.
- 20 In the interests of road safety to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 21 To ensure that adequate off-street parking facilities are available to accord with policy BE1 and T5 of the adopted Hinckley & Bosworth Local Plan.
- 22 To enable vehicles to enter and leave the highway in a slow and controlled manner in the interests of highway safety to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 23 To reduce the possibility of surface water from the site being deposited in the Highway causing danger to road users to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 24 To ensure that vehicles may enter and leave the site in a forward direction in the interests of road safety to accord with policy BE1 and T5 of the Hinckley and Bosworth Local Plan.
- 25 To ensure that adequate off-street parking facilities are available to accord with policy BE1 and T5 of the adopted Hinckley & Bosworth Local Plan.
- 26 To reduce the possibility of deleterious material being deposited in the highway in the interests of highway safety to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 27 To ensure the development is sustainable and to reduce the impact of the development on the environment to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 28 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

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 Surface water from the car showroom sites should be passed through a suitable type of oil/grit separator, the design of which shall be to the satisfaction of the Environment Agency.

- 4 For the avoidance of doubt, the provisions of Condition 17 do not affect, or impede the undertaking of "smart repairs" (paint touch-up to vehicles using aerosol (or similar) spray cans or hand held paint brushes) as often employed in respect of small scratches to, for example, wing mirrors, bumpers, door edges etc.
- 5 The Green Travel Plan required 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 should include measures to secure increased 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 monitoring mechanisms, targets, timescales, phasing programmes and on-site management responsibilities. It shall be implemented and subject to regular review in accordance with the approved details.
- 6 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (Tel: 01530 262380).
- 7 C.B.R Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without the prior notice being given to the Area Manager.
- 8 You will be required to enter into suitable legal agreement with the Highway Authority for the off-site Highway works before development commences.
- 9 If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.
- 10 It is noted that the Highway is currently retained by a structure within the site which may be affected by these proposals. All highway related structures, must be designed and constructed in accordance with the current relevant Highways Agency standards, codes of practice and technical memoranda. The design will be subject to the technical-approval procedure set out in the Department of Transport Standard BD 2/02 "Technical Approval of Highway Structures on Motorways and Trunk Roads". You must employ a chartered civil or structural engineer with experience in highway structures and approved by the County Council to carry out the design and oversee construction. You should start this approval process at an early stage to avoid delays in completing the Section 38 road adoption agreement, which may delay site works.
- 11 Highway related structures will normally include bridges, retaining walls, reinforced soil and anchored earth structures, environmental barriers (including noise barriers and fencing) and all drains, piped and box culverts, sewers and drainage structures, other than bridges, that have a diameter or clear span of more than 900mm. There should be discussion at an early stage to agree which structures we are to adopt.
You will have to pay the additional design checking and inspection fees for any highway structure. You must also pay a commuted sum for future maintenance of any highway structure to be adopted.
- 12 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined

capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and taken overflow pipe outlets should be detailed to discharge downwards into the bund.

- 13 The drainage scheme submitted should incorporate sustainable drainage principles.
- 14 Please note attached letter from the Environment Agency dated 7 August 2007.

Contact Officer:- Miss T Miller Ext 5809

Item: 06

Reference: 07/00620/FUL

Applicant: Mr & Mrs R Petty

Location: Elm Lea Ashby Road Hinckley Leicestershire LE10 1SP

Proposal: **PROPOSED DEMOLITION OF EXISTING HOTEL AND 2NO. FLATS AND ERECTION OF 24NO. RESIDENTIAL APARTMENTS INCLUDING VEHICULAR ACCESS AND PARKING**

Introduction:-

This is a full planning application for the demolition of the existing hotel and the construction of a single block of 24 flats with associated car parking.

The site is located at the corner of Ashby Road and Middlefield Lane in Hinckley and is currently in use as a hotel with existing car parking to the front of the site being accessed from Ashby Road. The existing hotel building is two storeys with accommodation within the steep gables. To the rear of the site the land drops and the property is three storeys with further accommodation within the roof space. There are some single storey outbuildings on the south western boundary. To the north of the application site are 1 Ashby Road and 2 Middlefield Lane, both of which are bungalows. The majority of the surrounding properties are two storey dwellings. To the south of the application site is a garage and showroom. Within the grounds of Elm Lea there are many protected trees.

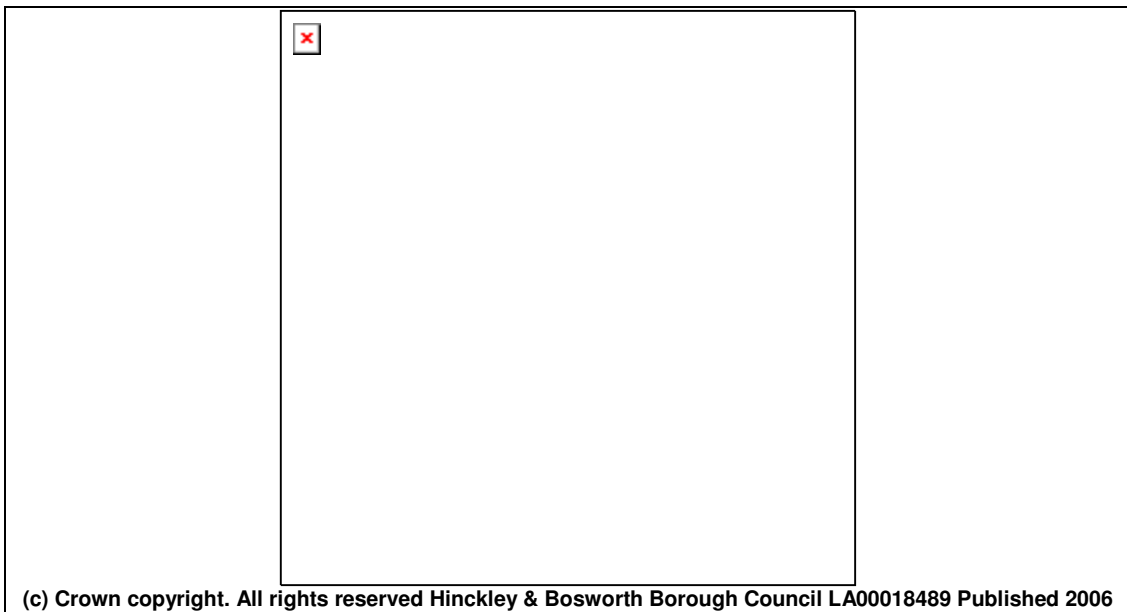
The scheme proposes the construction of a four-storey building to create 24 flats. The proposed dwellings include one studio, six 1-bedroom units, thirteen 2-bedroom units and four 3-bedroom units. In total 38 car parking spaces are proposed, some of which are in an undercroft car parking area. The proposed building is arranged in a single block, which is sited across the full width of the plot with a wing projecting to the rear of the site. The elevation to Ashby Road is 34.5 metres in width across the plot. A wing element is proposed which projects into the rear of the plot and has an element of car parking underneath. The overall height of the rear wing is 11.5 metres to ridge height with windows facing north east and south west. The elevation to Ashby Road is varying in terms of building height. At its closest point to No. 1 Ashby Road the proposed building is 9.7 metres in height with a separation distance of 9.0metres. The proposed building then steps up to a three-storey element with accommodation in the roofspace, being 12.2 metres to the ridge it is the same height as the existing building. At the corner of the site the building incorporates a 'turret-like' feature, which has an overall height of 13.8 metres.

The scheme proposes that the 38 car parking spaces be accessed from the rear of the site off Middlefield Lane and vehicles would be able to exit the site onto Ashby Road. The majority of the surface car parking is proposed along the north east boundary with some proposed to the front of the site. There are several large protected trees to the rear of the site, which the scheme seeks to retain.

Information submitted in support of the application includes a design statement. The document states that '...Elmlea is relatively prominent at the junction, particularly so when approaching from the north but does not take advantage of the location. A true landmark feature at this point would demarcate the urban/suburban interface and a feature should be located as to be prominent from all four approaches. The development itself should be subservient to this feature and appear to gradually step up to it from the neighbouring buildings to the north.'

History:-

99/00182/COU	Change of use to nursery school	Refused	23.06.99
00/00086/TPO	Removal of three trees	Approved	28.04.00
00/00568/FUL	Change of use to guesthouse, single storey extension and residential staff unit	Approved	08.11.00
00/00572/FUL	Creation of additional flat and dormer windows	Withdrawn	18.09.00
00/01142/TPO	Cutting down six trees and topping one tree	Refused	04.01.01
01/00611/TPO	Prune 28 trees and crown raise one tree	Refused	06.08.01
01/00786/CON	Variation of condition 6 of planning permission 00/00568/FUL for use of dining room by members of the public	Refused	10.10.01
03/00770/TPO	Removal of five trees and reduction in height of one tree	Refused	21.08.03
03/00534/CON	Variation of condition 6 of planning permission 00/00568/FUL for use of dining room by members of the public	Approved	16.07.03
06/00668/FUL	Demolition of existing hotel and 2no. flats and erection of 31 apartments including parking and access	Refused	08.03.07



Consultations:-

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

Severn Trent Water
Borough Council's Land Drainage Engineer.
The Environment Agency has raised no objection.

The Borough Councils Arboricultural Consultant has assessed the submitted Tree Survey and concludes that the protected trees can be retained and suitably managed with the exception of a sycamore close to the north east boundary which is recommended for removal due to an existing inherent weakness.

The Director of Highways, Transportation and Waste Management (Highways) comments that the principle of the ingress and egress is considered to be acceptable but a single point of access would be preferable. A traffic impact assessment was submitted as part of the application and satisfied the requirements of the Highways Authority.

Hinckley and Bosworth Primary Care Trust requests a contribution of £5,510 towards health services.

Director of Commercial and Support Services identifies a contribution of £1,120 towards existing library services.

Director of Highways, Transportation and Waste Management (Waste Management) seeks contributions towards Civic Amenity Infrastructure of £1,026.

Leicestershire Constabulary Crime Reduction Officer has raised no objections to the proposal in principle and has made some observations with respect to the use of gates at the access points, boundary treatment and lighting associated with the undercroft car parking.

Hinckley Civic Society object to the loss of a "Gateway Building" that represents the hosiery heritage of Hinckley and a historic building in its own right.

Neighbours notified, 6 letters of objection have been received raising the following concerns:-

- (a) loss of light to neighbouring properties
- (b) loss of view and privacy
- (c) traffic hazard to Ashby Road and Middlefield Lane
- (d) inappropriate siting of proposed car parking and associated noise and fumes
- (e) overlooking of neighbouring properties
- (f) the existing property should be protected
- (g) dust, dirt and pollution during construction
- (h) loss of property value.
- (i) development will lead to on street parking problems in adjacent streets
- (j) flats will devalue the district

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 continue 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 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 an efficient use of land in a manner which satisfactorily acknowledges environmental and amenity interests and protects or enhances the form, character and distinctiveness of the built environment.

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

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 application site is within the settlement boundary of Hinckley.

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 that they lie within an urban area and their siting, design and layout does not conflict with the relevant plan policies.

Policy BE1 of the 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.

Policy NE12 of the Local Plan states that proposals for development should take into account the existing landscaping features of the site and should make provision for further landscaping where appropriate. If existing landscape features cannot be retained then a scheme will be required to replace or reinstate that nature conservation value of the features that will be lost.

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

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 (revised July 1997) and on Play and Open Space (adopted October 2002) provide further guidance on development proposals including the provision of open space within development proposals or of financial contributions towards off site provision. In this case the developer is required to provide a contribution of £45,600.

Appraisal:-

The main considerations with regard to the application are the design of the proposed building, impact on neighbours, potential impact on protected trees, car parking and access arrangements, landscaping, contributions and quality of accommodation.

Design and layout

This application follows the refusal a previous scheme for 31 apartments in March 2007. The original scheme proposed a similar single block in a 'T' shaped building with a wing projecting into the rear of the plot. The refused proposal incorporated brick and render and the fenestration included casement windows, high-pitched dormer windows, rooflights, and French doors with glazed screens. The design featured a steep roof massing with dormer windows to all elevations. Given the variety of window designs and sizes the overall elevations appeared cluttered combined with poor architectural detailing. The window to wall ratio was poor, particularly to the western elevation facing Middlefield Lane where proposed French doors were partly obscured by glazed balcony panels.

The proposed roofscape of the refused scheme did not complement the character of the surrounding built form. The roof massing was substantial with there being a difference of 6 metres between the proposed eave and ridge heights. The 'turret' like feature, which was described in the applicants design statement as a 'landmark feature' was excessively high at 17.2 metres and was not considered to be a suitable design solution.

The current application seeks to rationalise the unacceptable elements of the previous scheme and introduce a built form that creates a unique but not overbearing influence

within the street scene. The scale and mass of the building has been substantially reduced by reducing the dominance of the turret and the width of the building from 41 metres to 34 metres. The ridge height of the main block is also reduced by one metre from 13.2 to 12.2 metres.

Negotiations were held and amended plans secured that repositioned a number of windows on the Ashby Road elevation to give more symmetry and balance. At the time of writing this report further negotiations are taking place to refine the elevational treatment and the repositioning and screening of the car parking along the north eastern boundary. Also to provide a more significant landmark feature on the corner of the building. These will be reported as a late item.

