

**REPORT P26**

**PLANNING COMMITTEE**

**09.08.2005**

**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:** 04/00836/FUL  
**Applicant:** David Wilson Homes East Midlands Ltd  
**Location:** Atkins Car Park Lower Bond Street Hinckley Leicestershire LE10 1QU  
**Proposal:** RESIDENTIAL DEVELOPMENT AND ASSOCIATED WORKS

**Introduction:-**

This full application is for the re-development of a former car parking area used for employees of the Atkins Factory opposite, which is now vacant. The site area measures 0.034 hectares, and rises in a westerly direction towards Trinity Lane. The site is surrounded by a mixture of predominantly residential, museum and commercial properties. There are currently three access points, two from Lower Bond Street, and one from Trinity Lane. Manor Place jitty runs through the site.

The proposed scheme as submitted comprises of three apartment blocks providing 32 apartments with 48 car parking spaces. The layout is in three blocks. One small block accommodating three apartments fronts onto Lower Bond Street between the museum and the funeral directors. This building is three storey in height. Behind the museum is another similar block. Both of these are to be accessed from Trinity Lane, which effectively closes off one of the existing accesses onto Lower Bond Street. The third block accommodates 26 units. This building faces onto Lower Bond Street then turns into the site fronting onto the 'jitty', before turning in a southerly direction facing towards the rear of properties fronting Trinity Lane. The height of the building is four storey but is lower in height than the adjacent Trinity Mews development. Elevational treatment and detailing has been given much attention.

A small garden area has been created for the museum, which separates the proposed building away from the museum. Parking within the site has been provided at 150%.

A design statement has been submitted with the scheme which identifies the important buildings adjacent, i.e. Hinckley Museum, which is a Grade II listed, low, two storey timber framed structure with a thatched roof, the former Aspira factory which is three and a half storey's high above street level with a three storey glazed office extension to its northern end, two storey victorian houses on Trinity Lane and a new residential apartment scheme to the south west designed to mimic the former G.Bott factory on the site before it was demolished. The development seeks to provide a high density residential that maximises the potential of the site, exploits its topography, and at the same time respects the scale and setting of adjacent buildings. The mass, scale, form, elevations, materials, landscaping and surfacing have all been addressed through the design statement.

In addition, an ecology survey, archaeological desk based assessment and an acoustic assessment reports have been submitted with the proposal.

**Consultations:-**

Director of Community Services (Rights of Way) advises that until the applicant is able to demonstrate to the satisfaction of the Highway Authority that appropriate provision has been made to accommodate footpaths V2 and V3 within the development, planning permission should not be granted.

Director of Highways, Transportation and Waste Management advises that insufficient information has been submitted to enable a full, reasoned response to be given. A Traffic Impact Assessment is required addressing issues of possible impact of the development on the road network, car parking, highway safety, capacity and sustainability of the development.

Director of Education identifies a need to provide a contribution of £7,009 towards the local upper school, which is full and forecast to remain so.

Director of Community Services (Project Officer, Natural Life) states that bats have been recorded nearby and recommend green corridors are maintained/established particularly along the boundary of the site. This is best established by planting hedgerow with standard trees with a grass strip alongside.

Cyclist Touring Club state that with the present situation of parked cars in Trinity Lane, and the entry and exit only from Trinity Lane, added to the problems of the one-way system, this will be a hazard to both pedestrians and cyclists. Also, the footpath at the side of the Museum has been used by pedestrians for many years and it is not clear which is happening to it. High use buildings are not the answer for nearby residents due to the light factor.

Hinckley and District Museum raise concerns as follows:-

- a) A piece of land leased to the Museum for 99 years has mistakenly been included
- b) The scale of the development will affect all existing neighbouring properties and result in overlooking
- c) 'civic space' is needed for visitors to the Museum. What provision is there for parking for Museum visitors?
- d) Environmental effect of building work on the listed building. Pile driving and earth moving would shake the building and cause physical damage to the timber box-framed building. In addition, work could affect the drainage situation
- e) Impact of extra traffic and vehicle movements on Trinity Lane resident's quality of life.

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

Head of Health and Environment Services  
Land Drainage Engineer  
Environment Agency  
Severn Trent Water Ltd.

No objections have been received from Leicestershire Constabulary Crime Reduction Officer.

Neighbours notified, together with Site and Press Notice. Eight letters were received raising the following points:-

- a) Additional traffic on Trinity Lane with only one access point
- b) Difficulties for construction traffic
- c) Affect on properties 23-25 Trinity Lane with four storey apartments 12 metres away from their rear boundary. It appears a bit anti-social and could be avoided
- d) The jitty and Museum would be totally dominated with the block within 2 metres of the jitty. Concern on security for the Museum.
- e) The access for the Museum garage has been ignored. Parking spaces are needed for the Museum.
- f) Care is taken with the Museum structure during construction

- g) Spoil the appearance of the Museum
- h) Inadequate parking spaces. It needs 2 spaces per flat.
- i) £20,000 should be paid to the Museum for loss of ancient light
- j) loss of light
- k) obstructing neighbours business signs.

## **Development Plan Policies:-**

### Structure Plan Policies

Leicestershire, Leicester and Rutland Structure Plan 1996-2016 adopted 7th March 2005 states in Strategy Policy 10 'Good Design' that good design will be promoted by ensuring that development provides for efficient use of land in a manner which satisfactorily acknowledges environmental and amenity interests and protects or enhances the form and character and distinctiveness of the built and natural environment. Strategy Policy 11 'Developer Contributions' ensures that developers meet the requirements and costs of relevant infrastructure to support the development. Housing Policy 5 'Density and Design' encourages housing development to attain a minimum of 40 dwellings per hectare (net). Employment Policy 5 'Review and Protection of Employment land and Buildings' only supports other uses or mixed development if the change would not result in a shortage of employment land in the area or the land is no longer suitable for employment purposes.

Accessibility and Transport Policy 1 of the 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.

### Local Plan Policies

The site is identified in the adopted Hinckley and Bosworth Local Plan as an employment site and partly within the Conservation Area. The site is allocated as EMP1(b), which considers other employment activities, or alternative uses on their merits.

Policy BE1 of the adopted Local Plan seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. In particular, one of the criteria listed states that development of the site is not prejudicial to the comprehensive development of the larger area of land of which the development forms part. Policy IMP1 seeks to ensure contributions towards infrastructure and facilities commensurate with the scale and nature of the development proposed.

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

Policy BE7 seeks to ensure that development in Conservation Areas preserves and enhances their special character criteria is given to ensure the development is in scale, and the design and proportions are sympathetic to the characteristic form. All views in and out of the area should also be preserved and enhanced.

The Borough Council's Supplementary Planning Guidance gives advice on residential development. The Borough Council has commissioned an Employment Land Study to be carried out, and although it makes reference to the main site, this car park site is not referred to specifically.

Within the Druid Quarter Masterplan and Regeneration Strategy, which is Interim Planning Guidance (June 2002) a design brief states that this is a residential opportunity but retail food/drink and business uses would be encouraged along Lower Bond Street frontage.

Considerations should be given to the setting of the listed building, enhanced pedestrian links through the site and provision of off-street parking.

The Hinckley Town Centre Renaissance Masterplan Draft document October 2003 identifies the main site opposite in terms of a commercial/residential scheme, which provides creative industries. However, it does not make specific reference to the car park site.

## **Appraisal:-**

### Policy Considerations

Although the site has been identified as suitable for alternative uses, and in particular, residential through the Druid Quarter Masterplan, the main policy issue is the relationship of this site to the main Atkins factory site opposite. Whilst they may potentially fall into different ownership in the near future, their historical and operational relationship must not be overlooked. Whilst there is no clear proposals or indications at this point in time with the future of the Atkins building, to develop the car park area would be premature. In addition, the comprehensive redevelopment of both sites is encouraged as they are very important in the town centre, Druid Quarter, the Conservation Area and Town Centre Masterplan area, and should be considered comprehensively. Without having some security over the future of the main building, it could undermine the aims of the Borough Council in its attempt to regenerate the town centre.

### Design and Layout

The layout of the scheme has some interesting elements. The retention of the jitty with buildings facing the jitty and the provision of a museum garden, would provide be a more public space. The design of the buildings also bring interest to the site with the use of the change in ground levels, and mix of materials and detailing of the buildings. However, concern is expressed regarding the mass and scale of the main block, which fronts Lower Bond Street, and follows the jitty towards Trinity Lane. This four storey building is out of context in terms of its height and mass, adjacent to the Museum building, which is only two storey, and the commercial units, which are three storey but very domestic in scale. It also provides an uncomfortable relationship with the large new apartment building behind, built a couple of years ago. As the ground rises towards Trinity Lane, it then results in buildings four storey immediately behind houses on Trinity Lane, which are likely to be overbearing and affect the neighbour's amenities.

### Highway Considerations

Whilst the site was used as a factory car park prior to its closure in the absence of sufficient traffic movement information the Highway Authority is unable to assess whether the proposal is likely to generate additional traffic. They also need to be clear what is happening with the factory site opposite, as severing the two sites results in the main building having no car parking facilities, and could be re-occupied. It is very difficult to assess the scheme in highway terms without guidance on the future of the main building.

### Developer Contributions

Education contribution is required of £7,009. In addition, contributions towards library facilities and civic amenity facilities may be required. As these are more recent requirements the amounts will be confirmed in the late items report.

Contributions towards any shortfall in formal and informal open space will be required. Whilst there is some informal open space, there is no formal provision on-site. No

calculations have been made in terms of the shortfall at this stage due to the application being recommended for refusal.

### Conclusion

It is therefore, considered that due to the prematurity of the proposal in relation to the main building opposite, which this carpark serves, the determination of the scheme would be prejudicial to the comprehensive redevelopment of the area, and potentially undermine the work that is being carried out and the policies, which are to regenerate and re-vitalise the town centre. This, together with the impact of the development in the streetscene and on the adjacent museum building and on the amenities of adjacent residents, and the shortage of information in terms of traffic flows and generation, the application is recommended for refusal.

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

- 1 In the opinion of the Local Planning Authority, development of the site would be prejudicial to the comprehensive development of the area to which this site forms part, severing the historical and operational relationship of this carpark site to the main building opposite, contrary to policy BE1 of the adopted Hinckley & Bosworth Local Plan, and the Druid Quarter Masterplan and Regeneration Strategy (Interim Planning Guidance June 2002).
- 2 In the opinion of the Local Planning Authority, the design and layout of the proposed buildings are out of scale with the streetscene and surrounding area due to their height, mass and proximity, resulting in a detrimental affect on the streetscene, the adjacent Listed Building and the neighbouring residents amenities, contrary to policies BE7 and RES5 of the adopted Hinckley & Bosworth Local Plan, and the Borough Council's Supplementary Planning Guidance on Residential Development.
- 3 In the opinion of the Local Planning Authority, the lack of any financial contribution to address the increase in pressure placed on the local education infrastructure, library services, civic amenity site and public play and open space facilities of the local area by the proposed development would not accord with Government circular 1/97, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996-2016, Policy IMP1 of the adopted Hinckley & Bosworth Local Plan and the Council's Supplementary Planning Guidance on Play and Open Space adopted October 2002.
- 4 In the opinion of the Local Planning Authority, the absence of any sufficient traffic assessment being carried out results in the proposal being unacceptable, as proper assessment of impact on the highway and highway safety has not been fully considered contrary to Accessibility and Transport Policy 1 of the adopted Leicestershire, Leicester and Rutland Structure Plan and Policy T11 of the adopted Hinckley & Bosworth Local Plan.

**Contact Officer:-** T Darke Ext 5692.

**Item:** 02  
**Reference:** 05/00103/FUL  
**Applicant:** T Morris And Sons  
**Location:** Lower Sunnyside Farm Ashby Road Hinckley Leicestershire LE10  
3DA  
**Proposal:** CONVERSION OF OUTBUILDINGS TO CREATE DWELLING

**Introduction:-**

This application was previously approved by Committee on 20 April 2005, subject to a number of conditions and the applicant entering into a Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 or the receipt of a one off payment for a financial contribution of off site public open space provision.

However the applicant has requested that the requirement for the payment be a condition of the approval as opposed to a Section 106 agreement or the one-off payment prior to issue of the decision. It is unclear at this stage as to whether the permission will ultimately be implemented and there is a potential that the application may remain unissued indefinitely.

Given that the application itself is acceptable, it is recommended that a condition be imposed.

The previous report to Committee is repeated for Members information.

This is a full application for the conversion of and extension to existing outbuildings partially attached to the existing farmhouse at Lower Sunnyside Farm, Ashby Road, Hinckley.

The total footprint of the proposal is 186 square metres, which includes an additional 59 square metres extension. The proposed means of access is via the existing farmhouse access, from Rodney Close. The extensions are single storey in height.

The site is surrounded by residential properties and the garden area of the farmhouse. The adjacent dwellings are predominantly modern detached houses or bungalows.

The design statement submitted as part of the application includes a site analysis, demolition, surrounding development and screening, site layout and access, and photo viewpoints. In conclusion, the conversion of the existing building seeks to preserve its essential character by maintaining where possible the existing construction. New windows and doors in existing openings aim to preserve the original opening size and the existing brickwork will be cleared and painted similar to the existing.

**History:-**

None relevant.

## **Consultations:-**

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

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

Countryside and Wildlife Officer was unable to obtain access to the buildings in question but due to concerns raised by local residents that bats are active at the site. Any proposal should be conditioned to require a bat survey to be undertaken by a suitably qualified consultant. Should bats be found, works could only be started under the appropriate DEFRA licence.

Neighbours notified, 6 letters received raising the following concerns:-

- a) extension and removal of current outbuildings will remove the everyday reminder of the heritage of the immediate area
- b) the removal of outbuildings to salvage materials for the extension is pointless
- c) height of the extension and limited distance from the boundary will be visible and there is the potential for overlooking
- d) plans should be revised to reduce the height and width of the garage and no windows should overlook existing rear gardens
- e) access is not wide enough for two vehicles to pass creating potential dangers for motorists and pedestrians
- f) visibility from the existing access is already restricted
- g) fire appliances would be unable to negotiate the driveway
- h) no footpath could be constructed along the driveway due to its limited width
- i) extra wheelie bins and blue boxes will be required to be placed at the end of the driveway increasing the danger to pedestrians
- j) increase in noise, environmental pollution and light nuisance from increased activity and car movements
- k) destruction of potential bat and other species nests etc.
- l) removal of mature trees and hedgerows - act as sound, visual and security barrier
- m) retention of the garage would help to provide additional privacy to the new dwelling
- n) a survey of bats and wildlife present in the area should be carried out prior to the commencement of any demolition work
- o) the garage should be retained for use by the proposed dwelling instead of providing a new double garage
- p) Rodney Close is a very narrow road with only one pavement
- q) open view from the rear of the neighbour's property will be affected by the development.