Impact on neighbours

The two properties to the immediate north of the application site are most affected by the proposed development, these being No. 1 Ashby Road and No. 2 Middlefield Lane. The refused proposal was to be sited 1 metre from the shared boundary with No. 1 Ashby Road, which is a bungalow. No. 1 Ashby Road has a single window within the southern elevation facing the application site so the property currently has views of the existing Elm Lea hotel building which is set off the boundary by 7 metres. The current proposal sees the separation distance increased to 9 metres. A 2 metre high wall is proposed to be erected 1 metre off the common boundary which will screen six parking bays.

Following the consultation with the Borough Council 's Arboricultural Consultant and the occupiers of No 1 Ashby Road, the removal of the tree listed as T3 in the applicants tree survey would allow the parking bays directly to the south of No1 Ashby Road to be relocated to this position. This would require less excavation for the undercroft car parking and allow the creation of an area of landscaping which would provide an acceptable buffer between the proposed development and the existing bungalow. These amendments will be confirmed as a late item.

Consideration also needs to be given to the other neighbouring property, No 2 Middlefield Lane. The current scheme proposes to retain the rear 'wing' element from the previous scheme which has an overall height of 11.7 metres to the ridge and is sited 12 metres from the shared boundary. The scheme proposes a series of windows and French doors with Juliette style balconies to this projection which would face the garden and side elevation of No. 2 Middlefield Lane. The removal of the sycamore (T3) would allow the copper beech along the common boundary to flourish thereby providing additional screening for both the existing property and the new development. In addition, No 2 Middlefield has a detached garage 5 metres off the common boundary which screens the private amenity area of the property. The distance from the windows of the new development, including the garage and side garden of No 2 Middlefield Lane, is 22 metres which in policy terms is acceptable. Additional landscaping can be incorporated with the repositioning of the car spaces along this boundary.

Impact on protected trees

The applicants have indicated they anticipate a requirement for the on going maintenance of the protected trees and associated landscaping scheme and are prepared for a maintenance agreement to be reached with the future occupiers of the development. In the immediate future a provision will be made stating the necessary remedial maintenance of the trees will be undertaken before development commences.

Car parking and access arrangements

The scheme seeks to create a one-way system through the site. All cars would enter the site through Middlefield Lane, which would involve creating an access point off Middlefield Lane adjacent to No. 2 Middlefield Lane. The proposed exit is onto Ashby Road, in a similar location as the existing access. The scheme proposes 38 car parking spaces; the majority of which are sited along the northern boundary. Some of the car parking is proposed at lower ground level beneath the building and some is surface level.

The Highway Authority were consulted at the pre-application stage of this development and indicated that vehicular access from Middlefield Lane would be sought. The Highway Authority has concerns with a potential increase in turning traffic in close proximity to the junction of Ashby Road and Middlefield Lane. Vehicles turning right out of the site have to negotiate 3 lanes of traffic. The access from Middlefield Lane shown on the submitted plan is generally considered appropriate to act as a single point of access. The proposed 'in' and 'out' arrangement is not required to ensure that adequate turning is afforded for within the site.

The Highway Authority confirmed that if the Local Planning Authority are absolutely opposed to the omission from the scheme of the access to Ashby Road and feel that the planning considerations outweigh the possible risk to road users then, reluctantly, the Highway Authority would not be in a position to object to the "in" and "out" access arrangements.

Landscaping

Policy NE12 of the Hinckley and Bosworth Local Plan requires that development should take into account the existing landscaping features of the site and should make provision for further landscaping where appropriate. With amendments to be confirmed relating to the repositioning of the six parking bays any additional landscaping improvements can be secured via a suitable condition.

Developer contributions

The application proposes 24 residential units and attracts contributions towards libraries of £1,120, civic amenity of £1,026 and health of £ 5,510. As the site does not make any provision for onsite open space a contribution would be required to improve existing open space within the immediate locality. The contribution towards open space improvements would be £45,600. Contributions made towards the informal open space will go towards improvements detailed in the Green Space Strategy. There is no requirement for a financial contribution towards education facilities as all sectors of education currently have spare capacity. A total of £53,256 would be required for all contributions.

Conclusion

The application proposes a residential development comprising of 24 apartments. Given that the existing building has no statutory protection regarding its demolition, it is considered that as submitted the scheme is a significant improvement over the previously refused proposal and the design does now respect the scale and character of buildings in the immediate locality. The scheme has taken design cues from the existing building and with the retention of the protected trees, the use of appropriate materials and landscaping, represents an adequate replacement and subject to amendments to the elevational treatment the application is recommended for approval.

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

subject to no further significant additional objections being raised on the amended plans 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 12th September 2007 may result in the application being refused:-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, RES5, T5, NE12, NE8, REC2 and REC3 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed building 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 Before development commences, full details of the window style, reveal, cill, and header treatment shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
- 4 Before any development is commenced on the site, including site works of any description, each of the trees (indicated by number on the attached plan) shall be securely fenced off by protective fencing on a scaffolding framework in accordance with B. S. 5837 erected in a circle round each tree at a radius from the bole of 3 metres or to coincide with the extremity of the canopy of the tree, whichever is the greater. Within the areas so fenced off, the existing ground level shall be neither raised or lowered, (except as may be approved by the Local Planning Authority as part of the development) and no materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.
- 5 Notwithstanding the submitted details no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - (i) proposed finished levels or contours
 - (ii) means of enclosure
 - (iii) hard surfacing materials
 - (iv) planting plans
 - (v) written specifications
 - (vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - (vii) implementation programme.
 - (viii) car parking layouts
 - (ix) refuse and recycling stores
- 6 The hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme, including boundary details, shall be carried out during the first planting and seeding season following the initial occupation of the first residential unit and all planted material shall be suitably maintained, and any which die, are removed or become diseased within a period of five years from the completion of the scheme, shall be replaced in the next planting season with others of such size and species as agreed with the Local Planning Authority by the applicant or owner of the land at the time, unless the Local Planning Authority gives written consent to any variation.

- 7 Before development commences, details of a landscape management plan or other mechanism including the long term objectives for the management responsibilities and maintenance schedules of all trees subject to Tree Preservation Orders within the site shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.
- 8 Notification of the commencement of development should be given in writing not less than 14 days before development commences.
- 9 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.
- 10 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.
- 11 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.
- 12 The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.
- 13 Notwithstanding the submitted details and before development commences, details of the access arrangements serving Middlefield Lane and Ashby Road shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the direction and flow of traffic movements and the access onto Ashby Road will be used to egress the site only. The approved access drives shall be provided prior to the first occupation of any dwelling hereby permitted and thereafter so maintained in perpetuity.
- 14 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 7 metres behind the highway boundary and shall be hung so as to open inwards only.
- 15 The gradient of the access drive shall not exceed 1:12 for the first 7 metres behind the Highway boundary.
- 16 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.
- 17 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.
- 18 Before first occupation of any of the dwellings hereby approved, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction.

The turning area so provided shall not be obstructed and shall be available for use at all times.

- 19 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.
- 20 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.
- 21 Notwithstanding the submitted details and before development commences, details of the off-street car parking provision shall be submitted within the application site and approved in writing by the Local Planning Authority. The scheme shall be carried in accordance with the approved plan and the parking areas shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.
- 22 Before development commences, details of cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details and once provided shall be maintained and kept available for use in perpetuity.
- 23 Before first occupation of any of the dwellings hereby permitted, the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 7 metres behind the highway boundary and shall be so maintained at all times.
- 24 Before first occupation of any 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.
- 25 Prior to the first occupation of any unit the applicant shall provide travel packs (1 per dwelling) and bus passes (2 x 3 monthly per dwelling) for the occupiers of each of the dwellings hereby approved.
- 26 This permission relates to the application as revised by amended plan 3598/03 rev D, 3598/02 rev E, 3598/11,3598/05 rev C, and 3598/03 rev C received by the Local Planning Authority on 6th August 2007.
- 27 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 policies REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan and the adopted Supplementary Planning Guidance Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.
- 28 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.
- 29 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 prior to the occupation of any dwelling hereby approved and thereafter retained unless otherwise agreed in writing with the Local Planning Authority.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 The trees on this site are subject to a Tree Preservation Order and this condition is necessary to ensure that proper steps are taken to safeguard the trees during the course of development.
- 5 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure that the existing trees on the site are retained and protected.
- 8 -11 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.
- 12 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.
- 13 In the interests of road safety.
- 14 To enable a vehicle to stand clear of the highway to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 15 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 T5 and BE1 of the adopted Hinckley and Bosworth Local Plan.
- 16 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
- 17 To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.
- 18 To ensure that vehicles may enter and leave the site in a forward direction in the interests of road safety to accord with policy BE1 of the Hinckley and Bosworth Local Plan.
- 19 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.

- 20 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 the period construction.
- 21 To ensure that adequate off-street parking facilities are available to accord with policy of the adopted Hinckley & Bosworth Local Plan.
- 22 In the interests of the sustainability of the development and to encourage alternative transport choice.
- 23 In the interests of road safety and to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
- 24 In the interests of road safety.
- 25 To promote alternative modes of travel to and from the site other than by private vehicle.
- 26 To define the permission.
- 27 To ensure the provision of public open space to accord with policies REC 2 and REC3 of the adopted Hinckley and Bosworth Local Plan and the Borough Council's adopted Supplementary Planning Guidance on Play and Open Space (October 2002).
- 28 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 29 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.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (01530 262380)
- 5 Condition 27 refers to public open space. In accordance with policies REC2 and REC3 of the Hinckley and Bosworth Local Plan and the adopted Play and Open Space Guide, public open space should be provided either on site or a contribution made towards off-site provision. In this instance a contribution of £1900 per unit/apartment is required towards the provision of off-site public open space. This can be provided by a one-off payment or

secured by the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

- 6 Any works relating to the trees subject to Tree Preservation Orders within the site will require prior written consent from the Local Planning Authority.
- 7 Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata, i.e. soakaways, pervious paving, swales, etc., subject to satisfactory porosity test results and the site being free from ground contamination arising from previous use. If the ground strata are insufficiently permeable to avoid the necessity of discharging some surface water off-site, flow attenuation methods should be employed, either alone or if practicable in combination with infiltration systems. Access drives, parking and turning areas should be constructed in a pervious paving system, with or without attenuation storage, depending on ground strata permeability.
- 8 In relation to condition advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

Contact Officer:- Mr S Cheshire Ext 5762

Item: 07

Reference: 07/00648/FUL

Applicant: The DeMontfort Housing Society

Location: 12 Mansion Street Hinckley Leicestershire LE10 0AU

Proposal: DEMOLITION OF EXISTING CLUB AND ERECTION OF FOURTEEN FLATS

Introduction:-

The application relates to an existing 60's style flat roof concrete building currently being used as a social club. The site is surrounded to the north east by a short stay public car park, to the south east public house and to the south and north west residential properties. The level of the site rises to the north west towards the properties of Weavers Court.

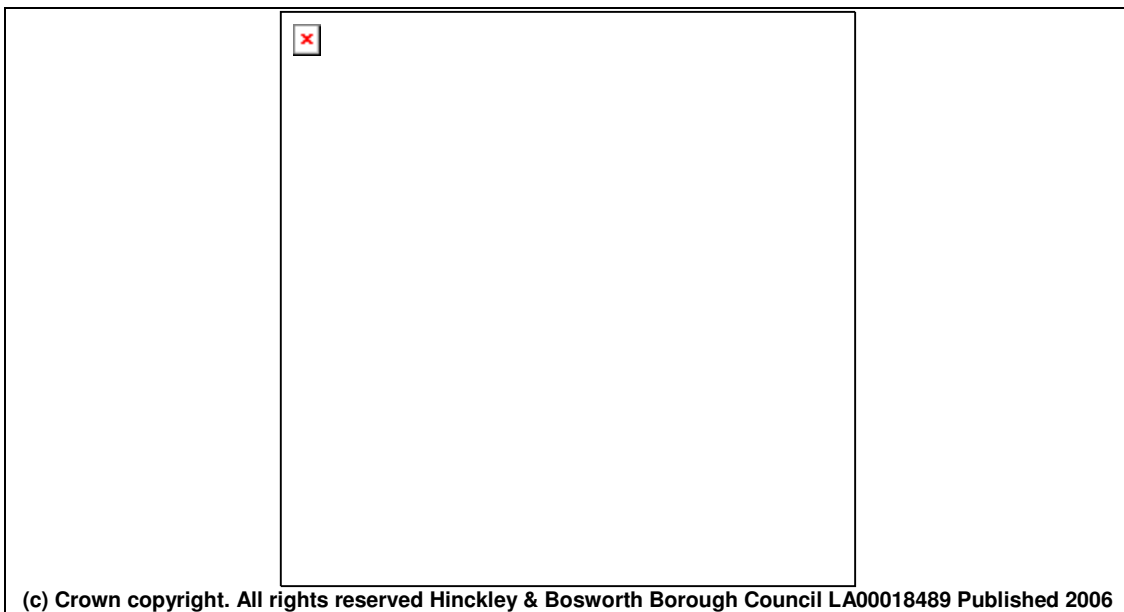
Planning permission is sought to demolish the existing buildings on the site and erect a unit containing 14, two bedroom flats. It is proposed that all the flats be shared ownership. A separate application for Conservation Area consent has also been submitted seeking consent for the demolition of the buildings. A parking area is proposed to the rear of the site, with access through an archway within the building. Access onto and off the site would be controlled and become part of the existing traffic light controlled junction between The Borough and Mansion Street, the principle of which has been agreed with the Leicestershire County Council Transportation Officer.