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

Land Drainage Engineer  
Leicestershire Bat Society.

## **Development Plan Policies:-**

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

Policy RES5 of the Local Plan assesses residential proposals for development on unallocated sites. Policy BE1 seeks to ensure high quality new development, that proposals complement and not adversely affect the surrounding area nor adjacent properties, and ensure adequate privacy and amenity. RES9 states that the conversion of buildings to residential use within settlements will be granted planning permission subject to



the provision of adequate on site parking, assessment of the need to retain the building for another purpose, effect on amenities enjoyed by neighbours and effect on general character of the area. Policy T5 aims to apply the County Council highway and parking standards to new developments.

Section 1A of the Local Planning Authority's Supplementary Planning Guidance on new residential developments, provides further advice.

The Local Planning Authority's Supplementary Planning Guidance on Play and Open Space would usually seek a financial contribution for the provision and maintenance of play and open space, equating to £1,720 per each residential unit, where facilities cannot be provided within the site.

## **Appraisal:-**

### Design

The design of the conversion and extension of the outbuildings aims to retain the single storey nature of the existing buildings. The highest part of the existing structure measures 4.9 metres while the highest part of the new dwelling would be 5 metres.

As many existing openings are being retained as possible with boarding below many of the windows, to maintain the visual appearance of the old stables. It is the new doors that are not of a traditional style. It is likely that any approval would be conditioned to require amendments to the doors to correspond with the window detailing. The proposed velux windows are features commonly seen in building conversions and are considered acceptable.

The design statement and plans outlines that the conversion and extension will be constructed of reclaimed materials to match as closely as possible with the existing. These being from existing buildings (where possible) and/or brought in.

The conversion and extension are in keeping with the general character of the farmhouse and are unlikely to have a detrimental impact on the visual amenity of the area. The use of the land as a farm ended some time ago and the development of the housing estate around it.

### Privacy and Outlook

The siting of the outbuildings and proposed extension means that the proposal meets the required privacy and outlook distances. No windows are proposed within the closest elevation to 41 and 43 Nelson Drive, in any case it would be conditioned on any approval to prevent the insertion of windows in this elevation. Existing boundary treatments, not indicated on the plans to be removed, also facilitate the safeguarding of privacy and outlook of existing and future occupiers. It is not considered that the single storey nature of the development is likely to have an impact on adjacent private rear gardens.

### Parking and Access

Adequate parking provision has been provided in the form of a double garage. Again any approval would be conditioned to prevent the conversion of the garage to living accommodation. This would retain the parking spaces for use by the occupiers.

The Highway Authority have not raised objections to the addition of a further dwelling via the proposed access from Rodney Close. No concerns were raised in regards to highway safety within Rodney Close. The Highway Authority are yet to confirm as to whether any

conditions are required should the application be approved. These shall be reported as a late item.

#### Landscaping and Amenity

As previously stated, the application does not propose the removal or works to trees and hedges.

The Supplementary Planning Guidance requires that 60 square metres of amenity space should be provided per dwelling. This guideline has been fully complied with.

The open space contribution is applicable to this application, of £1,720 and is under negotiation to the method of payment.

#### Other Considerations

Wheelie bins and recycling boxes are required to be left on public areas adjacent to residential properties within the Borough. As the driveway to the application site, any bins will have to be taken to a public area to enable collection.

Residential occupiers only have a right to a view within their property ownership, therefore removal of an open view is not a material planning consideration.

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

**SUMMARY OF DECISION** - The proposal is in conformity with Policy/Policies BE1, RES5, RES9 and T5 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions:-

- 1 The development hereby permitted shall be begun within five 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.
- 3 Before any development is commenced on site a landscaping scheme shall be submitted to and approved by the Local Planning Authority. This scheme shall indicate the treatment proposed for all ground surfaces together with the species and materials proposed and their disposition.
- 4 The approved landscaping scheme shall be carried out during the first appropriate planting season following the date when the proposed dwelling is ready for occupation. The scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs, 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.
- 5 Notwithstanding the plans submitted no windows shall be inserted into the south western elevation of the garage unless otherwise agreed in writing with the Local Planning Authority.
- 6 Notwithstanding the plans submitted the garage shall not be converted into additional living accommodation unless planning permission for such development has first been granted by the Local Planning Authority.

- 7 Notwithstanding the plans submitted, details of the proposed doors and window openings that shall be recessed shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Development Order) 1995 development within Schedule 2 Part 1 Class A-E shall not be carried out before planning permission for such development has first been granted by the Local Planning Authority.
- 9 Prior to any work being undertaken a bat survey shall be completed by a suitably qualified consultant and submitted to and approved in writing by the Local Planning Authority.
- 10 The development hereby permitted shall not commence until 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 REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.

**Reasons :-**

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 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 enhance the appearance of the development to accord with policy BE1 and RES9 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 and RES9 of the adopted Hinckley & Bosworth Local Plan.
- 5 To safeguard amenities of neighbouring properties to accord with policy BE1 and RES9 of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 8 To safeguard the character and external appearance of the development to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 9 To allow the opportunity for adequate exploration of the buildings and ensure that the bats are protected in the event a habitat is found to accord with policy NE8 of the adopted Hinckley and Bosworth Local Plan.
- 10 To ensure the provision of public open space to accord with policies REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 1991 for which a separate application may be required. You are advised to contact the Building Control Section.

- 2 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.
- 3 The applicant is advised that the doors shall be wood panelled to retain the traditional appearance of the building.

**Contact Officer:-** K Burnett Ext 5898.

**Item:** 03

**Reference:** 05/00389/FUL

**Applicant:** Mr And Mrs Walker

**Location:** 23 Kestrel Close Burbage Hinckley Leicestershire LE10 2PA

**Proposal:** EXTENSIONS AND ALTERATIONS TO DWELLING

#### **Introduction:-**

The application relates to a detached property situated within a well-established residential area in a cul-de-sac. To the rear of the property there is a detached garage. The dwellings are relatively modern of varying design types. The properties are pitched roof arranged in a staggered building line.

The original application proposed a two-storey side extension to the eastern elevation of No.23. The existing gap between No.23 and No.25 is approximately 3m wide and the proposed extension measured 2.9m wide and 8.5m in length. The original proposal was for a pitched roof extension with an overall height of 7.5m, whilst the existing ridgeline is around 8m high. After appraising the application the proposals have been amended and now illustrate an extension that is 7.8m x 2.9m and is around 6.7m to ridgeline. The proposal also includes the existing single-storey garage the measures 5.4m x 2.9m.

The applicant's advices that the ridgeline has been reduced, stepped the extension back so that '...a car can be parked in front of the garage without obstructing the neighbour's rights of way'. He also states that he '...has also removed the wall of the old garage so that it still remains useable'.

#### **History:-**

No relevant planning history that would have material consideration.

#### **Consultations:-**

Burbage Parish Council objects on the following grounds:-

- a) out of character to the street scene
- b) terracing effect
- c) contrary to draft Burbage Design Statement
- d) restrict emergency vehicle access due to parking to the rear of the property.

Neighbours notified, 7 letters received over original plans and 5 letters received on amended plans raising the following concerns:-

- a) terracing effect; de-valuation of property
- b) closeness of the extension to the boundary of No.25 thus causing future maintenance problems
- c) loss of parking spaces builder's vehicles/skips occupying space
- d) overbearing impact upon No.25
- e) contravenes policy RES7
- f) contravenes the Council's SPG
- g) out of keeping to street scene
- h) loss of car parking space
- i) overlooking due to windows
- j) right of access to maintain their own property from neighbours side (i.e. from No.23)
- k) the extension will be 3m wide causing a visually obtrusive
- l) de-valuation of the properties would occur and that the issue related to parking on an area designated as a shared space has not been dealt with by the amended plans.

Director of Highways, Transportation and Waste Management recommended that the extension be set back to provide adequate parking facilities in front of the extension.

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

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

Policy BE1 of the adopted Local Plan states that the Council will seek to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. and planning permission will be granted where development does not adversely affect the residential amenities of neighbouring properties.

Policy RES7 of the adopted Local Plan states that planning permission for extensions to existing dwellings will be granted provided they do not adversely affect neighbouring residential amenities, or where the design or materials would be detrimental to that of the main property or the surrounding area.

The Council's Supplementary Planning Guidance provides further guidance on extensions. The guidance advises that extensions should respect the character and scale of the existing dwelling and street scene.

#### **Appraisal:-**

The pertinent issues to consider in this application are as follows: its impact upon adjoining properties reasonable enjoyment of residential amenities, impact upon the surrounding area and loss of off-street car parking space. The issues related to boundary disputes, access rights of way and maintenance of boundaries are strictly controlled under other legislation therefore, are not material planning considerations.

The proposed development has been amended to take full account of the Council's SPG, and adopted Local Plan policies. The extension being set back by 2.3m (as opposed to its previous original position of 1.5m), and being lower than the original dwellings' ridgeline by around 1.3m ensures that it will be subservient to this dwelling. The existing dwelling is set within a cul-de-sac arrangement amongst properties of varying sizes. No.23 is set around 2m further forward than No.25, but No.25 has a wider frontage with a bow window and canopy along its front elevation breaking up the frontage of this property. In this instance it is considered that due to the existing dwellings siting and location a 'terracing' effect will not

occur even if the boundary between the neighbouring property (No.25) is reduced, because the design and appearance of the existing properties breaks up the built form of the front elevations. The 'terracing effect' will be minimised to a greater degree due to the siting, and location of the side extension, and the fact that No.25 has a wider frontage with an 'L' shape projecting part closing the gap between No.25 with its large double garage. Although the position of this dwelling makes the extension look visually prominent, its design will actually appear as an addition to No.23 rather than a continuous block of dwellings. Therefore, the proposed extension is unlikely to cause a detrimental impact upon the character and appearance of the area. The extension being set back by 2.3m will not appear as a block of terraced properties due to bulk and mass.

The additional first floor window to the rear elevation is unlikely to have a no material impact upon privacy or overlooking then exists at present as there are existing principal windows in the rear elevation, and due to the distance to properties to the rear which exceeds the normal 25m minimum distance required between principal windows. The proposed extension is a typical domestic extension that will have no adverse impact upon the reasonable enjoyment of residential amenities to the occupants of No.25. The extension will have no material loss on daylight to No.25 due to its siting and location as well as bulk and mass. The utilisation of the existing garage is controlled via Condition 3 (above) restricting its use for domestic purposes, which will mitigate neighbour's concerns in relation to motorcycle repairs on the premises. The use of the existing garage does not in any way impact upon the amenities of No.25 as it has existed previously and will be incorporated as a single-storey addition to the extensions.

The distance between the footpath and the proposed extension is 8.3m and the distance between the shared area and the extension is approximately 5.4m. The amended scheme does allow for vehicles to turn within an area that has joint access rights over with No.25. The agent advises that the front garden area to No.23 will also be utilised for parking vehicles and this together with the garage space available there will be adequate off-street car parking. The imposition of an appropriate condition will ensure that the space in front of the extension is not compromised.

The Supplementary Planning Guidance general design principles have been achieved under the revised scheme. The proposed scheme does not wholly conflict with the advice contained within the Supplementary Planning Guidance due to its design, size and appearance. As a matter of fact and degree, it is considered that the proposed extension does not conflict with policy BE1 or RES7, because of the reasons outlined. Therefore, on its planning merits the proposed development is acceptable with the conditions imposed.

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

**SUMMARY OF DECISION** - The proposal is in conformity with Policy/Policies T5, RES7 and BE1; of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 The development hereby permitted shall be begun within five years from the date of this permission
- 2 Two (2) off-street car parking spaces shall be provided within the curtilage of the site and maintained as such at all times thereafter.
- 3 The garage shall be used for ancillary residential purposes only and for no other use including commercial or business uses.
- 4 The garage door hereby approved shall be of roller shutter type and maintained as such at all times thereafter.

- 5 This permission relates to the application as revised by amended plan 2056/A and 2056/C received by the Local Planning Authority on 27th July 2005.

**Reasons :-**

- 1 The development hereby permitted shall be begun within five years from the date of this permission
- 2 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 3 In order to define the permission and to safeguard the residential amenities of the area.
- 4 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 5 To define the permission.

**Contact Officer:-** Ahsan Ghafoor Ext 5775.

**Item:** 04

**Reference:** 05/00501/OUT

**Applicant:** Caroline House Ltd

**Location:** Rear Of 21 Stoke Road Hinckley Leicestershire LE10 0EA

**Proposal:** ERECTION OF 12 NO FLATS

**Introduction:-**

The application is an outline application for residential development of land to the rear of 21 Stoke Road, Hinckley. The scheme proposes 12 flats and at this stage only includes the proposed siting of the building. The site measures less than 1000 square metres.

The site is located within the urban area of Hinckley, to the north of the town centre, within a predominantly residential area. The site is currently operating as a retail unit for the display and sale of tiles and has done so for a number of years.

The character of the area is a mix of single and two storey properties either detached or semi-detached. There is also a convenience store, day nursery and Redmoor High School in close proximity of the site, and are easily within walking distance.

The plans show the layout of the site, identifying the location of the building with neighbouring properties and the proposed access.

Information submitted in support of the application outlines the history of the site, investigations undertaken prior to making the application with Leicestershire County Council and design of the building. It is noted that the site layout is indicative at this stage but proves that a development of this nature can be accommodated on the site. The three-storey element has been restricted to the central part of the building with the elements, which adjoin existing residential properties, have been limited to two storey in height to commensurate with the surroundings.

**History:-**

None relevant.

**Consultations:-**

No objections have been received from:-

Environment Agency  
Head of Health and Environment Services.

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

Severn Trent Water Ltd  
Land Drainage Engineer  
Leicestershire Constabulary Crime Reduction Officer  
Director of Highways, Transportation and Waste Management.

Site and Press Notices were provided and neighbours notified. 7 letters received raising the following concerns:-

- a) overlooking and reduced privacy
- b) height of the proposed building will block light
- c) access road is single track and not adequate for this kind of use
- d) Stoke Road is extremely busy at all times of the day
- e) Stoke Road has already undergone many changes due to road calming procedures, the extra traffic will put more pressure on a road that already has problems
- f) there are many accidents on this stretch of road due to there already being too much for drivers to look out for
- g) flats could devalue properties
- h) when existing boundaries are removed what form of boundary will be replacing them?
- i) potential damage to existing boundaries
- j) potential nuisance from car parking areas, access road, street lighting
- k) the proposed height of the building (3 storey) is out of keeping with the character of the area
- l) how will service vehicles obtain access?
- m) no refuse bin store has been sited - potential for foul smelling refuse
- n) potential for drainage/flooding/surface water problems
- o) affect on wildlife
- p) visual impact of huge expanse of wall
- q) what are the flats to be used for?

No comments have been received at time of writing the report from Director of Environment and Heritage Services (Archaeology).

**Development Plan Policies:-**

The site is located within the urban area of Hinckley, as identified in the adopted Hinckley and Bosworth Local Plan.

Policy RES5 assesses residential proposals for development on unallocated sites. Policy BE1 seeks to ensure high quality of new development, that proposals complement and not adversely affect the surrounding area or adjacent properties, and ensure adequate privacy and amenity. Policy T5 aims to apply the County Council highway standards and parking standards to new developments.



Section 1A of the Local Planning Authority's Supplementary Planning Guidance on new residential developments, provides further advice.

The Local Planning Authority's Supplementary Planning Guidance on Play and Open Space would usually seek a financial contribution for the provision and maintenance of play and open space, equating to £1,720 per each residential unit, where facilities cannot be provided within the site.

## **Appraisal:-**

### Density

The application site measures less than 1000 square metres which with 12 flats gives a density of around 120 dwellings per hectare. This is above the minimum density level of the local plan of 27 dwellings per hectare, and above the Planning Policy Guidance Note 3 guidance that requires 30-50 dwellings per hectare. However Planning Policy Guidance Note 3 does seek higher densities than 30-50, on brownfield sites within urban locations which are close to good public transport and transport corridors, and this is not unusually high for apartment development.

Even in view of this, the current density is high in comparison to the adjacent residential properties/surrounding area leading to overdevelopment of the site.

The high density does, however, mean that even with the reduction in number of dwellings that would be required to enable a proposal to be considered more favourably, the density would still comply with the local plan requirements and PPG3 guidelines.

### Design

The current application does not include design of the proposed dwelling for consideration. The site layout plan does identify the two and three storey elements to provide the accommodation for the number of flats proposed. However, the residential character is a mix of one and two storey dwellings and development of the site should respect this scale.

### Layout

With regards to privacy and outlook, the Supplementary Planning Guidance requires a distance of 25 metres between facing windows and 14 metres between facing windows and blank gable walls. The proposed layout does not achieve these distances, particularly between the proposed building and properties in Cadeby Close, required to safeguard existing residents and future occupiers. The layout plan does site windows in particular elevations of the building, to compensate for the lack of distance between existing properties and the proposed building. However, it is difficult to fully assess the potential environment for future occupiers and the external appearance of the building.

Whilst in built up locations there is some flexibility with minimum distances, the introduction of the three storey elements, close to residential properties is unlikely to be acceptable.

Adequate off street parking provision must be provided per the number of bedrooms proposed. The parking standards require a minimum of three spaces per two dwellings. The current layout does provide 18 spaces that are required to meet the Local Plan standard. However, 1 space is a tandem space that is not generally considered acceptable and 10 of the spaces are located in particularly close proximity to residential properties in Cadeby Close. Vehicles are therefore likely to have an unacceptable impact on the amenity enjoyed by the current occupiers of the residential properties. This is prevalent given the residential nature of the area.

## Access

The Highway Authority have commented that while the existing driveway is substandard in terms of available width at the point where it meets the Highway boundary and therefore there is some concern with regards to potential vehicle conflict at this point. When considering the existing use of the site, however, and the submitted traffic survey the Highway Authority are not in a position to demonstrate that this proposal, if permitted, would result in a material increase in vehicular traffic visiting the site and hence there are no grounds for refusal of the proposal nor is there control of appropriate land or justification to condition improvements to the access. On this basis, this favourable recommendation is being made.

## Landscaping and Amenity

The proposed site layout does indicative landscaping within the scheme. However, any future submissions would be required to include a comprehensive landscaping scheme.

The Supplementary Planning Guidance requires that 10 square metres of amenity space should be provided per dwelling. Amenity space has been included as part of the proposed building. General calculations indicate that these amenity areas do provide adequate amenity space for the number of flats in line with the Local Plan requirements.

The siting of the proposed building is to the south of properties on Cadeby Close. These properties have south facing gardens and it is likely, given the height of the proposed building (two and three storey) together with the distance from these properties, to result in reduced levels of sunlight and daylight from prevented from reaching the gardens in Cadeby Close resulting in a detrimental impact on the amenity of the future occupiers.

## Conclusion

Developer contributions would be required for play and open space, education, library facilities and waste management facilities in line with policy had the recommendation been favourable.

The impact on the character of the area and the amenity of adjoining occupiers by the proposed density is also an important consideration and in this case it is judged detrimental enough to warrant refusal of the application.

Given the proposed density, a smaller development reducing overall density, the number of dwellings and associated parking provision and potential height of the building/buildings is considered more appropriate at this site.

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

- 1 In the opinion of the Local Planning Authority the density and likely height and scale of the proposal represents an overdevelopment of the site, which is out of keeping with the character of the area and likely to have a detrimental impact on the amenities of adjoining occupiers. Therefore it does not accord with policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan
- 2 In the opinion of the Local Planning Authority, the lack of any definitive financial contribution to address the increase in pressure placed on local education infrastructure, local library facilities and local waste management facilities by the proposed development would not accord with Strategy Policy 11 of the Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016 as proposed to be adopted and policy IMP1 of the adopted Hinckley and Bosworth Local Plan.

- 3 In the opinion of the Local Planning Authority lack of any financial contribution to address the increase in pressure placed on play and open space facilities of the local area by the proposed development would not accord with Circular1/97, Strategy Policy 11 of the Leicestershire, Leicester and Rutland Structure Plan 1996-2016 (proposed to be adopted) Policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Guidance on Play and Open Space (October 2002).
- 4 In the opinion of the Local Planning Authority, the proposed dwellings by virtue of the potential traffic generated by them and the proximity of the manoeuvring areas and parking areas the proposal would have an adverse impact on the amenities of the occupiers of adjacent properties. The proposal would therefore be contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

**Contact Officer:-** K Burnett Ext 5898.

**Item:** 05

**Reference:** 05/00534/OUT

**Applicant:** Mr L Hopkins

**Location:** Van Dieman Ltd 41-43 High Street Earl Shilton Leicester LE9 7DH

**Proposal:** ERECTION OF TWENTY FIVE RESIDENTIAL UNITS (ALL MATTERS RESERVED)

**Introduction:-**

This application as originally submitted sought permission for 30 residential units consisting of 16 apartments and 14 dwellings with access off Almeys Lane. The application has since been amended and now proposes the erection of 25 residential units with all matters reserved, including access. The site is located to the north-east of Earl Shilton centre to the east of High Street and north of Almeys Lane. The site currently comprises of a run down school building that was last used commercially. Part of the site is currently used as a car valeting business, but the main school buildings have been vandalised. The northern part of the site accommodates several trees that are the subject of a Tree Preservation Order. The school buildings are mainly constructed of red brick with a mix of slate and small plain tiles to the roof. There are currently three accesses into the site; 2 from High Street and 1 from Almeys Lane.

Development surrounding the site varies considerably with 2 storey Victorian terraces and semis to the south along Almeys Lane; 2 storey maisonettes to the north east; and 2 storey Victorian terraces and modern 3 storey apartments to the north-west. The site adjoins a retail premises to the west. There is a poorly maintained jitty to the north, which separates the site from the Parish Hall. There is a listed building to the south on the opposite corner of Almeys Lane and High Street. This northern corner of Almeys Lane and High Street visually detracts from the character and appearance of the area.

A desk-based archaeological assessment has been submitted which shows that there may be some archaeological remains on the site, especially to the north where the site is relatively undisturbed.

## History:-

95/00532/COU	Change of use from Class B1 to B2 (General Industrial)	Approved	31.08.95
02/01039/FUL	Replacement of existing window with double doors	Approved	21.11.02

## Consultations:-

No objections have been received from Leicestershire Constabulary, Crime Reduction Officer.

No objections subject to conditions have been received from:-

Land Drainage Engineer  
Head of Health and Environment  
Environment Agency  
Director of Highways, Transportation and Waste Management.

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

Director of Education - At the present time there is a surplus capacity in the local primary, high and upper schools so a developer contribution is not required for any of these sectors.

Environmental Manager - any permission should include a landscape condition and a commuted sum should be requested from the developer to cover the long-term maintenance/management of the existing and newly planted areas.

Head of Commercial and Support Services - Based on the scheme for 30 units a contribution of £1,350 towards the cost of library books and other materials, this would be spent over a period of 12 months.

Natural Life Project Officer - Recorded data indicates that the site may be a bat roost and any demolition will destroy the roost. It is recommended 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.

Director of Highways, Transportation and Waste Management - A contribution towards Civic Amenity Site Infrastructure improvement works at Barwell is required at a rate of £40.78 per dwelling.

Director of Environment and Heritage (Archaeology) - The desk based study shows that the site is in an area of moderate potential for archaeological remains to be present. To ensure that any remains are dealt with appropriately a condition should be imposed to provide for an appropriate level of archaeological investigation and recording.

Earl Shilton Town Council objects on the following grounds:-

- a) access is at the narrowest point on Almeys Lane
- b) three-storey dwellings across the road from 2 storey dwellings
- c) parking restrictions will be needed on Almeys Lane
- d) amenity space on site will be a bind on the Town Council
- e) loss of the old school buildings.

Neighbours notified, 9 letters and a petition containing 6 signatures have been received raising the following concerns:-

- a) access point off Almeys Lane is at the narrowest point of the Lane and is in close proximity to the junction with Oxford Street therefore it is not suitable
- b) visibility at access point is not clear
- c) intensification of the use of Almeys Lane, which is already a busy, congested road
- d) the units should be sited further back from the road
- e) 2.5 and 3 storey properties will cause loss of daylight and privacy
- f) parking in the area is currently on-street further dwellings creating more traffic will cause highway dangers due to current parking problems
- g) density is excessive
- h) disruption and noise during construction
- i) lack of services to serve the new dwellings (health and school)
- j) effect on current utilities with major consideration to sewers
- k) school buildings should be used for community use.

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

The site falls within the settlement boundary of Earl Shilton as defined in the adopted Hinckley and Bosworth Local Plan. Policy RES5 allows for new residential in such areas subject to siting, design and layout of proposals not conflicting with other relevant policies. The site is shown as an Employment Site on the Proposals Map of the Local Plan, however Policy EMP1 does not incorporate the site into the text. It is therefore considered that the site does not have an Employment Site designation. Furthermore, the site was not reviewed as part of the Employment Land and Premises Study.

Policy BE1 requires a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment by complementing the surroundings as well as protecting highway safety and neighbours amenities. Additional advice on new residential development is contained in adopted Supplementary Planning Guidance.

Policy BE16 requires archaeological investigation and recording when an archaeological field evaluation indicates the presence of important archaeological remains.

Policy RES3 requires affordable housing provision to be negotiated where residential schemes meet the threshold. Supplementary Planning Guidance gives further advice and details the threshold and requirement level for affordable housing.

Policies REC2 and REC3 require the appropriate level of open space to be provided within the 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 IMP1 ensures that appropriate contributions towards the provision of infrastructure and facilities are made which are commensurate with the scale and nature of the development proposed.

## **Appraisal:-**

The application as originally submitted raised concerns regarding the siting, form and mass of the development. The application was subsequently amended to remove the details from the proposal and reduce the numbers proposed. It is based on this amended proposal that the application is assessed and presented to Planning Committee; however the consultations reported above are in response to the original scheme.

### Principle

The site is shown as an Employment Site on the proposals map of the Local Plan. However, this is not carried forward to the Policy text. Investigation into this issue has shown that the site was shown in the same way in the Draft Local Plan dated 1995. It is considered likely that the site should have been included in the description appropriate for re-development. It is therefore considered that the site is a 'brownfield' site within the settlement boundary where the principle of residential development would be acceptable subject to compliance with other policies in the Local Plan.

The application site measures 0.3557 hectares. To develop this with 25 dwellings would result in a density of 70 dwellings per hectare (dph). National Policy suggests between 30 and 50 dph, however recognises that higher density schemes may be appropriate in urban areas. It is considered that a higher density would be appropriate in this area providing all other policies in the Local Plan can be accorded with adequately.

The old school buildings on the site whilst attractive in appearance have been the subjects of vandalism. They are not protected in any way and therefore their demolition is considered to be acceptable.

### Design

The site sits within an area that is predominantly two storey, the three storey modern apartments on the opposite side of High Street replaced buildings of a similar height. The site currently comprises reasonably low buildings set back from High Street; however it is considered that the site would benefit from 2-storey frontage development, providing a strong sense of place within the streetscene. The northern part of the site comprises several TPO trees, which should be retained and therefore it is envisaged that this area could provide for a landscaped amenity space and parking. It is considered that any permission should include a condition restricting the height of the development to two-storey; although rooms in roof space may be considered acceptable providing the height does not exceed that of a traditional two-storey dwelling. Furthermore, windows/roof lights should be positioned to avoid overlooking of adjacent properties. A condition to restrict the height of the development in this way will, it is considered, address the concerns raised by residents and the Town Council.

### Archaeology

A desk top assessment has been undertaken and submitted by the applicant, which indicates that the likelihood of archaeology remains being present on the west and southwest of the site is remote. However, the area to the north is undisturbed and therefore the survival of archaeological remains is likely to be good. The desktop assessment has been forwarded to the County Council Archaeologists for further comments.