There are a variety of designs of buildings on Mansion Street and The Borough, varying in height between two and three storeys. To the rear the buildings of Weavers Court are higher structures. Although of varying heights and designs all properties within the streetscene have gabled roofs and are mainly constructed out of redbrick.

The design and access statement has assessed the site in terms of topography, character of surrounding buildings, traffic flow, orientation and pedestrian movement through diagrammatic annotated maps and photographs. From this a proposal plan was developed with annotation detailing vehicle and pedestrian movement, position of the main access, line of the building etc. No other details of the design are included within the design and access statement. Access to the site has been designed in accordance with the latest guidance from Leicestershire County Council Highways and part M of the building regulations.

History :-

75/00255/4M	Construction of new entrance and screen-	Permitted	22.04.1975
04/1315/FUL	Erection of 15 apartments and associated car parking-	Withdrawn	10.01.2005



Consultations:-

No objections subject to standard conditions have been received from:

The Director of Highways, Transportation and Waste Management
 The Borough Council's Land Drainage Engineer
 Director of Environment and Heritage Services
 Environment Agency

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

- a) Head of Commercial and Support Services- based on the scale of this development in respect of additional users of the existing library facilities would be seeking a contribution of £740 towards the cost of books. This would be spent over a period of 12 months.
- b) Director of Highway's Transportation and Waste Management- would like to seek developer contributions towards a new or improved Civic Amenity Site Infrastructure at Barwell for a total of £555.
- c) Director of Children and Young People's Service- This request is based on 14 flats with two or more bedrooms. At present time there is surplus capacity in the local primary

and high schools. The local upper school is full and forecast to remain so. Consequently the LA seeks an education contribution of £3,604 for John Cleveland College.

- d) Project Officer of Historic and Natural Environment Team- bats have been recorded in the vicinity of the application site. We recommend bat bricks and boxes be incorporated into the design and green corridors are maintained/ established.

Leicestershire County and Rutland Primary Care Trust have requested a financial contribution of £3,214 to provide for additional facilities to support or extend additional health care facilities in the area.

Director of Environment and Heritage Services (Archaeology) states that the application site lies within an area of archaeological interest. It is situated within the historic core of Hinckley. It is recommended that the Local Planning Authority defer determination of the application for the applicant to complete an Archaeological Impact Assessment.

One neighbour letter has been received from a neighbouring property requesting trees to grow 3-5 metres high be planted on boundaries.

Development Plan Policies:-

National Policy.

PPS3 (Housing) aims for high quality that is well designed, and built to a high standard whilst incorporating good mix of housing both market and affordable and to be located in suitable locations.

PPG15 (Historic environment) states that authorities are required to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

PPG16 (Archaeology and planning) considered that archaeology remains should be seen as a finite and non-renewable resource and care must be taken to ensure that archaeological remains are not needlessly or thoughtlessly destroyed.

Leicestershire, Leicester and Rutland Structure Plan Policies.

Strategy Policy 10 of Leicestershire, Leicester and Rutland Structure Plan requires development to protect and enhance form and local character, minimise opportunities for crime and has regard to conservation of resources.

Strategy Policy 11 considered that developers should meet the requirements for and cost of relevant infrastructural and facilities required to support the development.

Environment Policy 1 seeks that development within Conservation Areas will preserve and enhance such areas.

Accessibility and Transport Policy 7 maximum standards for car parking will be defined and justification will be required for any spaces in excess.

Housing Policy 5 development should aim for as high a density as possible whilst considering the proximity to centres, design and mix of housing.

Local Plan Policies

The site lies within the settlement boundary of Hinckley and Hinckley Town Centre Conservation Area as defined by the Hinckley and Bosworth Local Plan.

Policy RES5 residential proposals on unallocated sites allows residential development providing the design is in conformity with other relevant proposals in the Local Plan and the site lies within the urban area.

Policy BE1 considered design and siting of development has regard to the surroundings in terms of density, mass, design, and highway safety.

Policy BE7 ensures the preservation and enhancement of the special character of the Conservation Area.

Policy T5 considers highway design and vehicle parking standards.

Policy T9 considers facilities for cyclists and pedestrians in seeking to safeguard key routes and provide facilities.

Appraisal:-

Principle

The site lies within the Hinckley settlement boundary and involves the redevelopment of an existing complex of buildings. The site lies on the fringe of the main town centre shopping area, within walking distance of town centre facilities including public transport. Policy HS5 supports new residential developments on unallocated sites providing the site is within the confines of the urban area and complies with the other policies within the Local Plan regarding design, layout and amenities.

The existing building is very much of its time and does not reflect the architecture around it. It is not considered to be of such outstanding design quality as to warrant retention and therefore in principle its demolition is acceptable subject to a suitable scheme for its replacement.

Density

The proposal is for 14 two bedroom flats on an area of 1025 square metres equating to a density of 112 dwellings per hectare. Policy normally requires a density of 40 dwellings within town centre locations. Government guidance supports higher density in developments close to larger town and city centres where facilities are provided. The proposal complies with this principle.

Design and Layout

The proposal is for a three storey and four storey building. The four-storey element would be over the proposed vehicular entrance, accommodation contained within the roof space and providing a corner focal point when the development is viewed from The Borough and Mansion Street. The proposal is for a gabled end adjacent to 18 Mansion Street, the eaves level being approximately 1.5m higher than that of the adjacent building. The eaves line would be broken up by two dormer windows set either side of a rendered projecting gable detail in the main elevation. This element of the proposal then rises to the four-storey tower with hipped roof and gable details.

The design of the proposal is considered to be acceptable. The massing of the roof is broken and although the eaves height is higher than the neighbouring property, given the land levels and the higher buildings behind, it is not considered to result in a building out of scale with its neighbours. The fenestration details on the four storey element provides interest, to both the north and east elevations.

The main bulk of the building is located at the front of the site, immediate adjacent to Mansion Street, continuing the building line of the street, with parking provided to the rear. The proposed development is located 22m away from the residential development of Weavers Court to the rear. This is at a slight angle and although 3m short of the 25m required from the guidance the angle between the two buildings and the small windows to Weavers Court it is considered that 22m is an acceptable distance in this instance.

Parking and Access

Parking for the units are to be provided to the rear of the development, access to which would via a under croft which will incorporate security shutters controlling access into and out of the site. The proposal includes 18 spaces, three short of the 1.5 spaces per unit required by the Local Plan and relevant Leicestershire County Guidance. The location of the development is within reach of town centre and public transport infrastructure connected to it. A contribution has been requested from the developer to cover the potential increase in parking accommodation required within the Town Centre.

The access is restricted to the existing light controlled junction and adjustments to this junction have been agreed in principle with County Highways to enable the proposed development to be accessed from this point. The Highways Authority have requested a condition requiring details of the access and how it is to integrate into the existing traffic control system.

An access width in excess of 6m can be provided for a distance of 10m from the edge of the highway except at a point 0.3m in depth where the access goes under the 4 storey element of the building. At this point the access is reduced to 5m wide and immediately opens up allowing two cars to pass easily and is set 6m from the highway boundary. Visibility between cars would be good and therefore it is not considered that this is sufficient grounds on which to refuse this application.

Financial Contributions

The application proposes 14 residential units. Contributions towards libraries of £740, civic amenity of £555, parking £6,000 health of £3,214, education of £3,604 and play and open space of £17,374 are required.

Other Considerations

The applicant is a housing association who propose that 100% of the units be offered for shared ownership. The number of units is too low to trigger the requirement for affordable units to be provided and therefore it would be unreasonable to request specific tenure percentages. It is therefore considered that the proposals comply with requirements for affordable housing.

The Director of Environment and Heritage services (Archaeology) has requested that the application is not determined until a Archaeological Impact Assessment is carried out to establish how much archaeology is likely to have survived beneath the existing buildings on site. However, the applicant's agent considers that this assessment can be done within the next two weeks. It is therefore recommended that the application be approved subject to a satisfactory report being submitted.

Conclusion

The existing central club building is not considered to contribute to the character or appearance of the conservation area and the principle of its replacement is considered acceptable in terms of the mass, layout, and design. No objections to the scheme have been raised by any consultees subject to conditions being imposed.

RECOMMENDATION :- That following the submission of a satisfactory Archaeological Impact Assessment and 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 conditions towards parking provision, off-site public open space provision, libraries, civic amenity, education 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 or submit the relevant information by 3rd September 2007 may result in the application being refused.

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies RES5, BE1, BE7, T5 and T9 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 flats 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 approved by this planning permission shall be commenced until:
 - a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might be reasonably be expected given those uses and other relevant information. Using this information a diagrammatical (conceptual model) of this site for all potential contamination sources, pathways and receptors shall be produced.
 - b) A site investigation has been designed for the site using the information obtained from the desk study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on site. The investigation must enable a risk assessment to be undertaken relating to ground and surface waters both on and off the site which may be affected, and refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements.
 - c) The site investigation has been undertaken in accordance with the with details approved by the Local Planning Authority and a risk assessment has been completed.
 - d) A Method Statement detailing remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site. Prior to the commencements of main site works the remediation works shall be completed in accordance with the approved method statement to the satisfaction of the Local Planning Authority. Appropriate validation of the remedial scheme shall be submitted to the Local Planning Authority for written approval.
- 4 Prior to being discharged into any water course, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standing shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- 5 This permission relates to the application as revised by amended plan 15 B, 18 B 20 A and 21 received by the Local Planning Authority on 10.08.2007
- 6 Before development commences, details of the proposed access drive, including details of the proposed traffic signal equipment shall be submitted to and approved by the Local Authority in writing. The approved access shall be provided, and any approved traffic signal equipment shall be fully operational, before first occupation of any dwelling hereby permitted and thereafter shall be permanently so retained.
- 7 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the highway boundary and shall be hung so as to open inwards only.

- 8 No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.
- 9 The gradient(s) of the access drive(s) shall not exceed 1:10 for the first 10 metres behind the highway boundary.
- 10 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.
- 11 The/All existing vehicular access(es) shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossings reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.
- 12 No part of the development, its supports or foundations shall be positioned in, on, over, upon, or within any part of the public highway.
- 13 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.
- 14 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 15 The car parking facilities and turning areas as shown on plan reference 03 120 15B received 10.08.07 shall be provided before the first occupation of any unit hereby permitted, surfaced and marked out and once provided shall be hereafter permanently remain available for such use.
- 16 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 4 metre control radii on both sides of the access.
- 17 Before the commencement of development details showing elevations of the proposed roller shutter doors shall 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 RES5, BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.
- 3 To ensure that the site is suitable for its intended use, to protect the quality of the water environment.
- 4 To prevent pollution of the water environment.
- 5 For the avoidance of doubt.
- 6 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 7 To enable a vehicle to stand clear of the highway to accord with policy T5 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 enable vehicles to enter and leave the highway in a slow and controlled manner and in the interest of Highway Safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 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 Hinckley and Bosworth Local Plan.
- 11 To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points in the interests of road safety in accordance with Policy T5 of the Hinckley and Bosworth Local Plan.
- 12 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 13 To reduce the possibility of deleterious material (mud, stones, etc) being deposited in the highway and becoming a hazard for road users in accordance with Policy T5 of the Hinckley and Bosworth Local Plan.
- 14 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction to accord with Policy T5 of the Hinckley and Bosworth Local Plan.
- 15 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to comply with Policy T5 of the Hinckley Local Plan.
- 16 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 17 To ensure a satisfactory visual appearance in accordance with Policies BE1 and BE7 of the Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 Surface water run off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface run off from a site.
- 4 Public Footpath V116 abuts the south western boundary of the application site. The Society will be responsible for ensuring that the line of the footpath is not affected by any operations

associated with the development, and that free access can be exercised safely by pedestrians at all times. Pedestrians should be safeguarded from the demolition and construction works by a stout security fence.

- 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 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. A commuted sum may also be sought for the future maintenance of new traffic signal equipment located on the site access.
- 7 The Highway Authority will require any area that has traffic signal equipment erected on/in/over it to be dedicated as public Highway (if it is not already so) or some form of legal agreement allowing the Highway Authority suitable access to it at any time for maintenance/renewal of any equipment.

Contact Officer:- Sarah Humphries Ext 5680

Item: 08

Reference: 07/00687/FUL

Applicant: Mouchel Parkman Services Ltd

Location: Land Adj McDonalds Wheatfield Way Hinckley Leicestershire LE10 1PJ

Proposal: PROPOSED THREE STOREY OFFICES WITH ASSOCIATED CAR PARKING

Introduction:-

This is a full application for the erection of a 2338 square metre office development located adjacent to Normandy Way on the Hinckley Fields Industrial Estate. The plot is currently undeveloped and covers an area of 0.33 hectares. Directly to the east is the MacDonalds restaurant and to the south and west other office or warehouse premises. To the north is countryside.

The building will be located to the north of the plot adjacent to Normandy Way measuring 48.5 in width, 18.5 metres in depth with a ridge height of 11.2 metres. There is provision for 77 car parking spaces including 5 disabled bays and a cycle store with access to be gained off Wheatfield Way. The 3 storey facility will be sub divided into three separate offices with two units on the ground floor with dedicated entrances, and one unit on the first and second floors with access and reception on the ground floor.

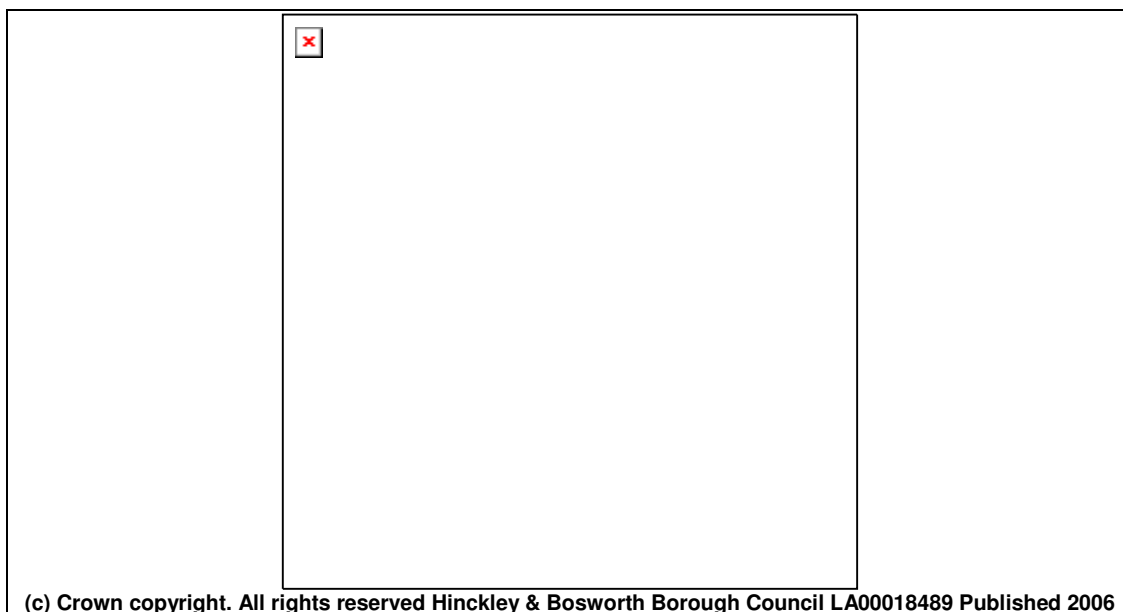
The submitted Design and Access Statement states:

" The appearance of the proposed development has been informed by local buildings and materials, in order to complement nearby properties and development. The proposed

development has been designed to present an attractive frontage to the A47, the principle access route to the site."

History:-

90/01264/FUL	Erection of bowling alley and associated works	Approved	18.12.90
91/01063/FUL	Erection of bowling alley, childrens play area and nightclub	Refused	17.12.91
00/00611/FUL	Erection of bowling alley, games area & lounge bar/café	Refused	24.04.01
02/00455/FUL	Erection of industrial unit	Approved	12.07.02
05/00342/FUL	Erection of two restaurants/ fast food units	Withdrawn	12.07.05



Consultations:-

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

Director of Highways, Transportation and Waste Management
Severn Trent Water
The Environment Agency

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

The Borough Council's Land Drainage Engineer.

The Cyclist Touring Club raise no objections and suggest the development is linked to the existing cycle route running along Normandy Way.

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

- i) height of building too high
- ii) the position of the building prevents the expansion of adjacent units
- iii) there insufficient parking facilities to serve the premises
- iv) access routes and junctions to the estate are already inadequate at peak times
- v) the development will further exacerbate an existing on street parking problem

Development Plan Policies:-

The site is located within the settlement boundary of Hinckley as defined in the adopted Hinckley and Bosworth Local Plan and is designated as EMP1(a) existing employment site. The Local Planning Authority will actively seek to retain such areas for employment uses.

Policy BE1 of the 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.

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

Hinckley Fields Industrial Estate Development Brief (March 1989) states that buildings facing Normandy Way should be sited with their front elevations to the Perimeter Road. Careful consideration will be given to the choice of materials and large elevations should be broken up by a change in the design elements or colour.

Appraisal:-

The principle of this type of development is already established in this location, the primary issue relating to this application is the level of parking provided within the site and ensuring the design is appropriate in what is a relatively prominent location.

Design

In July 2002 permission was granted for an warehouse unit with an element of office space. Although the permission was never implemented the footprint of the building was more than double that of the current proposal and 1 metre higher measuring 12.2 metres to the ridge.

In terms of scale and mass, although the building will be prominent within the street scene, amendments were secured so that the design presents very "clean lines" particularly the key elevations when approached from Normandy Way. The proposal will not unduly prejudice the development of adjacent buildings and with careful consideration given to the use of materials the building will complete the street scene and assimilate well into the wider surroundings.

Parking and access arrangements

The estate is a key employment site within the Borough and has been successful in attracting and retaining a variety of end users. Although the estate and off street parking facilities were designed to the appropriate standards when constructed, it is evident that the parking facilities for some units are inadequate and on street parking occurs on adjacent roads.

Current parking standards require the development to provide one car space per 25 square metres. The net floor space created by the scheme is 2011 square metres giving a requirement for 80 spaces. The scheme proposes 77 spaces and a cycle store. The Highway Authority have no objection to the proposal and the applicants will be required to

produce a Green Commuter Plan which will demonstrate the measures taken to reduce car dependence and promote alternative modes of transport. 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.

Conclusion

Given the requirements of the Green Commuter Plan and that the development can be linked to the existing cycle route that runs along Normandy Way, the marginal shortfall of just three car parking spaces is not sufficient to warrant refusal of the application. Whilst recognising the current parking conditions on the estate, suitable conditions can be applied to the permission to mitigate any potential increase in on street parking to an acceptable degree. Local Plan policy supports development of this nature in this location and therefore the application is recommended for approval.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, T5 and EMP1 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed office development shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 This permission relates to the application as revised by amended plan 23118-PLO1 REVB, 23118-PLO2 REVB and 23118-PLO REVC received by the Local Planning Authority on 6th August 2007
- 4 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 5 There shall be no storage of materials, plant, oil drums, tyres or waste materials of any description on the open area of the site, unless otherwise indicated on the approved plan.
- 6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - (i) proposed finished levels or contours
 - (ii) means of enclosure
 - (iii) hard surfacing materials
 - (iv) planting plans
 - (v) written specifications
 - (vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - (vii) implementation programme.
 - (viii) minor structures (e.g smoking shelters)
- 7 The approved landscaping scheme shall be carried out during the first planting and seeding season following the completion and first use of the development. All planted material shall

be suitably maintained, and any which die, are removed or become diseased within a period of five years from the completion of the scheme, shall be replaced in the next planting season with others of such size and species as agreed with the Local Planning Authority by the applicant or owner of the land at the time, unless the Local Planning Authority gives written consent to any variation.

- 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 in writing by the Local Planning Authority.
- 9 Notwithstanding the submitted details, before first use of the development hereby permitted, the proposed gates / barrier to the vehicular access shall be set back a minimum distance of 7 metres behind the Highway boundary and shall be hung so as to open inwards or vertically only. The proposed entrance gate / barrier shall remain permanently open / raised during operational / office hours.
- 10 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.
- 11 Before first use of the development hereby approved, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.
- 12 Vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway. The wheel washing facilities provided shall be so maintained for the operational period of the development hereby permitted.
- 13 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 14 Before development commences details of a Green Commuter Plan containing a travel to work, car use and car parking management strategy for the proposal as a whole shall be submitted to and agreed in writing by the Local Planning Authority. The Green Commuter Plan shall be implemented in accordance with the approved details.
- 15 The car parking and any turning facilities shown within the site shall be provided hard surfaced and marked out prior to the development is brought into use and shall thereafter permanently remain available for such use.
- 16 Before development commences, details of the cycle parking provision and a scheme to link the development to the existing cycle track along Normandy Way shall be submitted to and agreed in writing with the Local Planning Authority, and once provided shall be maintained and kept available for use in perpetuity.
- 17 Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.
- 18 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 Wheatfield Way. 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.

- 19 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 6 metre control radii on both sides of the access.
- 20 The proposed access shall have an effective width of a minimum of 6 metres for a distance of at least 10 metres behind the Highway boundary. The access drive once provided shall be so maintained at all times.
- 21 Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the Highway boundary and shall be so maintained at all times.
- 22 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.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 To define the permission.
- 4 To ensure the completed development has regard to the surrounding buildings and countryside and compliments the existing street scene to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the site does not deteriorate into an untidy condition.
- 6 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 7 For the avoidance of doubt.
- 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 enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway and to ensure that vehicles do not stack / queue onto the Highway whilst the gates / barrier are operated.
- 10 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
- 11 To ensure that vehicles may enter and leave the site in a forward direction in the interests of road safety to accord with policy T5 of the Hinckley and Bosworth Local Plan.
- 12 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.

- 13 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.
- 14 To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from the site and to reduce the possibility of the site contributing to on-street parking problems in the area.
- 15 To ensure that adequate car parking and servicing facilities will be available to serve the premises when they are brought into use.
- 16 In the interests of the sustainability of the development and to encourage alternative transport choice.
- 17 In the interests of pedestrian safety.
- 18 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.
- 19 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway.
- 20 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.
- 21 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
- 22 To avoid water pollution.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (01530 262380)
- 5 The applicant's attention is drawn to the advice offered by the Environment Agency relating to Condition 22. A copy of this advice is attached for your records.
- 6 The applicant's attention is drawn to the fact that any signage or advertising relating to this development will require a separate application to obtain advertisement consent.

- 7 In relation to Condition 20, 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.

Contact Officer:- Mr S Cheshire Ext 5762

Item: 09

Reference: 07/00747/FUL

Applicant: Mr J Dawson

Location: Yew Tree Farm Occupation Road Nailstone Nuneaton Leicestershire

Proposal: CONVERSION OF FARMHOUSE AND FARM BUILDINGS INTO THREE DWELLINGS AND ERECTION OF TWO NEW DWELLINGS

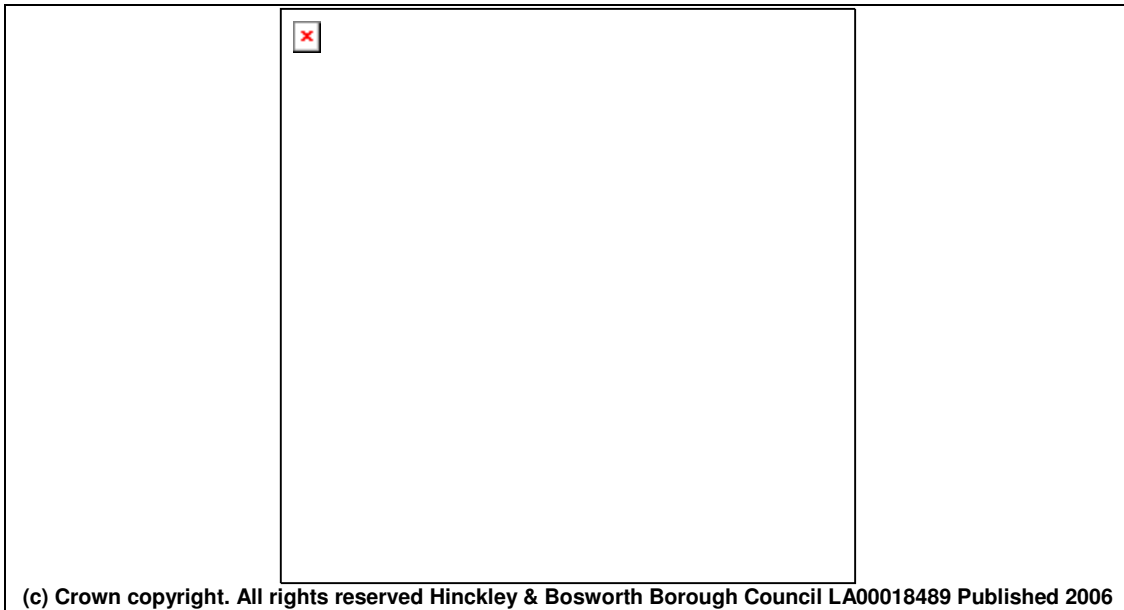
Introduction:-

This is a full application for the conversion of the existing farmhouse to form two dwellings, conversion of the outbuildings to form a new dwelling and erection of two new dwellings to form an enclosed courtyard. The site is located to the west of Occupation Road. To the east and south are residential properties and to the north and west of the site lies open countryside. The site is split by the settlement boundary of Nailstone, with the existing farmhouse inside the settlement boundary and the remaining farm buildings located in the open countryside. The existing farmhouse is to be subdivided into two dwellings and the existing calf barn is to be retained and converted to a dwelling. The existing cow shed and link to the calf barn are to be demolished and rebuilt to form two new dwellings. The remaining existing cow sheds, hay barn and outbuildings serving the farmhouse are to be demolished.

The applicant has submitted a design and access statement which includes justification why the property cannot be converted into industrial, it states that due to the location of the buildings and the sub standard access, the site would be unsuitable for employment use and would be of detriment to the surrounding residential properties. The applicant has submitted a Structural Inspection Report that concludes that the barns are generally in a good condition apart from the expected weather deterioration and their agricultural use. Also included in the application is a Tree Survey which outlines which trees are to be retained and which trees are to be removed. The applicant has submitted a report for potential land contamination of the site.

History:-

94/00576/FUL	Agricultural Building	Approved	31.08.1994
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Consultations:-

Comments received from :-

Director of Environment & Heritage Services (Archaeology) have asked for a condition to be applied to any consent requesting a programme of historic building recording.

Director of Highways, Transportation and Waste (Highways) have asked for standard conditions to be applied to any consent in regards to construction traffic, surfacing of access, turning facilities and highway drainage.