## Highways

Access to the site currently exists from both High Street and Almeys Lane. The original scheme proposed access off Almeys Lane, this raised concerns by local residents, however the Highways Authority raised no objection. The amended proposal removes means of access from the application and therefore the position of the access will be fully considered at Reserved Matters stage.

## Contributions and Affordable Housing

The application proposes 25 residential units and therefore contributions towards the provision of infrastructure and facilities should be made. The contributions required for this scheme are £40.78 per dwelling towards Civic Amenity Site Infrastructure; £1,720 per dwelling towards Play and Open Space; and £51.82 per dwelling towards Library Facilities. Furthermore, there is a requirement for affordable housing to be provided within the scheme, the requirement is for 5 affordable properties of these 90% should be rented and 10% shared ownership.

**RECOMMENDATION :- That subject to (i) the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972, or (ii) imposition of appropriate condition to (a) provide financial contributions towards play and open space, libraries, and civic amenities, and (b) the provision of affordable housing, the Head of Culture and Development be granted powers to issue planning permission subject to the following conditions:-**

**SUMMARY OF DECISION** - The proposal is in conformity with Policy/Policies EMP1; BE1; RES3; RES5; REC2; REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than whichever is the later of the following dates:
  - (a) Five years from the date of this permission; or
  - (b) Two years from the date of approval of the last of the reserved matters to be approved.
- 2 Before the development is commenced, full details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority:
  - a) the siting, design and external appearance of the proposed building
  - b) the external building materials
  - c) the means of access
  - d) the provision to be made for vehicle parking on the site
  - e) the provision to be made for vehicle turning within the site
  - f) the provision to be made for loading and unloading within the site
  - g) the method of disposal of surface and foul water drainage which shall be on separate systems
  - h) the provision to be made for landscaping of the site
  - i) the existing trees and hedges on the site which are to be retained
  - j) the provision to be made for screening by walls and fences
  - k) the provision of open spaces within the site
  - l) the phasing of the development
  - m) the floor levels of the proposed dwellings in relation to the existing ground level and the finished levels of the site.

The development shall be implemented in accordance with the approved details.

- 3 This permission relates to the application as revised by letter from the applicant and amended location plan received by the Local Planning Authority on 22 July 2005.
- 4 No development shall take place within the application area until the applicant has undertaken a desktop study to identify and evaluate all potential sources of contamination and their impacts on land and/or water. A report detailing the findings of the study shall be submitted to and approved in writing by the Local Planning Authority. Where identified as necessary through the desktop study no development shall taken place within the application area until a site investigation has been undertaken. A report detailing the findings of the investigation providing an appropriate risk assessment shall be submitted to and approved in writing by the Local Planning Authority. This shall include a method statement detailing necessary remediation proposals. Any remediation works so approved shall be carried out in accordance with the approved details prior to the site being first occupied.
- 5 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the methods statement is submitted to and approved in writing by the Local Planning Authority, which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 6 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 The proposed dwellings shall only be either two storey or two storey with rooms in the roof space.
- 8 Development shall not begin until drainage details incorporating sustainable drainage principles and an assessment of the hydro geological 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.
- 9 All details of the proposed development shall comply with the design standards of the Local Highway Authority as contained in its current design 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 development shall be implemented in accordance with the approved details.
- 10 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - i) 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
  - vii) storage units, signs, lighting, etc.)
  - viii) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
  - ix) retained historic landscape features and proposals for restoration, where relevant



- x) planting plans
  - xi) written specifications
  - xii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
  - xiii) implementation programme.
- 11 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs, which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
  - 12 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification) the buildings hereby approved shall not be extended without the grant of planning permission for such extensions by the Local Planning Authority.
  - 13 No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work and historic building recording in accordance with a written scheme of investigation, which has been submitted and approved in writing by the Local Planning Authority.

**Reasons :-**

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 To define the permission.
- 4&5 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 6 To avoid water pollution.
- 7 To ensure the development remains compatible with the surrounding area and to safeguard the amenities of neighbouring properties in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure satisfactory provisions are made for the drainage of the site.
- 9 To ensure a satisfactory form of development and in the interests of Highway Safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 11 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 12 To safeguard amenities of neighbouring properties and in the interests of visual amenity to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- 13 To ensure satisfactory archaeological investigation and recording and historic building recording in accordance with Policy BE16 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 1991 for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 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.
- 3 The applicant should provide pervious paving to all parking and circulation areas, subject to ground survey and assessment.
- 4 The applicant should note the contents of the letter from the Crime Reduction Officer and should incorporate the design solutions into any reserved matters scheme
- 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 01455 283341)
- 6 The site is a potential bat roost and barn owl nesting site; therefore the developer should incorporate bat bricks and owl boxes into the design of the new properties and to plant native trees, common to the area, on site to establish feed grounds for the bats and birds.
- 7 Condition 6 restricts the development to two storey in height, however it may be acceptable to incorporate living accommodation within the roof space of any dwellings proposed as part of the reserved matters scheme.
- 8 The applicant is advised that prior to submitting a detailed scheme, consultation should take place with the Local Planning Authority with regards to the type of development that would be considered acceptable on the site.

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

**Item:** 06

**Reference:** 05/00556/FUL

**Applicant:** Toby Morrison

**Location:** Barn At Hall Farm Church Road Peckleton Leicester LE9 7RA

**Proposal:** CONVERSION OF EXISTING BARNES AND EXTENSION

**Introduction:-**

This is a full planning application for the conversion, alteration and extension of a traditional brick, tile and corrugated iron range of vacant agricultural buildings into a five-bedroom dwelling. The site is located in an isolated and prominent position approximately 500 metres southeast of Peckleton, surrounded by open arable fields. An unmade single width track passes the southern side of the site and links Peckleton with Tooley Park. This is also

the route of Public Footpath T73. The site comprises double storey and single storey buildings arranged around the western and northern sides of a yard enclosed by low walls on the other two sides. A steel framed dutch barn lies to the west across a small concrete yard. The site includes portions of the adjacent agricultural fields to the east, west and north.

The proposal involves conversion of the double height element into bedroom accommodation, bathrooms and a common room and includes the insertion of a mezzanine floor. The single storey portion would become a kitchen, dining, living and utility area. In addition, it is proposed to construct a single storey return wing on the eastern side of the yard to provide further accommodation. This new build element will include a basement area with lightwells in the yard providing natural light to a below ground courtyard. The residential curtilage would extend from between 28 metres and 40 metres on the eastern side and 7 metres to the north of the buildings. To the west, the dutch barn would be retained within the garden area. The remainder of the application site would be defined by new hedge planting.

Supporting information submitted with the application include photographs of the existing buildings and their context within the wider landscape as well as examples of other local barn conversion projects. In addition, a up to date structural survey has been produced which concludes that the defects noted are generally the result of poor maintenance and age/weather deterioration of the structural fabric. If refurbishment and/or conversion works are not carried out within the near future, further areas of the building will become structurally unstable and collapse. However, the majority of the defects are minor and localised which may be addressed by repair/strengthening of the affected elements. Consequently, it is considered by the report that the existing barn structures are of a permanent and substantial construction and extensive rebuilding or alteration works will not be required to implement the proposed conversion works, which will enhance the structural rigidity of the building.

**History :-**

00/00760/FUL	Conversion of barns to dwelling	Approved	08.11.00
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**Consultations:-**

The Director of Highways, Transportation and Waste Management has concerns with any proposals to develop in remote areas, which have poor access to services and alternative means of transportation. However, considering the existing use of the site and the fact that the proposal is unlikely to result in a significant increase in vehicles using Church Road or its junction with Main Street he has no objection subject to a condition requiring hard surfacing of part of Church Road adjacent to the junction.

The Environment Agency has no objections to the proposed development.

Rights of Way Officer points out that the vehicular access to the development would be contiguous with the routes of bridleway T75 and footpath T73. If planning permission is granted, free access by the public along these routes shall be maintained at all times and any damage to the surface will be the responsibility of the developer to repair.

Director of Environment and Heritage (Archaeology) points out that the barns predate the 1880's since they appear on historic maps. As traditional farm buildings are a rapidly diminishing resource and are historically important it is recommended that if planning permission is granted a condition be imposed requiring the implementation of a programme of historic building recording before development commences.

The Head of Health and Environment recommends the inclusion of a condition requiring a contaminated land survey and any remediation measures to be submitted to and approved by the Local Planning Authority, if permission is granted.

The Borough Council's Land Drainage Consultant points out the need to ascertain whether the ground is suitable for soakaway drainage and that the proposal will require the consent of the Environment Agency for the septic tank arrangement.

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

Severn Trent Water  
Ramblers Association  
Site Notice.

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

The site lies within the open countryside as designated in the adopted Hinckley and Bosworth Local Plan

Policy NE5 stipulates that the countryside will be protected for its own sake; however, it also states that the re-use of existing buildings within the countryside may be acceptable in principle, subject to there being no adverse affect on the appearance or character of the landscape and it is effectively screened by landscaping or other methods.

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 BE1 reiterates much of the above criteria, whilst Policy T5 seeks to apply the County Council highway standards and parking targets when considering new development.

Planning applications will also be assessed against guidance contained in the Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings. This states that residential re-use may not be allowed unless the applicant has made every reasonable attempt to secure suitable business re-use, and a statement in support of the efforts made accompanies the application; it is a subordinate part of the scheme for business re-use; it would meet a specific local need; it would provide the most sustainable option; it meets an identified housing need; it does not result in the creation of a residential curtilage; or there are significant overriding material planning considerations.

### **Appraisal:-**

#### Principle

The application proposes the conversion, alteration and extension of a 'L' shaped range of traditional barns, which have remained vacant for a number of years and consequently are in a relatively poor condition. Policy seeks to encourage either employment, recreation or tourism uses in the first instance and only if it proven that there is no interest for these purposes or there are significant overriding material considerations should residential re-use be considered. In this case there is an extant planning permission for residential use including detailed plans for a conversion scheme. Although Supplementary Planning Guidance has been adopted since the original consent was granted it is considered unreasonable to insist upon evidence being submitted at this stage to show that the barns have been marketed for employment, recreation or tourism purposes.

## Design and Layout

Policy BE20 of the adopted Hinckley and Bosworth Local Plan and the adopted Supplementary Planning Guidance state that planning permission will only be granted for the reuse and adaption of a rural building if it can be converted without involving extensions what would significantly alter the form and general design of the building in a way which would detract from its existing character and appearance. In addition, the building should be structurally sound enough to be capable of conversion without significant adaptation or rebuilding. Whilst the scheme to convert the barns utilises the few existing openings available and introduces a minimum number of new openings in a style considered appropriate, the proposal does involve the erection of a completely new element outside the existing limits of the former yard in a location where there is no historical evidence of such a structure. This new build element also incorporates a basement area, which although not directly affecting the wider countryside setting of the building does impact unacceptably on the character and agrarian context of the site, contrary to adopted development plan policy. Furthermore, the structural survey indicates that the double height barn will need to have the rear elevation wall rebuilt for approximately half it's height suggesting significant structural defects in the existing building.

## Impact on the Countryside

The site lies in a very prominent and isolated rural location where policy seeks to protect the countryside for it's own sake. The policy does allow for the change of use, reuse or extension of existing buildings, particularly those of historic value providing the development would not have an adverse effect on the appearance or character of the landscape and is in keeping with the scale and character of existing buildings and the general surroundings. Furthermore, the Supplementary Planning Guidance pays particular attention to the setting of converted buildings requiring the retention of a rural appearance and for domestic trappings to be concealed from general view. The application site is visible for considerable distances because of relatively flat topography and can be viewed at very close quarters from the public footpath, which passes immediately to the south. The proposal incorporates a residential curtilage beyond the existing confines of the building complex and it is considered that the domestic appurtenances associated with residential occupation of the site would have a detrimental impact on the appearance of the surrounding countryside contrary to adopted development plan policy.

## Conclusion

Although there is an existing planning approval for a residential conversion of these vacant agricultural buildings, this is a modest scheme, which respects the scale and sensitivity of the site in a prominent, isolated countryside location. The current proposal, whilst also achieving a sensitive conversion of the existing buildings also incorporates an unacceptable degree of new building work and the expansion of a residential curtilage into surrounding farmland to the detriment of the visual appearance of the area and contrary to development plan policies designed to protect the countryside for it's own sake.

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

- 1 In the opinion of the Local Planning Authority the proposed development involves new extensions which would significantly alter the form and general appearance of the existing former agricultural buildings and would also incorporate areas of surrounding farmland within an expanded residential curtilage to the detriment of the rural character and appearance of this prominent, isolated countryside location. The proposal is therefore contrary to Policies BE20 and NE5 of the adopted Hinckley and Bosworth Local Plan and to the Borough Council's adopted Supplementary Planning Guidance relating to the Conversion of Rural Buildings.

**Contact Officer:-** C Merriman Ext 5774.

**Item:** 07

**Reference:** 05/00572/FUL

**Applicant:** Rare Ltd

**Location:** Rare Ltd Manor Park Twycross Atherstone Warwickshire

**Proposal:** EXTENSIONS TO ADMINISTRATION BLOCK AND ADDITIONAL "BARN" UNIT

**Introduction:-**

The application is full application for a new barn unit, extension to the administration block and car parking at Manor Park, Twycross for Rare Ltd. The site is located to the west of the A444 and south of the village of Twycross. The development of Manor Park has included the planting of 10,000 trees many of which are well established and screen the site well from the A444. The site is visible from Twycross and Copton Ash Farm due to the topography of the land and the lesser amount of established landscaping to the south west of the development.

The proposal increases the footprint of the development from 4,500 square metres to 5,940 square metres. The new barn unit measures 27.8 metres by 10.5 metres and reaches a height of 9.4 metres. The extension to the administration block measures 29 metres by 18.375 metres and reaches a height of 10.6 metres. The materials to be used in the construction are to match the existing buildings i.e. Westmorland slate, copper, Olde English brick, western red cedar, galvanised steel and glass.

The increase in building footprint increases the need for parking and a further 57-car parking spaces are included adjacent to the existing parking areas. The number of employees would increase from 228 to 290 with the new barn providing workspace for game development teams. The extension to the administration building would provide meeting rooms, recording studios, workstations, game testing facility and further workstations. This extra accommodation is required to accommodate an increase in full time workforce and improved facilities for existing staff and company operations. Manor Park is becoming a core European Hub of the Home and Entertainment Division of the Microsoft Corporation.