Severn Trent Water Ltd have requested a standard condition be applied to any consent concerning drainage of foul and surface water.

Head of Environmental Services have requested standard contaminated land conditions.

Nailstone Parish Council have no objection in principle but raise the following points :-

- a) retention of farm buildings for historical value
- b) height of new buildings remains in keeping with the surroundings
- c) retention of farm characteristics
- d) is the application site within the planning envelope?
- e) is there a S106 agreement?

Two letters of support received from neighbours stating that the redevelopment of the site will improve visual amenity and traffic movements in the area, there is an issue raised concerning the new door being inserted into the calf barn that faces onto Glebe Farm and the potential issue of overlooking.

Development Plan Policies:-

Government Policy

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

Local Plan Policy

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.

Policy NE10 provides that any permitted development within local landscape improvement areas shall include comprehensive landscaping proposals to enhance the landscape of these areas.

Policy BE1 reiterates of the above criteria, whilst policy T5 seeks to apply the County Council highway standards and parking targets when considering new development. This states that adequate justification is required for a non-commercial conversion of rural buildings.

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

Policy 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.

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

Appraisal:-

Principle

The site is located in the settlement of Nailstone. The settlement boundary cuts the site in two, leaving the proposed new buildings in the open countryside and the conversion of the existing buildings in the settlement boundary.

Local Plan Policy seeks to encourage either employment, recreation or tourism uses in the first instance, and only if it proves that there is no interest in the barn for these uses then residential may be looked upon favourably. Both Policy BE20 and the adopted Supplementary Planning Guidance on conversion of rural buildings state that planning permission will only be granted for the re-use and adaptation of a rural building if it can be converted without significant extensions that alter the form of the building so as to detract from its existing character and appearance.

It has already been assessed that the calf barn can be converted without significantly altering the form of the barn. As well as the submitted structural survey outlining that the barn is generally suitable for conversion with any works to be undertaken with due care and appropriate support to prevent collapse or damage to the structure.

The applicant has submitted justification why the buildings are not suitable for employment use. The conversion of the buildings to employment would be detrimental to the occupiers

of neighbouring dwellings in terms of general noise and disturbance and also a potential increase in vehicular movements associated with an employment use as the application site is surrounded by residential dwellings.

Design

The application involves some minor changes to the barn building. The majority of the existing openings are being retained and a minimal number of new openings are being created, which are in keeping with the other doors and windows. The replacement dwellings to replace the outbuildings being demolished are design to mimic a barn conversion whilst retaining features that enhance the visual appearance of the development. The conversion and alterations are in keeping with the general character of the existing buildings and are unlikely to have a detrimental impact on the visual amenity of the area.

The new build part of the development is against adopted policy but in this instance the development is acceptable as it returning the courtyard appearance to the site. The calf barn will be linked to the new buildings via a car port, the new buildings are in keeping with the surroundings buildings and will enhance the character and appearance of the area. The ridge height of the new buildings will not be higher than the existing barn, also the ridge line is stepped, this provides a visual difference between the new buildings.

The proposed courtyard appearance of the development is of significant importance as this will reinstate the historical characteristic of the farm and the new buildings proposed have been designed to a high quality, which will contribute to the visual amenity. The existing buildings to be demolished are arranged in way that would make introducing a courtyard appearance unacceptable due to their location and size.

Highways

The development makes use of the existing accesses to the site with the exception of the new single width access being created to serve the detached garage being erected at the southern end of the site. The new access will have a minimal impact on highway safety by virtue of its siting and its minor use in relation to the site.

Impact on Open Countryside

The site partially lies within the open countryside where policy seeks to protect the countryside for its own sake. The policy allows for the change of use, reuse and extension of existing buildings providing the development would not have an adverse effect on the appearance or character of the landscape and it is in keeping with the scale and character of existing buildings and the general surroundings. Furthermore, the Supplementary Planning Guidance pays particular regard to the setting of converted buildings, requiring the appearance to retain their rural character and for the domestic appearance to be concealed from general view.

It is considered that this site is not very prominent, even though the buildings can be viewed from the adjacent fields. The proposal would not have an adverse effect on the appearance of the landscape. The extensions proposed are in keeping with the scale and character of the existing buildings and will reintroduce a traditional courtyard appearance to the site, improving visual amenity. If a building merits retention then it must be capable of conversion to a new use in its own right.' The scheme meets this criteria.

Contribution

As the proposed development is within 400 metres of informal open space (Church Road and The Oval), which is classified as parks and gardens a contribution can be sought

towards the proposed improvement of amenity green space in Hinckley as set out in the Green Space Quality and Accessibility Audit 2005. This will equate to £1,241 per new dwelling, giving a total of £4, 964 for the 4 dwellings being created.

Conclusion

Overall, the justification for the conversion of the property to residential is adequate and the minimal additions of new openings respects the scale and character of the existing property. Although the erection of new residential buildings in the open countryside is against adopted policy, the scheme will reintroduce the historical courtyard appearance of the site and reduce the number and scale of buildings currently existing in the open countryside, this is seen to outweigh the policy objections to the proposal.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, BE20, NE5, NE10, T5, RES5 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 and parking structures 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A - H shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 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 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.
- 6 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 7 Notification of the commencement of development should be given in writing not less than 14 days before development commences.
- 8 No horse manure or other waste materials shall be burnt on the site at any time.

- 9 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
- (i) proposed finished levels or contours
 - (ii) means of enclosure
 - (iii) car parking layouts
 - (iv) other vehicle and pedestrian access and circulation areas.
 - (v) hard surfacing materials
 - (vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
 - (vii) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
 - (viii) retained historic landscape features and proposals for restoration, where relevant.
 - (ix) planting plans
 - (x) written specifications
 - (xi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - (xii) implementation programme.
- 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 Development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording. This work shall be conducted in accordance with a written scheme of investigation, which has been submitted and approved by the Local Planning Authority.
- 12 Notwithstanding the submitted drawings, details of the proposed windows and doors shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The agreed scheme shall be implemented in accordance with the approved details.
- 13 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.
- 14 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.
- 15 No walls, fences or other such structures shall be erected in the courtyard area other than those shown on the approved plan unless agreed in writing by the Local Planning Authority.

- 16 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.
- 17 Before first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
- 18 Before first occupation of the dwellings hereby approved turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.
- 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 Prior to commencement of development a detailed scheme for the boundary treatment of the site and the amenity spaces of the dwellings shall be submitted for approval by the Local Planning Authority. The approved scheme shall be implemented before the dwellings are occupied.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 To safeguard the health of future occupiers of the residential properties to accord with BE1 of the Hinckley and Bosworth Local Plan.
- 5 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.
- 6 To safeguard the health of future occupiers of the residential properties to accord with BE1 of the Hinckley and Bosworth Local Plan.
- 7 To safeguard the amenities of the future occupants of the dwelling to accord with policy BE20 of the adopted Hinckley and Bosworth Local Plan.
- 8 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 9 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 10 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 11 To ensure satisfactory historic building recording.

- 12 To ensure a satisfactory external appearance in accordance with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 13 To ensure satisfactory provisions are made for the drainage of the site.
- 14 To ensure the provision of Play and Open Space to accord with policies REC3 of the adopted Hinckley and Bosworth Local Plan.
- 15 To safeguard the visual amenities of the proposed dwellings and the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 16 To reduce the possibility of surface water from the site being deposited in the Highway causing danger to road users to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 17&18 In the interests of road safety to accord with policy T5 of the Hinckley & 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 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (01530 262380)
- 5 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.
- 6 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.
- 7 Condition 14 refers to public open space. In accordance with the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide public open space should be provided either on site, or a contribution made towards off-site provision. In this instance a contribution of £1, 241 per dwelling is required towards the provision of off-site public open space. This can be provided by a one off payment or secured by the

completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

Contact Officer:- Mr D Grocock Ext 5898

Item: 10

Reference: 07/00813/COU

Applicant: Nicholas O'Donnell

Location: Land North of Cow Lane Ratby Leicestershire

Proposal: CHANGE OF USE TO MOTORCYCLE TRACK

Introduction:-

This is a retrospective application for the change of use of former pasture land to a motorcycle track. The site is a rectangular field bound by woodland to the north and east and agricultural land to the south and west.

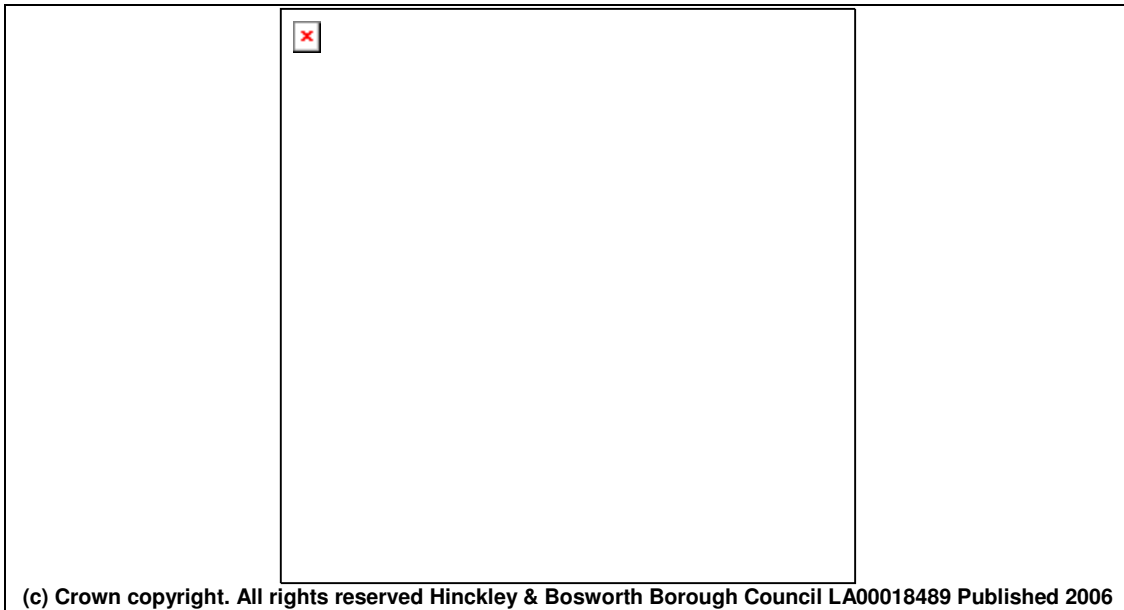
The use of the land as a motorcycle track has been ongoing on an informal basis for three years. The proposals are on a non-commercial basis and suggest limited hours of use and restrictions on the number of riders. The track is used informally for practice and does not host organised events.

The track includes a number of jumps and banked bends which have altered the levels of the site. The application proposes the creation of six parking spaces and the retention of a wooden open fronted structure and chemical toilet used by riders.

The application follows an earlier application (07/00060/COU) which was withdrawn to allow time for additional noise tests to be carried out. The application has been accompanied by a Planning and Operational Criteria Statement, a Noise Assessment and an Ecological Report.

History:-

07/00060/COU	Change of use of land to motorcycle track	Withdrawn	20/03/2007
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Consultations:-

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

Severn Trent Water Limited
Leicestershire and Rutland Wildlife Trust

The Director of Highways, Transportation and Waste Management (Highways) raises no objection subject to conditions restricting the proposal to 3 days per week. The Highway Authority consider that they are not in a position to demonstrate that the proposal if permitted would lead to any material increase in the use of Cow Lane or its junction with Markfield Road.

No objection has been received from East Midlands Electricity.

Ratby Parish Council state that the proposals are not suitable in the National Forest which may set a precedent eroding the National Forest area. Concerns are also raised regarding noise and dust.

The Director of Heritage Services (Ecology) do not object to the scheme subject to conditions tying the approval to the management plan set out in the submitted Ecological Report.

The Head of Health and Environment states that concern exists for the potential for nuisance to occur from noise. The comments state that the noise investigation was observed by an Environmental Health Officer and the development could be undertaken without causing a noise nuisance if tightly controlled. The Head of Health and Environment considers that there is not a reason for refusal on noise grounds and suggests that a temporary consent would allow the impact from the development to be assessed. The comments request conditions which cover the following issues:

- a) A diary of use should be compiled by the applicant to detail the dates and times that the track is used
- b) Hours of operation restricted to Monday to Saturday 10.30-16.00, Sundays and Bank Holidays 13.00-16.00
- c) No more than six bikes should operate on the site at one time
- d) No more than 3 days use in any 7 day period

- e) Temporary permission for one year
- f) Personal consent for the applicant
- g) Noise level from an individual bike should not exceed 96dB, measured by a method to be agreed with the Local Planning Authority.
- h) A bund should be erected in the south-east corner of the site to a specification agreed by the Local Planning Authority
- i) Filling mats should be provided to ensure no contamination of the ground occurs
- j) A means of water suppression should be available to reduce dust.

The National Forest Company states that the National Forest Strategy recognises the provision of motor sports, in appropriate locations to meet local needs and should be considered in the forest area. Therefore the proposed development does fit in principle with the Forest's objectives. The National Forest Company comments state that the suitability of the particular location should be considered and suggests consultation with local residents, landowners and the Parish Council. As the site is over 1 hectare in size, the National Forest Company require 20% of the site be set aside for planting and landscaping.