Supporting information and a design statement submitted as part of the application outlines the proposal, access and car parking of existing buildings and landscape setting, design principles, public views, materials, landscaping, parking and cycling, sewage and rainwater, sustainability and energy, archaeology, utilities and key views.

It is stated that Rare is now established with massive investment in a first class working environment to make it sustainable and environmentally friendly as possible. It is unrealistic to consider moving/relocating to a new site and the nature of the business operation requires that the staff should be in a single location rather than a split site.

**History:-**

05/00571/TEMP	Temporary Re-opening of Former Access	Pending Decision	
01/00480/FUL	Alterations to Gatehouse and Provision of Store and Erection of Store and WC	Approved	09.07.01
00/01051/CONDIT	Variation of Condition 1 of Planning Permission 99/010123/TEMP to Reopen Access Until 31/07/01	Approved	29.11.00
00/00896/FUL	Extension to Crèche Facility	Approved	10.10.00
00/00881/FUL	Erection of Workshop	Approved	10.10.00
00/00853/TEMP	Siting of Temporary Offices	Approved	20.10.00
99/01023/TEMP	Temporary Reopening of Former Access to Car Park and Office Extension	Approved	05.01.00
99/00811/FUL	Creation of Additional Car Park	Approved	13.10.99
99/00750/FUL	Extension to Offices and Conversion of Garaging to Offices	Approved	13.10.99
99/00392/FUL	Erection of Three Dog Kennels and Associated Runs	Approved	24.06.99
98/00967/FUL	Erection of Maintenance Building (Revised Scheme) and Helicopter Landing Pad	Approved	06.01.99
98/00763/FUL	Erection of Maintenance Building	Approved	14.10.98
97/01017/ADV	Erection of Signs	Consent	18.12.97
97/01016/REM	Erection of Gatehouse	Approved	18.12.97
96/00562/REM	Erection of Headquarters Office Buildings and Associated Development	Approved	18.09.96
96/00294/REM	Erection of Headquarters Office Buildings and Associated Development	Approved	30.05.96
95/00304/OUT	Erection of Office and Research and Development Buildings, and Associated Development	Approved	19.04.96
94/00853/FUL	Erection of Office Complex, Change of Use of Dwelling to Offices and Associated Works	Refused	11.01.95

## **Consultations:-**

No objections have been received from:-

Head of Health and Environment Services  
Land Drainage Engineer  
Environment Agency.

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

No comments have been received at time of writing the report from:-

Parish Council  
Neighbours  
Site Notice.

## **Development Plan Policies:-**

The site lies within open countryside as allocated in the adopted Hinckley and Bosworth Local Plan.

Policy NE5 aims to protect the countryside and only permit development where it is either important to the local economy, cannot be provided within/adjacent an existing settlement, change of use/reuse of buildings of historic value or for sport or recreational purposes. The development should not pose a detrimental impact on the landscape, should be in keeping with existing buildings and be effectively screened, and will not generate traffic likely to impact on road safety. Policy BE1 seeks to ensure high quality of new development, that proposals complement and not adversely affect the surrounding area or adjacent properties, and ensure adequate privacy and amenity. Policy T5 aims to apply the County Council highway standards and parking standards to new developments. NE12 considers that proposals for development should make provision for landscaping and have regard to existing landscape features. Applications should be accompanied by a site survey plan showing existing features and proposed landscaping.

## **Appraisal:-**

### Principle

The proposed works are located within the existing complex and the buildings have been designed to complement the appearance of the existing buildings. Rare is an expanding business and the application aims to fulfil the expansion requirements while protecting the countryside against visual intrusion into open countryside by development.

While developments in open countryside can be inappropriate it is recognised that some forms of development can sustain a healthy local economy and should be located close to existing buildings. The proposal should not have an adverse affect on the appearance and character of the landscape, be effectively screened and not generate traffic unsuitable for the highway network.

The principle of development has already been established in this location for a prestigious company that is important for the Borough as a whole. It is considered that in light of the above, and the complementary design and layout not resulting in demonstrable harm to the visual amenities of the countryside, together with a significant increase in employment levels, the principle is considered acceptable.



### Traffic Impact

The Highway Authority has commented that the application as submitted involves an extension to the established development on the site in the region of approximately 25% in terms of gross floor area. It also involves an increase of 62 in staff numbers. It is agreed, however, that the existing junction of Watery lane with the A444 was designed and built fully to appropriate standards and has the capacity to cater for additional traffic of the scale expected from the proposed development.

In terms of capacity of (and safety at) the A444/Watery Lane junction, the Highway Authority would therefore not be in a position to demonstrate that the additional gross floor area or staffing numbers would constitute an unacceptable increase in risks to road safety.

### Landscaping and Visual Impact

When Rare was first developed a landscape strategy used natural features and local ecology to create a sustainable and appropriate landscaping and setting for the buildings. Thousands of trees were also planted.

The proposed building and extension are to be sited in simple lawned and paved areas. More intensive planting to provide outdoor space for the end users will be located in close proximity to the new buildings.

The site can be seen when travelling by foot or car from Twycross, south, and the visual impact of the new build elements blend in against the backdrop of the existing complex. It is also recognised that the additional parking spaces and new barn will remove some of the existing established landscaping. However, this does retain periphery landscaping to maintain a screening buffer. The removed landscaping features would be replaced by new planting in other locations. These areas are to be identified and an appropriate condition will secure their planting.

### Other Considerations

The site plan also indicates that during construction of the extension and new barn that there will be hoarding/tree protection around the existing landscaping buffers and protection/construction enclosure adjacent to the existing complex to safeguard the work environment.

The design statement also notes that the new barn and extension shall continue to adopt sustainable energy solutions. Although the existing system cannot be utilised, rather, a new arrangement will be created to maintain the current ethos of the company in regard to working conditions.

The extensions are located in areas already stripped during previous construction works and it is therefore believed that the site is not of archaeological interest.

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

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

- 1 The development hereby permitted shall be begun before the expiration of five 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 extensions shall be

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

- 3 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - i) hard surfacing materials
  - ii) retained landscape features
  - iii) planting plans
  - iv) written specifications
  - v) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
  - vi) implementation programme.

The development shall be implemented in accordance with the approved details.

- 4 No development shall take place until a tree planting scheme to include specifications of the tree species has been submitted to and approved in writing by the Local Planning Authority, condition 5 doesn't cover maintenance of this.
- 5 The approved hard and soft landscaping scheme, together with the tree-planting scheme as stipulated by condition 3 and 4, shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs, which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 6 Notwithstanding the approved plans, details of the hoarding/tree protection and protection/construction enclosure shall be submitted to and approved in writing by the Local Planning Authority. The hoarding/tree protection and protection/construction enclosure shall be removed within 1 month of completion of the development.
- 7 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.

#### **Reasons :-**

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the development has a satisfactory external appearance to accord with policies BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 3&4 To enhance the appearance of the development to accord with policies NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 6 In the interests of visual amenity and to accord with policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

## Notes to Applicant:-

- 1 The applicant's attention is drawn to the letter from Environment Agency dated 30 June 2005.
- 2 In accordance with Section 76 of the Town and Country Planning Act 1990, the developer's attention is directed to the following items regarding the detailed design of the development hereby permitted relating to buildings to which Section 4 of the Chronically Sick and Disabled Persons Act 1970 applies:-
  - a) Relevant provision in Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and any subsequent amending legislation, and
  - b) The Code of Practice for Access for the Disabled to buildings by the British Standards Institution, reference BS 5810:1979.

**Contact Officer:-** K Burnett Ext 5898.

**Item:** 08

**Reference:** 05/00573/FUL

**Applicant:** Shropshire Land Company

**Location:** Desford Hall Leicester Lane Desford Leicester LE9 9JJ

**Proposal:** DEMOLITION OF OUTBUILDINGS AND ERECTION OF NEW OFFICE BUILDING

## Introduction:-

This is a full planning application for the erection of a two-storey office building providing 957 square metres of floorspace to be sited approximately 80 metres to the north of Desford Hall (a Grade II Listed Building) as a replacement for an existing single storey range of outbuildings (the demolition of these buildings is reported elsewhere on the agenda). The proposal envisages a 'coach house and stables' courtyard arrangement with buildings on three sides and parking on the fourth as well as within the courtyard itself. A total of 28 spaces are proposed as an extension to the existing car parking arrangements at the rear of Desford Hall, which is currently split into 6 office units comprising a total of 1400 square metres floorspace. There would be 95 spaces overall for the whole site. In addition to the removal of the outbuildings to make way for the proposed development, it is intended to demolish two further buildings to the west of the hall as well as a former helicopter hanger located towards the rear, northern boundary.

The scheme will require the felling of 5 trees as well as the removal of some other vegetation but it is intended to create a walled garden area to the east of the new building utilising portions of the existing structures on the site. All trees within the grounds of Desford Hall are protected by an area Tree Preservation Order. To the rear of the site is a low hedgerow separating the parkland grounds of Desford Hall from open agricultural land. A public footpath traverses the site and a second one runs along the eastern boundary of the Hall grounds. A design statement incorporating a transport assessment has been submitted in support of the application.

**History:-**

87/0555/4	Change of use from hospital to offices	Approved	29.10.87
88/0582/4	External alterations	Approved	28.06.88
88/0841/4	Helicopter hanger and fuel tank	Approved	23.08.88
89/0490/4	Three-storey office building	Refused	23.05.89
96/00683/LBC	Demolition of toilet block and alterations to building	Approved	14.10.96

**Consultations:-**

The Director of Highways, Transportation and Waste Management is concerned about the increase in use of the vehicular access serving the Desford Hall site when considering its remoteness from any main areas of development and the level of forward visibility available for vehicles waiting to turn right into the site. In addition, he notes that the original consent for offices at the site included a formal visibility splay to be provided on the opposite site of Leicester Lane from the access to allow for better visibility for turning traffic, although the current application lacks this information. However, on the basis that the previous planning permission for the change of use from hospital to offices covered the whole site, including those outbuildings subject to this application, the Highway Authority would not be in a position to demonstrate that the proposal would result in additional vehicles using the site's existing access. Consequently it's recommended that conditions requiring adequate off-street parking, visibility splays and no gates at the access point are included, if planning permission is granted.

Director of Environment and Heritage (Rights of Way) is concerned that the legal line of footpath S3 passes through two of the proposed buildings. Unless the layout is revised an application for its official diversion would need to be approved prior to development commencing. This would take at least 12 months to process and in the meantime the existing route would need to be free for pedestrians to walk along the legal route.

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

Severn Trent Water  
Ramblers.

The Environment Agency have no comments to make on the proposal.

The Borough Council Conservation officer considers the new buildings are out of character with existing curtilage buildings as well as the main Listed Building and should, therefore, be resisted.

The Borough Council's Land Drainage Consultant reports that the permeability of the subsurface must be assessed for the suitability of soakaways otherwise an alternative SUDS arrangement should be devised employing attenuation storage in swales or surface depressions.

The Borough Council's Arboricultural Consultant advises that the trees affected by the development comprise a mature Sycamore as well as some Cypresses and Holly Trees. The Sycamore is of marginal quality and replacement planting will adequately compensate for the loss of other vegetation. There is a magnificent Oak Tree of considerable importance close to the proposed new building, which will require protection during construction work.

The Head of Health and Environment recommends the inclusion of a condition requiring a Contaminated Land Survey including remedial measures, if required, should planning permission be forthcoming.

Blaby District Council, as adjacent authority, has no formal objection to make to the proposal. However, concern is expressed regarding the potentially significant increase in the number of vehicle movements in this rural location, particularly the impact on the local highway network, the existing access point onto Leicester Lane and the Desford cross-roads junction. They question the sustainability of the location for large-scale office development in the light of national and strategic planning policies, which seek to reduce the need to travel.

Neighbours and adjoining businesses consulted as well as press and site notices displayed. Two representations received, one raising concerns about the need to ensure adequate car parking for the new office space as the existing car park is fully utilised at present and one objection on the grounds that the access to the site off Leicester Lane is dangerous. It has poor visibility because of its proximity to a bend and there have been several near miss accidents at the entrance. In addition the extra traffic, which the development will generate, will result in more noise disturbance to neighbouring residents.

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

The site is indicated in the adopted Hinckley & Bosworth Local Plan as being part of an existing employment site (Policy EMP1(b)) where proposals for other employment activities or alternative uses will be considered on their merits in the context of the appropriate design policies of the plan. However, these sites are generally considered to be acceptable employment locations.

The Employment Land and Premises Study undertaken by consultants in May 2004 qualified the Local Plan designation by recommending retention of the site for employment purposes but restricting the usage to the existing buildings only. This reflected the site's location within open countryside, which is to be protected for its own sake and where development should not have an adverse effect on the appearance or character of the landscape, should be effectively screened, should not generate traffic which would impair road safety and be in keeping with the general surroundings (Policy NE5 of the adopted Hinckley & Bosworth Local Plan).

Policy EMP2 of the Local Plan states that planning permission for development involving the expansion of existing firms will be permitted subject to criteria requiring the protection and, where possible, the improvement of the character, appearance and quality of the site and its immediate environment as well as meeting design, layout, access, parking and highway requirements.

Policy BE1 of the adopted Local Plan requires a high standard of design in new developments in order to safeguard and enhance the existing environment and Policy BE5 requires the setting of Listed Buildings to be preserved and enhanced.

The approved Leicestershire, Leicester and Rutland Structure Plan, 1996-2016 Employment Policy 5 requires existing employment site allocations to be reviewed as part of the Local Plan process whereas the provision for employment development in relation to rural economy will be made within and adjoining rural centres (Employment Policy 7).

The Structure Plan also requires the countryside to be protected for its own sake and development in these areas will only be acceptable if the general appearance and character of the landscape and countryside is safeguarded or enhanced (Strategy Policy 8).

Built development should be well integrated with existing development and designed sympathetically to fit into the local surroundings.