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

- a) Noise disturbance
- b) Generation of dust
- c) Parking on Cow Lane obstructing access for emergency vehicles
- d) Impact on natural habitat and wildlife
- e) Detrimental to rural quality of the area
- f) Increase in traffic along Markfield Road
- g) Proposal is contrary to the Parish Council 2007-2011 plan.
- h) Access to site below highway standards
- i) Lack of available parking
- j) Conflict of additional traffic with walkers and horse riders

A petition containing 71 signatures objects to the proposal on the following grounds:

- a) Noise
- b) Dust creating dirty deposits and danger to road users on the Markfield Road and M1
- c) Increased traffic on Markfield Road
- d) Disruption to walkers, naturalists, cyclists and horse riders
- e) Area should be nurtured for the benefit of local residents and wildlife

A further petition containing 28 signatures from horse riding users of the Ratby Bridleway object on the following grounds:

- a) Noise and risks caused to riders from frightened horses
- b) Increased traffic
- c) Increased dust
- d) Sudden movements from motor cycles startle horses
- e) Riders are inconsiderate to other users of the bridleway
- f) Use by both motor bikes and horses not compatible
- g) Too few other areas to ride
- h) Already off road motorcycle tracks at Kirkby Mallory and Coleorton

Fifteen letters of support have been submitted with the application, some from the same addresses, raising the following points:

- a) Noise is minimal.
- b) Track is only used for practice not for organised events
- c) Lack of other places for teenagers in the area
- d) Noise is drowned out by nearby motorway
- e) Track provides an alternative to riding on parks and streets which causes greater disruption
- f) No other tracks in the vicinity
- g) Friendly, supportive atmosphere exists

The Head of Physical Education at Groby Community College supports the application and the potential for the site to be used by the college cycling club. He considers the proposal may alleviate some of the illegal off road riding which takes place in Martinshaw Woods and on the college sports fields.

Development Plan Policies:-

National Policy

Planning Policy Statement 7 concerns sustainable development in rural areas. This states that Local Planning Authorities should support, through planning policies, sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich, but do not harm, the character of the countryside, its towns, villages, buildings and other features; and recognise that in areas statutorily designated for their landscape, nature conservation or historic qualities, there will be scope for tourist and leisure related developments, subject to appropriate control over their number, form and location to ensure the particular qualities or features that justified the designation are conserved.

Planning Policy Guidance Note 24 - Planning and Noise sets out how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development.

Structure Plan

Strategy Policy 8, Development in the Countryside, states that the Countryside will be protected for its own sake. Development in the countryside will only be acceptable if the general appearance and character of the landscape and the countryside is safeguarded or enhanced. The policy limits development to five purposes which includes small scale development for employment or leisure.

Leisure Policy 7 states that sites for noise sports should be identified by the Local Planning Authority which would not cause unacceptable disturbance to residential areas or other environmentally sensitive areas. The sites should be accessible to their potential users and in areas on low conservation value where the ambient noise level is already high, or on sites with adequate noise screening.

Local Plan

Policy BE1 seeks to support development which does not adversely affect the occupiers of neighbouring properties, incorporates landscaping to a high standard and compliments or enhances the character of the surrounding area.

Policy NE5 - development in the countryside seeks to protect the countryside for its own sake. Permission will be granted for development that is either important for the local

economy and cannot be provided in or adjacent to an existing settlement, for the change of use, reuse or extension of existing buildings, or for sport and recreation facilities and only where the following criteria are met: it does not have an adverse effect on the appearance or character of the landscape; it is keeping with the scale and character of existing buildings and the general surroundings; where necessary it is effectively screened by landscaping and other methods; and where the proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy REC4 concerns proposals for recreational facilities. This supports facilities provided that the facility does not have a detrimental effect upon adjacent land uses, or upon the amenities 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 and adequate access and parking arrangements are provided.

Policies NE21 to NE24 refer to development in the National Forest. These seek high quality design incorporating open spaces, set out the criteria for assessing planting schemes and the implementation of agreed schemes and set out policy for the future maintenance and management of planted areas.

Further guidance on development in the National Forest is set out in the adopted National Forest Planning Guidelines Supplementary Planning Guidance.

Appraisal:-

Principle

The site is situated outside of the settlement boundary of Ratby as designated within the adopted Hinckley & Bosworth Local Plan. The surrounding area accommodates other leisure activities including paintball at Ratby Burroughs South and clay pigeon shooting at Choyce's Rough to the north of the site. The site is however designated as being within the National Forest.

National planning guidance is supportive of small scale leisure uses in the countryside subject to appropriate control. Local policy is also supportive of such uses of an acceptable scale and character. In principle, a leisure use is therefore considered acceptable in this location.

Noise

The primary concern raised by objectors is on grounds of noise disturbance from use of the track. The Structure Plan policy suggests that noisy sports should be accommodated where ambient noise levels are high. The site is around 400 metres from the M1 however the background noise will vary with wind direction and is likely to be different to the higher pitch and variation of noise from the proposed activity.

The Head of Health and Environment has not objected to the proposal on these grounds subject to a number of restrictive conditions. The application has been accompanied by a Noise Assessment which was undertaken in the presence of an Environmental Health Officer. The proposed issues to be conditioned are considered to be in the control of the applicant and reasonable. It is therefore considered difficult to resist the application on noise grounds.

Traffic

The Director of Highways, Transportation and Waste Management (Highways) raises no objection subject to the proposal being restricted to three days a week and off road parking being provided to the satisfaction of the Local Planning Authority. Highways consider that use of the track for three days would not lead to a material increase in the use of Cow Lane or its junction with Markfield Road.

The application proposes five car parking spaces to be laid out, though there is space for further ad hoc parking within the site. This is considered sufficient to accommodate the parking needs of the proposal.

Ecology / Landscaping

Concern has been raised regarding the changes to levels on the site which have already occurred. The track includes six jumps of between 1 and 2 metres in height along with banking on corners. The site is well screened with woods to two sides and tree lined hedgerows to the others. The access is off a private road therefore the site cannot be viewed from the highway network or from any designated footpath. The first 120 metres of Cow Lane are bridleway which then continues in a southerly direction away from the site. At its nearest point the bridleway is 230 metres from the application site. A further footpath runs around 200 metres to the north of the site however this is separated by woodland and offers no view of the site.

The application proposes the retention of two timber structures on the site. These provide shelter and a chemical toilet. These are considered minor in nature and not out of keeping in the rural environment. They are also well screened by the hedgerow and trees to the boundary of the site.

Comments from the Director of Heritage Services (Ecology) recommend that the scheme is conditioned to the proposed management scheme as set out in the submitted Ecological Report. A two metre buffer zone between the edges of the track and existing hedgerows is required.

The site is largely covered by grass and vegetation with only limited areas of hardstanding to the access and car park proposed. The changes to the character of the site are therefore limited and the site could be returned to its original form.

A condition will require a substantial landscaping scheme to be submitted and planting to National Forest guidelines. This would require 20% of the site area to be landscaped in keeping with the surrounding woodland. This could be accommodated around the periphery of the site and could include the bund suggested by the Head of Health and Environment. This additional landscaping would further screen the development from the surrounding area.

Given the existing and additional landscaping and the limited views of the site from publicly accessible areas, the retention of the track including the raised jumps and bends is not considered detrimental to the nature of the countryside.

Other issues.

A temporary consent has been suggested by the Head of Health and Environment, to allow any impact of the proposal to be assessed. The submitted noise assessment is acceptable to the Head of Health and Environment therefore a temporary consent is not considered reasonable on these grounds alone. However, as other conditions are proposed to restrict the number of riders and the use of the track a temporary consent will allow the applicants compliance with these aspects to be assessed.

A personal consent has also been suggested. As the application proposes this as a 'not for profit' venture it is considered that the proposal could be tied to the applicant and not run with the land. Compliance with the conditions will therefore be the responsibility of the applicant allowing for easier control.

A restriction of the number of riders would reduce both noise levels and visitors to the site. The applicant has stated that he is willing to accept a condition on these grounds. This would also address any concerns regarding lack of parking on the site.

The application proposes a recreational use which is considered acceptable within the National Forest. The letters of support submitted with the application suggest that a demand exists for this use which is currently unmet in the local vicinity. Given the scale of the proposal and its non-commercial basis, it is considered that a temporary consent of one year can be supported on balance. This will give the applicant the opportunity to show the proposal can be managed in a manner acceptable to the Local Planning Authority in conjunction with the Highway Authority and the Head of Health and Environment in terms of complying with restricted hours of use and numbers of riders.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, NE5, NE12, NE9 and REC4 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 This permission shall operate solely for the benefit of the applicant and shall not run with the land.
- 2 The use hereby permitted shall be discontinued by the 29th September 2008 unless a further permission is subsequently granted.
- 3 Within three months of the date of this permission, a scheme for the restoration of the site to its former condition shall be submitted to and approved in writing by the Local Authority. The agreed scheme shall be completed within six months of the discontinuance of the use hereby approved.
- 4 The track hereby approved shall not be used outside of the hours of 10.30-16.00 Monday to Saturday and 13.00-16.00 Sundays and Bank Holidays. The track shall not be used for more than three days in any seven day period.
- 5 No more than six motorbikes or other motorised vehicles shall be ridden on the track at one time.
- 6 Before any further use of the site, and within one month of the date of this decision, a scheme for the measurement of the noise emissions of individual bikes on the site shall be submitted to and agreed with the Local Planning Authority. Each bike shall not exceed 96dB.
- 7 Before any further use of the track, or within one month of the date of this decision, full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- (i) proposed finished levels or contours
 - (ii) means of enclosure
 - (iii) car parking layouts
 - (iv) other vehicle and pedestrian access and circulation areas.
 - (v) hard surfacing materials
 - (vi) planting plans
 - (vii) written specifications
 - (viii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - (ix) implementation programme.
- 8 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 9 Before any further use of the site, and within one month of the date of this decision, a scheme for the suppression of dust and the prevention of soil contamination from the bikes shall be submitted to and agreed with the Local Planning Authority.

Reasons :-

- 1 To ensure that the use remains compatible with the surrounding area.
- 2 In order that the effect of the development upon the amenities' enjoyed by neighbouring properties can be assessed during this period and that any further application can be decided having regard to this assessment.
- 3 In order that the effect of the development upon the amenities' enjoyed by neighbouring properties can be assessed during this period and that any further application can be decided having regard to this assessment.
- 4 - 6 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 7 & 8 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.
- 9 To reduce the amount of dust and reduce the risk of ground contamination 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 Condition 6 and 7 refer to landscaping. The scheme shall include plans detailing the management recommendations of the submitted Ecological Report and details of a bund to the south-east of the site to a specification to be agreed with the Local Planning Authority. 20% of the site shall also be used for new tree planting in accordance with National Forest guidelines.

3 The applicant is advised that in relation to condition 3 the completion of a diary of days and hours of use would be beneficial.

Contact Officer:- Mr P Metcalfe Ext 5740

Item: 11

Reference: 07/00845/FUL

Applicant: Oakley Joinery Ltd

Location: Land Adjacent 3 The Rookery Groby Leicestershire LE6 0GP

Proposal: ERECTION OF DWELLING

Introduction:-

Planning permission is sought for the erection of a two storey detached dwelling and garage on land to the rear of Leicester Road, off The Rookery. The site is located to the rear of a row of 6 granite workman's cottages with slate roofs fronting onto Leicester Road. To the south of the site there is a detached property with a rendered finish, the property was previously a pair of semi detached dwellings that has been partially demolished and converted to one dwelling. Outline Planning permission (06/00260/OUT) has been granted for the erection of a bungalow to the rear of that property. To the southwest there is a barn that has planning permission for conversion and to the west is the ex-servicemen's social club.

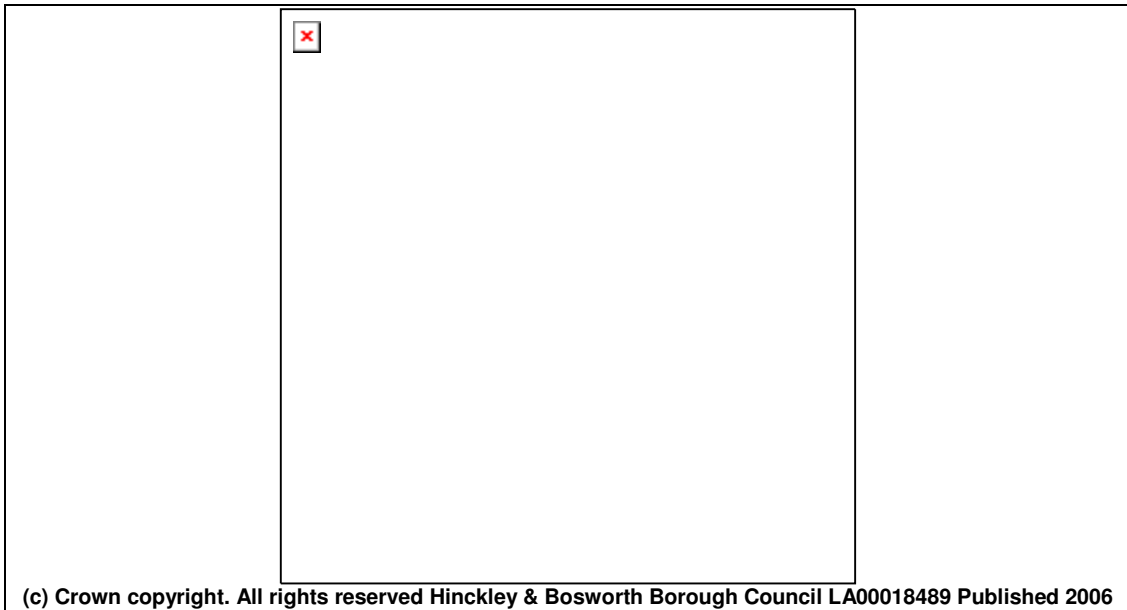
The site is located in a predominantly residential area. The site is elevated by 1 to 2 metres from the cottages fronting Leicester Road, but is almost level with the properties adjacent on The Rookery. Vehicular access is gained to the site via The Rookery. An attached garage is proposed and additional parking to the front of the dwelling within the curtilage. In addition, it is proposed to provide a parking area and amenity space for No 20 Leicester Road.

The proposed dwelling has been sited approximately 12 metres from the site frontage, and is located in the rear half of the plot. Planning permission was originally granted in 2005 for one dwelling. This revised scheme includes the omission of the integral garage, the introduction of a snug, the introduction of additional windows to the rear elevation, together with an attached garage to the south western elevation. A condition was imposed on the previous approval which required the dwelling to be externally faced with stone. However, due to cost implications and alterations to the adjacent property the applicant proposes a stone frontage with stone plinth to the side and rear elevation. The remainder of the dwelling is proposed to be built in brick. The north eastern elevation (excluding the single storey lean-to element) will also be faced in stone.

The Design and Access Statement demonstrates that the siting, scale and design of the proposed dwelling has had regard to the surrounding development and differing ground levels, is in keeping with the characteristic form of the area and will be built with materials that are sympathetic to the location.

History :-

00/00326/OUT	Erection of bungalow	Refused	21.06.2000
04/00981/FUL	Erection of one dwelling and associated works	Withdrawn	09.09.2004
04/01320/FUL	Erection of one dwelling and associated works (Revised Scheme)	Approved	18.01.2005



Consultations:-

One letter of representation received stating no objection to the proposal but questioning the works that have already commenced on site.

No objection has been received from:-

Director of Environment and Heritage Services (Archaeology)
Groby Village Society.

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

Environmental Services (Land Drainage Engineer)
Severn Trent Water.

Groby Parish Council object on the following grounds:-

- highway safety;
- unsuitable materials.

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

Director of Highways, Transportation and Waste Management (Highways).

Development Plan Policies:-

The site lies within the settlement boundary of Groby as defined in the adopted Hinckley and Bosworth Local Plan, and partly within the Conservation Area.

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

Policy BE7 of the adopted Hinckley and Bosworth Local Plan provides that the special character and appearance of Conservation Areas should be preserved or enhanced. It seeks development that is in sympathy with the merits of neighbouring development. The policy requires siting, scale, design and proportions should be taken into considerations and should be sympathetic to the characteristic form of the area and be compatible with adjacent buildings and spaces; existing features of historic or characteristic value should be retained; and building materials and finishes should respect local traditional materials and techniques.

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

Policy T5 of the adopted Hinckley and Bosworth Local Plan states that planning permission for development proposals will be granted providing they comply with the parking standards unless a different level of provision can be justified.

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

The Council's Supplementary Planning Guidance for Play and Open Space requires a financial contribution towards formal and informal space if it cannot be provided on site.

Appraisal:-

The proposed development comprises a detached three bedroomed dwelling with attached garage, together with parking and amenity for the adjacent dwelling (No. 20 Leicester Road). The dwelling is proposed to be sited between properties in The Rookery and the rear of properties in Leicester Road.

The principle of residential development, siting and means of access has been established by the previous planning permission. The design remains predominantly the same as the previously approved scheme where it was considered to be designed in sympathy with the surrounding area, in keeping with the characteristic form of the area and compatible with adjacent buildings. The amendments include the omission of the integral garage. The garage door to the front elevation is proposed to be replaced by a window serving a snug together with the introduction of a lean-to single garage to the south western elevation which is set back towards the rear of the dwelling. The garage is proposed to be set back 6 metres from the front elevation of the dwelling. The set back nature of this addition is not considered to detract from the overall character of the development or the locality generally. The detailing matches that proposed in the dwelling. A condition was previously imposed requiring the entire dwelling to be faced in stone. It is considered that due to the recent alterations to the adjacent dwelling (No. 3 The Rookery) and the location of the dwelling towards the rear of the site, to have the front and part side elevation faced in stone with

stone plinth around the remainder of the dwelling would be considered acceptable. A condition is imposed to ensure that suitable materials are used.

Whilst the changes to the scheme bring the development closer to the boundary with the adjacent property (No. 3 The Rookery) given the lean-to design and distances between the dwellings it is not considered that there would be any significant impact on the amenities of the occupiers of that property.

In general, the overall scheme remains very similar to the previously approved dwelling and complies with the policy requirements of the approved Local Plan.

With regard to financial contributions for play and open space requirements, the applicant has already made a payment for the required amount of £1,720 towards play and open space as the previous scheme has been partially implemented.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, BE7, RES5 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 Notwithstanding the details submitted the front (north western) and part side (north eastern) elevations of the dwelling hereby permitted shall be faced with stone, a sample of this, the proposed roofing materials and bricks shall have been submitted to and approved in writing by the Local Planning Authority before development is commenced. The development shall thereafter be carried out in accordance with the approved details.
- 3 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 4 The car parking and turning facilities shown within the curtilage of the dwelling shall be provided before the dwelling is occupied and shall therefore permanently remain available for such use.
- 5 Before the development is commenced, details of proposed surfacing of vehicular access, parking and turning area shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 6 The parking area and amenity space for No. 20 Leicester Road shown on the approved plan shall be used for residential purposes ancillary to that dwelling. It shall at all times be held with No. 20 Leicester Road and shall at no time be sold separately from the said dwelling.
- 7 Before the development is commenced, details of the proposed boundary treatment, including repairs to the front boundary wall, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 8 Notwithstanding the details submitted with the application, the area of wall of the junction of The Rookery with Leicester Road should not be reduced in height.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 development within Schedule 2, Part 1; Classes A, B, C, D and E; shall not be carried out before planning permission for such development has first been granted by the Local Planning Authority.
- 10 The use of the garage shall remain at all times for the purposes of parking a motor vehicle and shall not be converted to additional living accommodation, unless otherwise agreed in writing with the Local Planning Authority.
- 11 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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 BE7 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 3 For the avoidance of doubt and to safeguard amenities of neighbouring properties to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on -street parking problems in the area,
- 5 To ensure that the development has a satisfactory external appearance to accord with Policy BE7 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that adequate parking and amenity space is available for the dwelling at all times to accord with Policy RES5 of the adopted Hinckley and Bosworth Local Plan.
- 7 In the interests of the amenities of the occupiers of nearby properties and the character of the Conservation Area
- 8 The reduction in height of this wall is not necessary to improve visibility at this junction.
- 9 To safeguard amenities of neighbouring properties to accord with policy BE1 of the Hinckley and Bosworth Local Plan.
- 10 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the Hinckley and Bosworth Local Plan.
- 11 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.

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 in 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 lift able cover or other approved materials to the satisfaction of the Local Authority.
- 4 In respect of condition No. 2 above and for the avoidance of doubt, a plan indicating the location of the stone face to the side (north eastern) elevation is attached.

Contact Officer:- Cathy Horton Ext 5605

Item: 12

Reference: 07/00864/FUL

Applicant: Mr S Hill

Location: 159 Coventry Road Burbage Hinckley Leicestershire LE10 2HW

Proposal: EXTENSION AND ALTERATIONS TO DWELLING

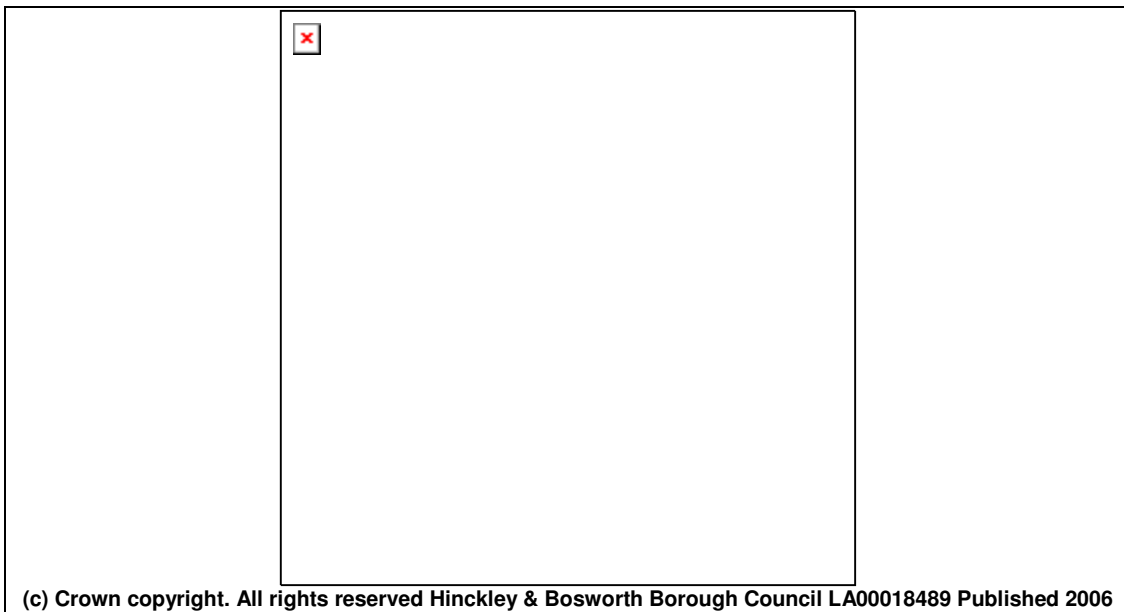
Introduction:-

This application is being reported to the Planning Committee as the agent is a Member of the Borough Council.

Planning permission is sought for the erection of a single storey side/rear extension to this detached two storey dwelling. The proposal includes the demolition of the existing detached garage located to the side of the dwelling and a conservatory located to the rear. The property is set back from the road frontage and is screened on all boundaries by mature trees/foilage. The plans indicate the removal of four trees/bushes to the rear of the property and some of the foliage will require some cutting back however the planted boundaries will remain relatively in tact. The existing detached garage, located to the side of the property is accessed through a concrete archway which is built flush with the front wall of the dwelling and extends across to the boundary with the neighbouring property. The site is surrounded by residential properties with fields to the rear.

History :-

94/00909/FUL	Two storey side extension to dwelling	Approved	15/12/1994
04/00200/FUL	Erection of two dwellings with vehicular access -	Refused	19/05/2004



Consultations:-

One letter of representation received stating no objection.

County Highway Authority has no observations.

No response has been received from Burbage Parish Council.

Development Plan Policies:-

The application site falls within the settlement boundary of Burbage as designated in the adopted Hinckley and Bosworth Local Plan.

Policy RES7 of the Hinckley and Bosworth Local Plan states that applications for extensions will be permitted where they respect the scale and character of the existing dwelling and street scene, retain adequate parking provision, are constructed of matching materials, do not adversely affect neighbouring occupiers, and are sited to avoid a terracing effect.

Policy BE1 of the Local Plan seeks a high standard of design in order to secure attractive development and to safeguard and enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

Adopted Supplementary Planning Guidance on House Extensions furthers Policy RES7 and states that extensions should be subordinate in size to the existing house and reflect the existing design details.

The Burbage Design Statement, adopted as a Supplementary Planning Document includes a general description of Coventry Road and outlines design principles for extensions to dwellings.

Appraisal:-

As the property falls within the settlement boundary of Burbage there is a presumption that extensions are acceptable subject to the criteria set out in Policy RES7 and BE1 of the adopted Local Plan and Supplementary Planning Guidance.

With regard to the impact of the extension on neighbouring properties, the property most immediately affected by this development is No.157 Coventry Road, a detached property.

Given the boundary treatment that currently exists between the properties together with the height of the proposal and distance between the properties it is considered that the amenities of the occupiers of that property will not be significantly affected by this development.

In terms of the design of the extension, the garage is proposed to project 5.5m from the side wall of the dwelling, retaining a 1m access to the side/rear of the property. The extension extends along the entire side elevation of the dwelling and projects a maximum of 3.6m beyond the rear wall. Due to the length and design of the extension with a single side gable, the side elevation appears at odds with the existing dwelling in terms of its proportions. Discussions have taken place with the applicants agent to seek to resolve the concerns, however given the shape of the existing dwelling and the alternative designs suggested it was considered that the amendments would compromise both the front and rear aspects of the proposal which are more visible. Whilst the proposed extension does not offer an overly positive contribution to the existing dwelling it is not considered that the proposal will appear unduly prominent in the streetscene or detract from the character and appearance of the existing dwelling to warrant a refusal of planning permission on those grounds.

In conclusion, it is considered that the proposal will have an acceptable relationship with the adjacent properties, will not be prominent in the streetscene due to the set back nature and screening to the frontage and as such complies with the general design principles contained in policy guidance.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1 and RES7 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and RES7 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer:- Cathy Horton Ext 5605

Item: 13

Reference: 07/00868/FUL

Applicant: Mr And Mrs Watts

Location: Holywell Farm Desford Lane Ratby Leicester Leicestershire

Proposal: **REBUILDING REAR ELEVATION, PARTIAL REBUILDING OF SOUTH ELEVATION, REBUILDING AND EXTENSION TO NORTH ELEVATION AND NEW ROOF WITH ALTERATIONS (RE-SUBMITTED SCHEME)**

Introduction:-

This is a resubmitted application for the re-building of the rear (east) elevation, partial re-building of the south elevation, re-building of the north elevation and new roof to a property known as Holywell Farm, Desford Lane Ratby. The site is to the west of the village of Ratby off Desford Lane in an isolated location in the countryside. The former farm complex occupies a small valley and originally comprised of a two storey farmhouse and a courtyard of two and single storey outbuildings and barns, all of which are in poor condition following a long period of being unoccupied. A Certificate of Lawful Existing Use as a residential dwelling was granted in 2005 for the former farmhouse building as it stood at that time.