## **Appraisal:-**

### The Principle

The applicant considers the original planning permission for the change of use of the former hospital to offices relates to the whole of the Desford Hall curtilage and therefore included the outbuildings, which it is intended to replace with a new office building as part of the current proposal. Whilst this contention is difficult to argue against it is considered that the spirit of the permission related to the main buildings on the site, which comprised the hospital complex, rather than the physically divorced and subordinate group of mainly former farm outbuildings, which are the subject of this application. Indeed, there is no evidence to suggest that any attempt has been made to utilise or convert these buildings for office use since the original permission was given implying no intentions to do so as part of that consent. Furthermore, a condition of the permission specifically limited the development to change of use only and not for redevelopment of the site, which in principle reflects adopted countryside policy and national guidance of allowing the reuse of rural buildings for commercial purposes. Whilst the adopted Hinckley & Bosworth Local Plan indicates the site as being part of an existing employment area it is considered that this designation was imposed on the basis of the original planning permission and the more recent Employment Land and Premises Study, instigated in accordance with Structure Plan Policy, has qualified this designation by conferring the employment use to the footprint of the existing buildings only. The site is remote from any rural centre where Structure Plan Policy considers the provision of employment development should be made, to ensure compatibility with sustainable objectives promoted by central government. Consequently, it is considered that replacement office buildings are not compatible with development plan policies and should therefore be resisted.

### Impact

The existing range of buildings to be demolished are single storey, low profile structures of a principally agricultural, or institutional style, which sit comfortably within their landscaped setting having little impact on the wider rural area. The proposed building is 10.2 metres high and will be sited between 7 and 11 metres from the rear, northern boundary of the Desford Hall grounds, with open agricultural land beyond a low hedgerow. There are public footpaths, which traverse the site and run close by and the scheme involves the loss of some vegetation. It is considered that the proposed development will have an adverse effect on the appearance and character of the rural landscape of not only the parkland setting of Desford Hall but also the surrounding countryside, contrary to adopted policies of the Structure and Local Plan.

Whilst the site is approximately 80 metres away from Desford Hall and some 2.7 metres lower there is a link between the two in the form of a hard surface and landscaped car parking area within the former walled garden. It is considered that to introduce a very much larger and grander building, as proposed in the application, in place of the low key and subordinate existing examples would be out of character with and would unacceptably affect the setting of the Grade II Listed Hall, contrary to adopted policy designed to protect such historical assets.

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

- 1 Notwithstanding the Local Plan designation, it is considered that the proposal represents an unwarranted and inappropriate form of development in a conspicuous rural location and it would therefore have an unacceptable adverse impact on the visual appearance and character of the parkland setting to Desford Hall as well as on the surrounding countryside.

The development is therefore contrary to Policies EMP2, BE1, BE5 and NE5 of the adopted Hinckley & Bosworth Local Plan as well as the approved Leicestershire, Leicester and Rutland Structure Plan, 1996-2016, Employment Policies 5 and 7 and Strategy Policy 8.

**Contact Officer:-** C Merriman Ext 5774.

**Item:** 09  
**Reference:** 05/00587/LBC  
**Applicant:** Shropshire Land Company  
**Location:** Desford Hall Leicester Lane Desford Leicester LE9 9JJ  
**Proposal:** DEMOLITION OF OUTBUILDINGS AND ERECTION OF NEW OFFICE BUILDING

**Introduction:-**

This is a Listed Building application which seeks consent to demolish a series of single storey brick, timber and corrugated asbestos outbuildings located approximately 80 metres to the north of Desford Hall, a Grade II Listed property set within parkland grounds on the north side of Leicester Lane, Desford. The demolition is required to enable the erection of a two-storey office development, which is the subject of a planning application considered elsewhere on this agenda, (05/00573/FUL). The offices are designed to reflect a stables/coach house courtyard and incorporate architectural features and materials considered by the applicant to represent a style, which respects, but does not copy the main Hall. Some external walls of the oldest of the existing buildings would be retained to form a landscaped walled garden on the eastern side of the new development. Because of the general slope of the site the proposed building would be 2.7 metres lower than the Hall.

The application includes the demolition of two small single storey buildings immediately to the west of the Main Hall as well as a modern, steel portal framed building, approximately 100 metres to the north west and previously used as a helicopter hangar. The buildings are protected because they lie within the curtilage of the Grade II Listed Desford Hall, originally a small country house built in 1875 and used subsequently as a hospital and then offices.

**History:-**

87/0888/4	Change of Use from hospital to offices	Approved	29.10.87
88/0582/4	External alterations	Approved	28.06.88
88/0841/4	Helicopter hangar and fuel tank	Approved	23.08.88
89/0490/4	Three-storey office building	Refused	23.05.89
96/00683/LBC	Demolition of toilet block and alterations to building	Approved	14.10.96

### **Consultations:-**

Director of Environment and Heritage (Archaeology) suggests that the outbuildings must have been built at around the same time as Desford Hall as they appear on the 1880 Ordnance Survey Map. Consequently, they are historically important and a level of building assessment should be carried out before a decision is made on the application. If the Local Planning Authority is minded to refuse the application on other grounds the lack of archaeological information should be an additional reason for refusal.

The Borough Council's Conservation Officer reiterates the historical points made by the County Archaeologist and considers that the buildings should be retained as they represent the residue of the original farm buildings on the site and provide a reference for other important features including an existing tree lined north/south access track, cobbled farmyard and gate column.

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

Planning permission and Listed Building consent will not be granted for proposals, which involve the demolition of a Listed Building unless there is a special overriding justification for the building's removal (Policy BE3 of the adopted Hinckley and Bosworth Local Plan).

Policy BE5 of the Local Plan also seeks to preserve and enhance the settings of Listed Buildings by appropriate control through the design of new development in the vicinity in terms of scale, form and siting. In addition, regard should be had to the preservation of trees and landscape features.

Environment Policy 1 of the Leicestershire, Leicester and Rutland Structure Plan, 1996-2016, states that measures will be taken to identify, protect, preserve and enhance sites, buildings and settings of historic or architectural interest or archaeological importance.

### **Appraisal:-**

Whilst these buildings are not specifically referred to in the listing description for Desford Hall they are protected by virtue of being within the curtilage and certainly in relation to those which appear on the 1880 map, are historically important. Without the submission of a Historic Building Impact Assessment it is not possible to adequately assess the importance of the structures in relation to the Hall and the site in general or the archaeological impact of the proposal. Consequently it is recommended that the application to demolish the buildings to make way for redevelopment should be refused as being contrary to adopted Structure and Local Plan policies, which are designed to protect and enhance the historic built environment. The replacement building is considered to be out of scale and detrimental to the setting of the Grade II Listed Desford Hall and therefore contrary to adopted policies protecting such aspects of the historic environment.

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

- 1 In the absence of a special, overriding justification for the removal of these curtilage Listed Buildings some of which contribute to the historical context of the Grade II Listed Desford Hall, the proposal is considered to be unacceptable and at variance with policies BE3 and BE5 of the adopted Hinckley and Bosworth Local Plan and Environment Policy 1 of the approved Leicestershire, Leicester and Rutland Structure Plan, 1996-2016.

**Contact Officer:-** C Merriman Ext 5774.



**Item:** 10  
**Reference:** 05/00588/FUL  
**Applicant:** Mr R E Haylett  
**Location:** Paynes Garage Watling Street Hinckley Leicestershire LE10 3ED  
**Proposal:** WORKS TO HEDGE AND ERECTION OF BOUNDARY FENCE

**Introduction:-**

The application is for proposed works to an existing coniferous boundary hedge and the erection of a 2.4 metre high, mesh security fence. In addition, the application also includes the proposed erection of a close-boarded wooden fence to replace an existing open pale fence extending along the site's boundary with Paddock Way.

The site is currently used as a staff car park and forms part of the Paynes Garage site. The application area lies within a residential area and is surrounded by residential properties. The existing hedge extends along the northern boundary of the car park and runs parallel to the bottom of the rear gardens of properties along Coventry Road. The hedge currently provides landscaping to the area and screens the neighbouring properties from the Paynes Garage site.

The proposed height of the fence is approximately 2.4 metres and proposes to extend along the northern boundary, parallel to the existing hedge. The close-boarded wooden fence is proposed at approximately 3 metres high and will extend along part of the eastern boundary of the car park, to join an existing fence extending along Paddock Way.

**History:-**

87/0288/4	Employees Car Park	Approved	05.05.87
80/0992/4	Additional Parking Area	Approved	22.07.80
78/0013/4	Erection of body building and repair shop	Approved	21.03.78
76/0894/4	Formation of additional car park for heavy vehicles	Approved	24.08.76
68/5467/05	Construction of car park, erection of office stores, canteen and toilet block with extension to workshop	Approved	07.03.69

**Consultations:-**

No objection has been received from Director of Environment and Heritage Services.

Borough Council's Arboricultural Consultant recommends the hedge's retention, however, due to its maturity and substantial height, it is also recommended that the trees are lopped to fifty percent of their existing height to promote growth at a lower level.

A letter has been received from a local Member of the Borough Council. Local residents' concerns in relation to the current proposal, as well as previous concerns in connection with

the site, are outlined within the letter. The points raised are namely:- that the employee car park is used as a general car park, the poplar trees were removed last year, the proposed fence is not high enough, CCTV cameras on the site look into the rear of Coventry Road properties and these properties will be exposed to more lights on site.

Neighbours notified, eleven letters have been received raising the following concerns:-

- a) the hedge was planted to minimise noise from the site which a fence will not be able to do as effectively
- b) the proposed fence will not adequately screen the neighbouring properties from the lights on site
- c) a fence would not offer the same level of privacy and concerns for the range of the CCTV cameras on site
- d) reduced security
- e) loss of nesting trees for birds
- f) devalue property
- g) reintroduction of flooding problems in the gardens of neighbouring properties
- h) to call the boundary a hedge is misleading.

A petition with 21 signatories has also been received.

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

Policy BE1 of the adopted Hinckley & Bosworth Local Plan seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Of particular relevance, is the importance of ensuring development complements or enhances the character of the surrounding area and ensures the occupiers of neighbouring properties are not adversely affected. Included within this is the need to avoid the loss of vegetation and features, which contribute to the quality of the local environment.

### **Appraisal:-**

As part of a previous planning approval, some twenty-five years ago, the existing conifer hedge, in addition to further landscaping, was required as a planning condition. Subsequent to the time lapse of the planning condition however, the site has since seen the removal of a substantial amount of landscaping. The hedge subject to this application not only serves as a visual and acoustic barrier between the Paynes Garage site and residential properties on Coventry Road, it also contributes to the visual amenities of the area . Notwithstanding this, the applicant seeks to provide increased security on site and proposes to erect a boundary fence.

The current proposal has been amended from the original submission, which proposed to remove the hedge and replace it with a wooden 3 metre high close-boarded fence. This proposal received a number of objections from local residents, and in light of Planning Officers' concerns for the potential impact of this on both the residential and visual amenity of the area, was amended accordingly. It is now proposed that in order to increase both security on site and offer maintenance to the hedge, the height of it is reduced and a green mesh, security fence is erected along the same boundary.

Following the recommendations of the Borough Council's Arboricultural Consultant the applicant proposes to reduce the height of the hedge by fifty percent at approximately 6 metres high. By virtue of the fence's open mesh design and green colour, it will comfortably sit parallel to the hedge. Consequently, it is considered by Officers that this proposal will effectively provide the increased security required whilst maintaining an important element of landscaping on the site. Neighbours have been notified of the amended proposal.

In response to concerns of nearby residents in relation to privacy and the potential range of the applicant's CCTV cameras on site, the applicant has confirmed that consideration was given to this issue when the system was installed. Accordingly, the system incorporates a feature purposely designed to ensure the cameras do not intrude upon the privacy of the adjoining neighbours.

As part of the same application it is also proposed to continue the line of the existing boundary fence along Paddock Way up to the hedge boundary. It is considered that the proposed 3 metre close-boarded fence will improve the visual amenities of the area by offering additional screening to the site and will relate well to the boundary treatment already existing along a large element of this boundary.

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

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

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 This permission relates to the application as amended by the letter from the applicant dated 26th July 2005 and amended plan 05/00588A/FUL received by the Local Planning Authority on 26th July 2005.
- 3 The materials to be used for the replacement fence identified on the eastern boundary shall match the corresponding materials of the retained fence unless previously agreed in writing with the Local Planning Authority.
- 4 The proposed northern boundary security fence shall be painted dark green unless otherwise approved in writing by the Local Planning Authority and be retained as such at all times thereafter.
- 5 The hedge identified in green on the attached plan shall not be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved details, without the prior written approval of the Local Planning Authority.

**Reasons :-**

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To define the permission.
- 3&4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure the existing hedge is retained in the interests of residential and visual amenity in accordance with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 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:-** E MacDonald Ext 5682.

**Item:** 11  
**Reference:** 05/00590/REM  
**Applicant:** Bovis Homes Ltd  
**Location:** Land R/o 21-33 Bradgate Road Hinckley Leicestershire  
**Proposal:** RESIDENTIAL DEVELOPMENT OF SIXTEEN UNITS

**Introduction:-**

This reserved matters application is for the erection of 16 detached dwellings. The outline application was allowed following an appeal, this was also the subject of a Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 to provide contribution towards the provision of open space and a contribution towards education provision, means of access was approved at this stage.

The site is located within the settlement boundary to the rear of properties in Bradgate Road. The approved access is located alongside the existing frontage property, No 25. The site is a transitional area between the urban form of the existing development in Bradgate Road and the open countryside beyond the site boundaries. It is almost of triangular proportions in shape encompassing the total curtilage of No. 25 and also part of the rear gardens of No's 21, 23, 27, 29 and 31. The site is bounded to the north and west by residential properties, the south by John Cleveland College and to the east by open fields with Hinckley Golf course and Burbage Common beyond. There is a public footpath running along the southern boundary of the site. The levels vary considerably across the site with the land lowering to the east.

Development in the vicinity of the site comprises a mix of styles of both single and two storey dwellings of varying sizes and density with no dominant period or themed character. The properties are typically large in scale and mass. The frontage property, No 25, is to remain on site, which sits comfortably within the street scene.

The application includes a design statement that details the site context, design concept and design solutions.

**History:-**

03/01424/OUT	Residential Development	Appeal Allowed	05.07.04
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**Consultations:-**

No objections have been received from:-

Director of Environment and Heritage Services, Rights of Way  
Environment Agency  
Leicestershire Constabulary, Crime Reduction Officer.