The application includes a Supporting Statement, a Structural Engineers Report dated May 2003 and a further statement dated September 2006 regarding the condition of the dwelling together with a Design and Access Statement.

The supporting statement indicates that the applicant purchased the site in November 2006 with the intention of restoring the property as a family home. Prior to the purchase, a structural survey was carried out in May 2003 to assess the condition of the property and works necessary to restore the farmhouse. This survey consisted of a general level visual appraisal inspection internally and externally from ground level and no intrusive inspection of the structure was undertaken.

The survey identified the main structural problem to the dwelling to be water penetration on the valley line between the front and rear sections, and recommended works to make the house watertight in the short term. Externally it identified a number of defects including cracks on the junction between the front and rear parts of the house on the right hand elevation and general weathering to the brickwork on all elevations. The report concluded that 'the general weathering does not at present affect the structural integrity of the brickwork and is more a matter of appearance'. In terms of the 'cracks' the report states that '...the configuration of the cracks does not suggest subsidence' and any problem may relate to a lack of bonding. It states that these problems could be '...corrected by the installation of reinforcement stitching'. Whilst the report states that some of the top part of the valley wall may require rebuilding, the overall 'condition of the masonry structure' is reasonable for a building of this type and age....' despite its previous neglect. The report concludes that the main structural problems are not insurmountable to such an extent that the dwelling is structurally unsound and thus requiring demolition and rebuilding, and the report states that '...overall it is judged that the house is capable of restoration'.

The further survey carried out in 2006 noted that the condition of the building had significantly deteriorated in all parts including the spine masonry wall between the front and rear part of the dwelling and both gable walls of the rear part of the dwelling, including

some subsidence. Some subsidence had also occurred towards the front right hand corner of the building. The report recommended removal and replacement of several elements including the masonry spine wall and the gables of the rear section of the house. The structural condition of the rear wall was considered reasonable but on safety and economic grounds did not consider it feasible to retain this part in isolation.

Both the design and supporting statements describe pre-application discussions with officers regarding a first floor extension to the north facing elevation and roof alterations. The informal advice from Officer's was that those works relating to the roof appeared not to require planning permission, because they accorded with the provisions permitted under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development Order) 1995 ("the GPDO" as amended). According to the supporting statement, in November 2006 the applicant proceeded to carry out those works that were considered to be permitted development and with the intention of creating an empty box' on which the works of restoration could be undertaken. The applicant maintains that it was during the process of 'removing all the roofing material, timbers and spine wall that the true condition of the house became apparent'. 'The rotten and collapsed roof and floor joists had caused a large section of the rear wall to spread and bow' and the preliminary restoration works 'resulted in the gap between the existing stone and brick gable walls increasing further and it became apparent that the front and rear sections were not tied together in any way.'

The supporting statement maintains that 'when the applicants and their builders returned to site on Monday 27th November 2006, the rear elevation and part of the south and north elevations had collapsed over the weekend and the remainder of the brick section was in a dangerous condition. Further investigation revealed that the rear half - the brick section- of the farmhouse had been built without foundation straight on to the clay beneath.' In the interests of safety, the remainder of the now unsupported brick gables were then removed.

The Borough Council's Building Control Officer was subsequently called out to inspect new foundations and as a result of this site visit, the Development Control section became aware of the works being undertaken. The former farmhouse was considered to have been substantially demolished to the extent that planning permission was required for it to be rebuilt. A Planning Contravention Notice was served on 6th December 2006. A Temporary Stop Notice was served on 8th February 2007 and an Enforcement Notice was served on 12th February 2007. A planning application was submitted on 8th March 2007 (Ref: 07/00302/FUL) and following assessment the proposed works to rebuild and extend the dwelling were considered by officers to amount to a replacement/new dwelling in a countryside location rather than merely repair and restoration of the former farmhouse. The proposals were therefore considered to be contrary to the countryside policies of the local development plans and the application was subsequently refused by Planning Committee on 1st May 2007 in line with officer recommendation. This decision is now the subject of an appeal in conjunction with the enforcement appeals and is due to be heard at a Public Inquiry in October 2007.

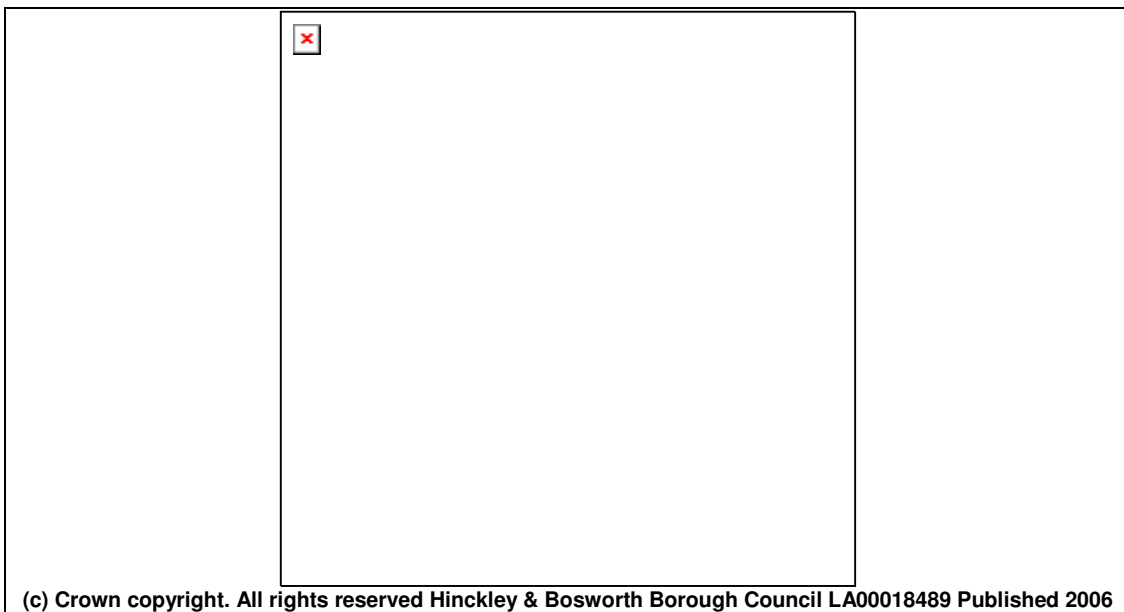
The supporting statements explain that rather than rebuild and extend, the current application proposes to rebuild and restore the farmhouse on the same footprint and at the same scale as the original and, save for the inclusion of windows on the north elevation, result in a building that would be an exact replacement of the original building, wherever possible utilising reclaimed materials to replicate what originally existed on the site. In addition, the proposed residential curtilage has been amended to replicate the original curtilage of the dwelling.

The applicant has previously stated that, whilst not material planning considerations, the consequences of a refusal of planning permission on the personal and financial

circumstances of himself and his family would be severe and would have significant effects such as bankruptcy and may result in the applicants and their young family facing homelessness.

History:-

07/00302/FUL	Rebuilding Rear Elevation, Partial Rebuilding of South Elevation, Rebuilding and Extension to North Elevation and New Roof with Alterations	Refused Appeal pending	03.05.07
06/00892/FUL	Proposed New Access Drive and Works to Divert Watercourse	Approved	05.10.06
05/00117/CLU	Certificate Of Lawfulness For An Existing Use As A Residential Dwelling House And Its Curtilage	Granted	26.05.05
06/00424/BOC	Enforcement case -	Appeal Pending	



Consultations:-

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

Director of Environmental Heritage Services (Archaeology) advises that as there are amendments to the proposed vehicular access in this application, the programme of archaeological works recommended for the previous application will not now be necessary as the proposed ground works are now of a smaller scale and do not appear to involve excavation/topsoil stripping. As such there are no comments on the archaeological implications of this application.

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

There are no immediate neighbours.

Development Plan Policies:-

Government Guidance

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

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

Structure Plan

Strategy Policy 8 (SP8) states that the countryside will be protected for its own sake and that development in the countryside will only be acceptable if the general appearance and character of the landscape and the countryside is safeguarded or enhanced. Built development should be well integrated in relation to existing development and designed sympathetically to fit into the local surroundings. Existing buildings should be reused where appropriate. Dwellings in the countryside will be limited to those essential for the needs of agriculture or forestry, or for affordable housing for local needs in accordance with rural exception policies in local plans.

Local Plan Policies

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

Policy NE5 seeks to protect the countryside for its own sake but states that planning permission will be granted for built and other forms of development in the countryside provided that the development is for the change of use, reuse or extension of existing buildings (particularly those of historic value); 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 existing buildings and the general surroundings, will not generate traffic likely to impair road safety and is effectively screened by landscaping.

Policy RES10 of the adopted Local Plan specifically relates to replacement dwellings in the countryside. The supporting paragraphs in the Local Plan state that many dwellings in the countryside form an intrinsic part of the rural area and have been established for many years. An unjustified proposal to simply demolish an existing building in order to erect a more substantial property constitutes new residential development in the countryside resulting in a loss of rural and visual amenity and the potential for a proliferation of new dwellings across the countryside. In assessing proposals for replacement dwellings, a statement explaining the full circumstances of the case will be required. Policy RES10 states that planning permission for replacement dwelling in the countryside will initially be considered in terms of the countryside policies of the plan. Where the Borough Council is satisfied that there is special justification for the development of a replacement dwelling it will only be permitted where it is of a similar size and scale to that of the original dwelling and it is built on a similar footprint.

Policy BE1 seeks to secure attractive development and states that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area with regard to scale, mass, design, materials and architectural features.

Appraisal:-

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

The pre-existing dwelling did not stand completely in isolation but was part of a complex of traditional two storey and single storey farm buildings arranged around a central courtyard, lying in a small hollow and accessed by a long single width track off Desford Lane. There are public footpaths in the vicinity of the site from which the former farm complex is visible at a distance, the closest being a bridleway some 100 metres to the south. The former farmhouse had an overall footprint of around 14.5 metres by 9 metres and was a two and half storey gable end pitched roof building constructed of stone and brick with slate roof. Of the original dwelling, the attractive stone front elevation with double bay windows still remains along with approximately 3 metres length of one of the side elevations, however, effectively, three walls out of the main four walls of the dwelling have either collapsed or been demolished and it is considered that the extent of the proposed works amount to a replacement dwelling in the countryside. The supporting statement states that as the proposals are to rebuild the dwelling that previously existed with a similar building (in terms of size, scale, design and footprint) the impact upon the appearance and character of the landscape would not be adverse and further that the proposed rebuilding and restoration of the former farmhouse will improve its appearance and therefore that of the surrounding landscape.

Policy NE5 seeks to protect the countryside for its own sake and to restrict new house building in the countryside unless special justification is provided to support the application (for example, if it is for the operational requirements of an agricultural holding). Policy NE5 states that planning permission will be granted for built development in the countryside if it is for the change of use, reuse or extension of existing buildings but the proposals are not considered to fall within this criteria as, due to the extent of the rebuilding works involved, they are considered to be tantamount to a replacement dwelling and therefore contrary to this policy.

Policy RES10 of the adopted Local Plan specifically relates to replacement dwellings in the countryside. The policy states that planning permission for replacement dwellings in the countryside will initially be considered in terms of the countryside policies of the plan but where the Borough Council is satisfied that there is special justification for the development of a replacement dwelling it will only be permitted where it is of a similar size and scale to the original dwelling and it is to be built on a similar footprint. Whilst the application proposes a dwelling of a similar size, scale and design to the original dwelling and it is to be built on a similar footprint, the main issue is whether or not the circumstances of this case provide special justification to allow a replacement dwelling in this countryside location. The evidence provided in terms of the structural surveys and supporting statement provide details of the chronology of events that have led to the current situation, however, it is considered that the applicant has failed to demonstrate that every reasonable step was taken during the carrying out of the restoration works on the site to ensure that the external stone and brick structure was retained as much as possible. Under these circumstances, it is not considered that special justification for a replacement dwelling has been provided in this case.

The current application has amended the previously proposed access arrangements to use an existing vehicular access rather than creating a new one in order to reduce the impact

on the open countryside and the potential of disturbance of archaeological remains. The proposals include the erection of two brick pillars and access gates between the existing barns and the pond (known as the Holy Well). These amendments are considered to address the third reason for refusal on the previous application.

The applicant has provided a statement outlining the circumstances of this case and has previously stated that it was not his intention that the restoration work and subsequent events would lead to the current situation. He has stated his regret and remorse that such a situation now exists. He has also previously stated that should planning permission be refused, his financial situation is such that he may be 'bankrupt' and that he and his family would be threatened with being made homeless as a result. Whilst one sympathises with the applicant's predicament, the circumstances presented are not material planning considerations and it is considered that a precedent may be set should permission be granted contrary to adopted Development Plan policies.

RECOMMENDATION :- REFUSE, for the following reasons :-

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

Contact Officer:- Mr R Wright Ext 5894