No objections subject to conditions have been received from:-

Severn Trent Water  
Director of Highways, Transportation and Waste Management  
Director of Historic and Natural Environment Services (Archaeology).

Cyclists Touring Club raises concerns about highway safety due to the speed of traffic along Bradgate Road and the position of the vehicular access.

Land Drainage Engineer comments that the drainage proposals to use a pumping station are not sustainable.

English Nature requires the applicant to commission a protected species survey of the site prior to the application being determined.

Borough Council's Arboriculturalist Consultant has provided guidance over potential harm to trees on the northern boundary of the site and suggests that the development will not affect the condition of the trees.

Neighbours notified, 5 letters received raising the following concerns:-

- a) highway and pedestrian safety
- b) encroachment into countryside
- c) the plans show discrepancies in the site boundaries
- d) no details of boundary treatment
- e) any buildings on the boundary should be designed to ensure maintenance without intrusion onto third party property
- f) damage to third party property during construction should be compensated by the developers
- g) rear gardens very small for size of properties proposed
- h) loss of privacy
- i) proximity to trees on adjoining property
- j) precedent for similar development in the area
- k) development is out of keeping with the surrounding area.

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

The site falls within the settlement boundary of Hinckley as defined in the adopted Hinckley and Bosworth Local Plan. Policy RES5 allows for new residential development in such areas subject to the siting, design and layout of the proposals not conflicting with other relevant policies. Policy BE1 requires a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment by complementing the surroundings as well as protecting highway safety and neighbours amenities. Additional advice on new residential development is contained in adopted Supplementary Planning Guidance.

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

Policy IMP1 ensures that appropriate contributions towards the provision of infrastructure and facilities are made which are commensurate with the scale and nature of the development proposed.

#### **Appraisal:-**

##### Principle

The application submitted seeks approval of reserved matters following outline consent. The outline application, allowed at appeal, sought permission for the principle of residential development and means of access. The outline application did not include numbers of

dwellings, however an illustrative plan submitted indicated that 9 dwellings could be accommodated on the site. The Planning Inspector recognised that this was a low density and indicated that the site could be developed at a higher density. The principle of residential development has therefore been accepted and concerns regarding precedent for future similar applications cannot be addressed as part of this application.

### Highways

The outline application allowed at appeal included the means of access. The Planning Inspector concluded that the form of access and proposed junction would be similar to numerous examples locally and across the country and as the Highway Authority had not raised objections it was considered that the proposed access was acceptable.

Again the Highway Authority has raised no objections to the application on highway safety grounds therefore a refusal based on the detriment to both highway and pedestrian safety could not be sustained. The proposal incorporates sufficient parking and meets the Highway standards regarding turning space within the site.

### Density

National 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 0.77 ha, to develop this at the lower end of the recommended density would result in a scheme for 23 dwellings. Policy indicates that lower density schemes should only be provided within rural areas and urban areas should seek development of a higher density. The application seeks to provide 16 dwellings, which provides an average density of 21 dwellings per hectare. However, it is considered that the form and character of the surrounding area should be reflected in any new residential development and therefore due to the large spacious development in the vicinity of the site it is considered that a lower density scheme is more appropriate in this location. To develop the site at a higher density would result in smaller dwellings, possibly a mix of semis and terraced dwellings, which would be out of character with the surrounding area.

### Form and Design

As already stated the site sits in an area that currently consists predominantly of large detached dwellings. The site is located to the rear of existing properties in Bradgate Road and therefore careful siting of the new dwellings is paramount to ensure the development neither detracts from the character of the existing development nor impacts adversely on existing dwellings.

It is proposed that the new dwellings will be accessed via a private 'gated' access that sits between No's 23 and 25. From Bradgate Road views along the access will be predominantly of landscaping, giving only limited views of the development. The access sweeps to the right after approximately 40 metres, this again assists in disguising the extent of the development from the streetscene. On entering the site the layout forks to the left and right and in essence creates two cul-de-sacs, with 5 plots to the left and 11 to the right. Plots 1, 2 and 16 sit closest to the existing dwellings, both Plots 2 and 16 are two storey dwellings with the side elevation facing the rear of properties in Bradgate Road, the distance between proposed and existing dwellings is in excess of 30 metres. Plot No 1 sits to the rear of No 25, the back to back distance is approximately 28 metres. Concerns have been raised by the occupiers of No 19 Bradgate Road regarding the location of the properties on Plot 2 and 3. The properties proposed on these plots are located approximately 10 metres from the adjoining boundary but are some 45 metres from the dwelling. Plot 3 is angled slightly so the rear is angled towards no 19, but again there is a distance of 60 metres between the 2 dwellings. It is therefore considered that the relationship between the proposed development and the existing dwellings has been dealt

with adequately and the distances comply with the policy requirements of the Local Planning Authority.

The overall scheme has been designed to take full advantage of the levels across the site with the outer dwellings being in a low position, which softens the development when viewed from the east. The variation in levels provides an interesting visual roofscape across the site. The dwellings have been individually designed whilst still providing a theme to ensure that the character of the site is developed. It is further proposed that a mix of sympathetic high quality materials will be used to add to the character and individuality of each dwelling. The dwellings have been designed to follow the proportions of traditional properties in the area of Hinckley.

#### Protected species

English Nature have raised concerns regarding the possibility of protected species being present on site. The issue was raised at the Outline Application and was addressed at appeal. However, the Planning Inspector did not make recommendations or impose any conditions relating to protected species. As this application is for reserved matters, conditions cannot be imposed relating to protected species, however a note to the applicant will be included on any permission, as bats and barn owls are protected by other legislation.

#### Trees

There are trees along the northern boundary of the site, within the garden of No 19, which consists of a variety of species: 1 Horse Chestnut; 2 Lombardy Poplars, with another one set back from the boundary; 1 Common Ash; and 4 Cypress species. These trees are approaching a mature status and are in a stable condition. It is not envisaged that the development will affect the condition of the trees, apart from some minor root disturbance. It should be noted Lombardy Poplars have a life span of approximately 50 years and when fully matured can be vulnerable to high winds.

#### Drainage

The application proposes the drainage to be pumped from the site via a pumping station, the Land Drainage Engineer does not consider this to be a sustainable form of drainage. Neither the Environment Agency nor Severn Trent Water have raised objections to the proposal. However, full drainage details have not been received and as Condition 3 of the outline permission requires foul and surface water drainage details to be submitted, the full details will be considered when discharging conditions.

#### Maintenance and Damage to neighbouring property

Concerns have been raised regarding maintenance to the proposed development where it abuts adjacent occupiers land and any damage caused to neighbouring property during construction. These issues are not material planning considerations, but any planning permission granted does not give developers access onto land outside of their control.

#### Discrepancy with plans

Concerns have been raised that the proposed development encroaches onto adjoining neighbours land. The applicants have been informed of these concerns and have assured the Local Planning Authority that the boundaries are accurate. Land ownership is not a planning consideration, therefore if there are any further issues regarding this the relevant parties should be advised that it is a civil matter and not one the Local Planning Authority can become involved with.

## Conclusion

The application proposes residential development at a very low density. However the character of the area is such that a low-density scheme would be in character. Although the scheme does not provide a wide choice of property types, the character of Bradgate Road is predominantly large detached properties and therefore the development of the site with 16 detached dwellings is in keeping with surrounding development. The scheme incorporates a high quality design and gives the appearance of 16 individually designed dwellings. It is proposed to use a variety of high quality materials to contribute to their individuality. Whilst the development does not comply with density standards the scheme proposes a high quality development that is in keeping with the surrounding area and therefore it is recommended that reserved matters be approved.

Finally, the outline consent was subject to a Unilateral Undertaking, which requires payment of financial contributions towards play and open space and education facilities. The contributions required are £1,225 per dwelling for education, totalling £19,600 and £1,720 per dwelling for play and open space, totalling £27,520.

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

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

- 1 This permission relates to the application as revised by amended plan numbers HINC/02/16\_Units 1; BH/AGTZ/1-01; Double Garage AGD2; Single Garage AGS2; Tandem Garage AGT2; and roof details for Double Garage received by the Local Planning Authority on 21 July 2005, and street scenes received by the Local Planning Authority on 25 July 2005, and HINC/104/1/16REVA; HINC/104/2/16REVA; Plot 1A; Plot 2A; Plot 3A; Plot 4A; Plot 5A; Plot 6A; Plot 7A; Plot 8A; Plot 9A; Plot 10A; Plot 11A; Plot 12A; Plot 13A; Plot 14A; Plot 15A; and Plot 16A received by the Local Planning Authority on 29th July 2005.
- 2 Prior to the erection of any dwelling road signs at the entrance of the private drive indicating that the roads are unadopted shall be erected.

### **Reasons :-**

- 1 To define the permission.
- 2 In the interests of road safety to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

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

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 1991 for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 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.
- 3 The applicant should note that Public Footpath U10 runs along the southern boundary and it should not be affected by any operations associated with the development and that free access by pedestrians should be maintained at all times. In addition, the full width currently available to pedestrians should be retained and not encroached upon by the development.



- 4 Any 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)
- 5 The applicant is advised that outstanding conditions attached to the outline planning permission 03/01424/OUT are still relevant and must be complied with.
- 6 The proposed roads do not conform to an acceptable standard for adoption and therefore they will not be considered for adoption and future maintenance by the Highway Authority.
- 7 The proposal is situated in excess of 45 metres from the Highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S. 5906, 1980 and Building Regulations Approved Document B, Fire Safety 2004.
- 8 Prior to first occupation of any dwelling the applicant should make clear to potential purchasers of the dwellings that the road is unadopted and what the status of the road will mean to them in practice. Evidence should be submitted that shows that the applicant has secured future maintenance of the roads, for example, a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to set up a maintenance company.
- 9 Old outbuildings and barns are a common roosting site for barn owls and bats. Both of these species are protected by the Wildlife and Countryside Act 1981 under which any deliberate action resulting in the disturbance or destruction of their place of shelter is illegal. If any of these species are found in the building you shall contact English Nature immediately: Telephone 01476 584800.

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

**Item:** 12

**Reference:** 05/00602/FUL

**Applicant:** Mr W H Dawson

**Location:** 35 Barton Road Market Bosworth Nuneaton, Warwickshire CV13 0LQ

**Proposal:** ERECTION OF THREE DWELLINGS (AMENDED SCHEME)

**Introduction:-**

The application is an amended scheme for a proposal previously reported to, and refused at Committee on 22nd March 2005. Other than alterations made to the positioning of the entrance doors, the current proposal is similar to the previous submission. However, this time, the applicant has submitted nine letters supporting the need to provide both affordable housing and retirement dwellings in the area.

The proposal is for the erection of a terrace of three retirement dwellings, on a vacant plot adjacent to No 33 Barton Road, Market Bosworth. The site is surrounded by residential properties with open countryside extending to the rear of the plot.

Barton Road is characterised by large detached properties on large plots. The road extends from the village, leading out to the open countryside. The site was previously included within a larger area of land for residential development and this site formed the end plot. This area is currently vacant, with protected trees to the front of the site.

**History:-**

05/00085/FUL	Erection of three retirement dwellings	Refused	23.03.05
96/00644/FUL	Erection of two dwellings (amended scheme)	Approved	19.09.96
96/00141/REM	Erection of four dwellings	Approved	19.04.96
95/00869/OUT	Erection of four, two bed dwellings	Approved	07.02.96
94/00203	Erection of three dwellings and garages	Approved	10.05.94
93/0882	Erection of two dwellings (outline)	Approved	22.12.93
87/0069/4	Erection of dwelling (outline)	Refused	24.02.87

**Consultations:-**

No objection has been received from Environment Agency.

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

Director of Highways, Transportation and Waste Management  
Severn Trent Water  
Land Drainage Engineer  
Director of Natural Environment and Heritage (Trees).

The Parish Council states: that whilst it is accepted that there is a need for affordable housing in the area, the current proposal conflicts with the pattern of development, is visually damaging to the street scene, conflicts with the character of the area and is incongruous with neighbouring properties.

Market Bosworth Society has objected to the proposal on the grounds that the development presents an incongruous appearance to the detriment of the street scene and nearby Conservation Area, and the parking area does not relate to the long front gardens characteristic to the other properties on Barton Road and there are concerns for the protected tree to the front of the site. In addition, it is suggested should the application be approved, the use is conditioned to be as retirement dwellings.

Neighbours notified, 10 letters received raising the following issues:-

- a) overdevelopment of the site
- b) upstairs storage rooms are potentially bedrooms and therefore the units could be considered as family homes, lacking adequate amenity space
- c) lack of garaging
- d) insufficient car parking area and potential for car theft
- e) inadequate access for vehicles, the gradient is steep and could be hazardous
- f) impact on the view from Barton Road
- g) incompatible with existing built environment
- h) a single dwelling would be more appropriate
- i) impact on street scene
- j) poor design.

## **Development Plan Policies:-**

The site lies within the settlement boundary of Market Bosworth, as identified by the adopted Hinckley & Bosworth Local Plan. Residential development is acceptable in principle but is subject to the requirements of Policy RES5 of the adopted Hinckley and Bosworth Local Plan, with regards to the siting, design and layout of the proposal.

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

The Local Planning Authority's Supplementary Planning Guidance, relating to new residential development, seeks to achieve high standards of design to ensure that the quality of the environment is retained or wherever possible enhanced. The main aims are to ensure that new developments are well integrated into their surroundings, offering a good standard of amenity to future residents and protect the amenity of existing occupiers.

## **Appraisal:-**

### Principle

As the site lies within the settlement boundary of the village and has been granted planning approval for a detached dwelling, the principle for residential development is well established. Nevertheless, the suitability of the proposed development for the site, in terms of the character of the area, and the design and layout of the scheme needs to be assessed.

### Character of the area

Barton Road consists of large detached dwellings on large plots. The plot of land subject to this proposal reflects an area similar in size, to individual detached dwellings along Barton Road. It is considered that the positioning of a terrace of three dwellings on a plot of this size, in this location, would not sit comfortably within the existing street scene. This would consequently, impact on the character and appearance of the area, to the detriment of the overall street scene and visual amenities of the area.

### Design and Layout

The proposed design and orientation of the terrace is considered to be detrimental to both the visual and residential amenities of the area. The orientation of the proposed terrace means that the east elevation (side elevation) of the property will front Barton Road, providing an unsatisfactory outward appearance to the existing street scene. Whilst the previous application proposed the entrance doors along the south elevation, fronting No. 33 Barton Road, the current proposal now indicates the entrance doors along the north elevation. This has overcome the concerns of the previous submission with regard to the creation of an entrance passage for the three properties, extending along the entire length of the adjacent dwelling. However, there remains concern for the impact of facing windows. It is a requirement of the Local Planning Authority's Supplementary Planning Guidance that the minimum distance between principal facing windows is 25 metres. Additionally, where the window of a habitable room of a two-storey dwelling faces a blank wall, this distance should be a minimum of 14 metres. The proposal indicates both bedroom and bathroom windows fronting the side elevation of No.33. This elevation of No. 33 incorporates a side facing lounge window. The approximate distance between the windows of the new

dwelling and the north elevation of No 33 is 4 metres. Accordingly, although the applicant proposes to use obscured glazing, it is considered that this not only fails to overcome the adverse impact resulting on the neighbouring property but also provides a contrived and unsatisfactory outlook for future residents of the proposed development. Moreover, the windows may still be opening windows.

The overall design of the proposal, incorporating a low level, half hipped roof and long elongated elevations is considered to create an unsatisfactory overall appearance, which is out of keeping with the surrounding properties and consequently detrimental to the visual amenities of this attractive part of Market Bosworth where a high standard of design would be anticipated.

As part of the application the applicant has submitted letters of support for the development of retirement dwellings in the area. It is accepted that the provision of such properties would be beneficial to the area, however, the design and siting of the current proposal does not satisfactorily address the requirements of the relevant plan policies in respect of new residential development.

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

- 1 In the opinion of the Local Planning Authority, by virtue of the design and number of dwellings proposed for the site, the proposed development would present an incongruous architectural feature, detrimental to the character and appearance of the area and overall street scene, and contrary to the intentions of Policies RES5 and BE1 of the adopted Hinckley & Bosworth Local Plan and the Local Planning Authority's Supplementary Planning Guidance relating to new residential development.
- 2 In the opinion of the Local Planning Authority, by reason of its design and orientation, the proposed residential development would have a serious detrimental impact on the amenities of the neighbouring property, contrary to the intentions of Policy BE1 of the adopted Hinckley & Bosworth Local Plan and the Local Planning Authority's Supplementary Planning Guidance relating to new residential development.
- 3 In the opinion of the Local Planning Authority, the lack of any financial contribution to address the increase in pressure placed on the play and open space facilities of the local area by the proposed development would not accord with Government Guidance Circular 1/97, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996-2016, Policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Supplementary Planning Guidance on Play and Open Space adopted October 2002.

**Contact Officer:-** E MacDonald                      Ext 5682

**Item:** 13  
**Reference:** 05/00603/FUL  
**Applicant:** Mr & Mrs C J Woods  
**Location:** 12 Brascote Road Hinckley Leicestershire LE10 0YE  
**Proposal:** ERECTION OF DETACHED DWELLING (AMENDED SCHEME)

**Introduction:-**

This is a full application for the erection of a detached dwelling. The site is triangular in shape and occupies a corner plot off Brascote Road. Approximately fifty percent of the site is hard surfaced and is currently used as a parking area for properties at No 12 and 14 Brascote Road. The site lies within a residential area and is surrounded by a variety of house types. To the east of the site there is a public footpath and an existing row of Ash trees screening the plot from the residential properties on Lawton Close. There is a semi mature Lime tree existing on site, occupying a prominent position in the street scene.

A similar proposal was submitted and refused under delegated powers earlier this year and this proposal seeks to address the reasons for refusal.

**History:-**

05/00328/FUL	Erection of one dwelling	Refused	23.05.05
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**Consultations:-**

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

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

Neighbours notified, four letters of objection received raising the following concerns:-

- i) loss of privacy
- ii) loss of daylight
- iii) the tree screen indicated gives a false impression because the trees are not evergreen and therefore do not have foliage for some of the year
- iv) insufficient distance between windows
- v) loss of open aspect
- vi) precedent
- vii) devalue property
- viii) view of blank wall is an undesirable outlook
- ix) implications for future rear extensions to properties on Lawton Close
- x) conflict with original pattern of development
- xi) road safety
- xii) the site is currently used for a number of vehicles, there are concerns for on street parking.

## **Development Plan Policies:-**

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

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

The Local Planning Authority's Supplementary Planning Guidance, relating to new residential development, seeks to achieve high standards of design to ensure that the quality of the environment is retained or wherever possible enhanced. The main aims are to ensure that new developments are well integrated into their surroundings, offering a good standard of amenity to future residents and protect the amenity of existing occupiers.

## **Appraisal:-**

### Principle

As the site lies within the settlement boundary the principle of developing the plot is considered acceptable. Notwithstanding this, it is necessary to assess the proposal against the relevant plan policies in respect of design and layout and the potential impact on the character of the area.

### Design and Layout

The previous scheme was refused on four grounds, namely: the proposal's relationship with the size of the plot, insufficient provision of information confirming an adequate level of parking, insufficient provision of amenity space and lack of financial contribution. The current proposal has been amended in an attempt to address these issues.

Whilst the overall design of the property has introduced characteristics of nearby dwellings, by incorporating gable and dormer features, it is considered that the size and scale of the proposal is overbearing for the plot. This is particularly relevant when considering its impact on the existing neighbouring dwellings at No12 and 14 Brascote Road. These properties are a pair of semi-detached properties, considerably smaller than the proposed detached property.

The prominent siting of the plot means that any proposed development will occupy a dominant position within the street scene. The siting of the proposed dwelling means that the property will bound the footpath of Brascote Road. This does not complement the open frontage aspect of the remaining street scene and will consequently increase the prominence of the dwelling further.

Whilst the required level of parking has been identified and provided on site, it is apparent that the parking for No 12 and 14 Brascote Road is separated and disassociated from the properties and for that reason is considered to be unsatisfactory.

### Financial Contribution

There would be a requirement to provide a financial contribution of £1,720 in respect of meeting the shortfall of play and open space requirements.

### Conclusion

By reason of design, siting, scale and layout, it is considered that the proposed dwelling results in overdevelopment of the plot and consequently, would occupy an unduly prominent position in the street scene.

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

- 1 In the opinion of the Local Planning Authority the proposed dwelling fails to respect the size and scale of the plot, is overbearing to neighbouring properties and unduly prominent in the street scene. This is contrary to policy BE1 of the adopted Hinckley and Bosworth Local Plan and Supplementary Planning Guidance on new residential development.
- 2 In the opinion of the Local Planning Authority, the lack of any financial contribution to address the increase in pressure placed on the play and open space facilities of the local area by the proposed development would not accord with Government Guidance Circular 1/97, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 - 2016, Policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and Supplementary Planning Guidance on Play and Open Space adopted October 2002.

**Contact Officer:-** E MacDonald                      Ext 5682.

**Item:**                      14

**Reference:**              05/00621/COU

**Applicant:**              Mr P Dhillon

**Location:**              Land Adj Groby Fish Bar Newtown Linford Lane Groby Leicester

**Proposal:**              CHANGE OF USE OF GROUND FLOOR GENERAL STORE TO A CAFETERIA

### **Introduction:-**

The application seeks to change the use of a recently constructed ground floor general store to a cafeteria. The store was granted planning permission in February 2004 and incorporated a flat at first floor. It is positioned to the side of the existing Fish Bar and incorporates dormer windows at first floor level. This application proposes to convert the storage area to a cafeteria; the total floor space is approximately 29 metres squared. The floor area will only realistically enable four tables to be accommodated within the proposed cafeteria. The proposed opening hours are 7.30am to 10.30pm.

The proposal incorporates four parking spaces to the front. It is proposed that two will be for the cafeteria, one for the flat and one for delivery vehicles.

## History:-

03/00908/FUL	Erection of two-storey extension comprising ground floor store and first floor flat with parking	Approved	10.11.03
03/01491/FUL	Erection of two-storey extension comprising ground floor store and first floor flat with parking (amended scheme)	Approved	12.02.04

## Consultations:-

Groby Parish Council objects on the following grounds:-

- a) insufficient parking
- b) detriment to highway safety
- c) width of proposed parking spaces
- d) potential to use parking spaces for take-away not cafeteria
- e) opening hours too long
- f) noise nuisance.

Groby Village Society raise concerns regarding the length of proposed opening hours, the number of additional traffic movements, and the lack of parking provision.

No objection has been received from:-

Friends of Charnwood Forest  
Head of Health and Environment Services  
Director of Environment and Heritage Services  
Director of Highways, Transportation and Waste Management.

At the time of writing this report, no response has been received from National Forest.

Neighbours notified, 18 letters and two petitions with 28 signatures have been received raising the following concerns:-

- a) noise and disturbance
- b) insufficient parking
- c) traffic congestion
- d) detriment to highway safety
- e) the use will attract anti-social behaviour
- f) opening hours
- g) collection of rubbish
- h) additional odour
- i) destroy the conservation heritage of the village
- j) no need for café in village.

## Development Plan Policies:-

The site is located within Groby settlement boundary; the Conservation Area and National Forest. Policy BE1 provides the basis for assessing the design and siting of development and seeks to ensure a high standard of design, to secure attractive development and safeguard and enhance the existing environment.

Policy BE7 seeks to provide development that would preserve, or enhance the character and appearance of the Conservation Area. Policy NE21 provides the basis for assessing



proposals in the National Forest along with Policies NE22, NE23 and NE24 that provide guidance for implementation and future maintenance and management of planted areas.

Supplementary Planning Guidance: Shopping and Shop Fronts, Part 3 gives guidance regarding Food and Drink Establishments. This provides that existing premises that are seeking to expand will be acceptable where there will be no harm to nearby residential properties and where there will be no adverse impact on the retail balance. Furthermore, it recommends that the highway considerations are taken into account when evaluating the proposal. Policy T5 provides guidance for vehicle parking standards and development that impact upon the use of the highway.

## **Appraisal:-**

### Policy

The proposal to convert the general store to a cafeteria when assessed against the above policies is considered to be acceptable in principle providing there are no adverse impacts on the amenities of the occupiers of neighbouring properties and the parking provision is considered to be satisfactory.

### Impact on Neighbours

Concerns have been raised that the proposed use will have a detrimental impact on the occupiers of the neighbouring properties through noise and disturbance, anti-social behaviour, rubbish and odour.

The cafeteria proposed is small in nature with room only for approximately four tables, each seating 6 customers. The hours proposed are 7.30 am to 10.30 pm, and concern has been raised by consultees regarding the length of time that the cafeteria would be open to the public. The size of the cafeteria would not attract a considerable number of customers each day, however the proposed opening hours are considered to be excessive bearing in mind the proposed use and the proximity to nearby residential properties. The Head of Health and Environment has considered the proposal and has raised no objections. It is considered unlikely that the proposal would result in a significant number of additional customers that would create an unacceptable level of noise, disturbance and odour to the occupiers of neighbouring properties. Furthermore, it is considered that a cafeteria will not attract anti-social behaviour or rubbish to the area.

It is considered that the opening hours should be restricted further. The Fish Bar currently opens at 12 noon with the latest closing time being midnight on Friday and Saturday. However, it is considered that the nature of a cafeteria is completely different to a hot food takeaway and appropriate hours for the cafeteria would be 12 noon to 8.00 pm Monday to Saturday with the cafeteria not opening on Sundays or Bank Holidays. This will tie the opening of the cafe with the Fish Bar but will require the cafe to close at a time in the evening when ordinarily residents are settling down for the evening.

### Highways

Concerns have been raised that the proposal will result in additional traffic which will in turn cause dangers to road users, with cars parking inappropriately and pulling out onto the highway at an already dangerous junction causing accidents and congestion.

The size of the proposed cafeteria is unlikely to result in a significant number of additional customers. The proposal incorporates four parking spaces to the front, one of these allocated to the flat, and three to the cafeteria. There are double yellow lines to the front of the premises and various parking areas within the vicinity of the site. It is considered that the level of custom likely to be attracted to the cafeteria, the provision of three spaces to the

front of the premises, the availability of parking within the village and the closeness of the site to the village centre would make it difficult to sustain a refusal of planning permission on highway grounds.

#### Other issues

With regard to the proposal destroying the conservation heritage of the village, it is considered that as the building has already been constructed and the use is not one that would detract from the character of the area nor the conservation heritage of the village.

Finally, the need for a cafeteria has been raised. The Groby Village Society has stated that the Groby Parish Plan showed support for a cafeteria in the village, however they feel the location of the proposed cafeteria is inappropriate. The Groby Parish Plan is still in its early stages and adoption is not likely until later this year.

For the reasons discussed above it is considered that the location of the proposed cafeteria is acceptable and would not cause harm to the amenity of the occupiers of neighbours, road safety or the character of the village.

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

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

- 1 The development hereby permitted shall be begun within five years from the date of this permission
- 2 Before the development hereby permitted is brought into use the ground floor window located on the north elevation of the building shall be rendered incapable of being opened.
- 3 The hall cafeteria shall not be open to the public outside the following times:- 12 noon to 7.30 pm Monday to Saturday.
- 4 The proposed cafeteria shall not be sold, let or disposed of otherwise in conjunction with the main take-away business and flat (The Groby Fish Bar, 1 Newtown Linford Lane, Groby).
- 5 Before the development hereby permitted is brought into use the parking area to the front shown on drawing no. 0211/2.10 shall be hardsurfaced in tarmac and the bays marked out with one being retained for use by the residents of the flat above, and thereafter retained for such purposes.
- 6 No gates shall be erected to the vehicular access.
- 7 Before first use of the development hereby permitted, a 2.0 metre by 2.0 metre pedestrian visibility splay shall be provided on the highway boundary on both sides of the access where in the applicants control, with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity.

#### **Reasons :-**

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2-4 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

- 5 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 6 To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 In the interests of pedestrian safety in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 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).

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

**Item:** 15

**Reference:** 05/00622/COU

**Applicant:** A H Oliver

**Location:** Vine House Farm Shenton Lane Upton Nuneaton, Warwickshire  
CV13 6LA

**Proposal:** CHANGE OF USE FROM FARM BUILDING TO B2 INDUSTRIAL

**Introduction:-**

This is an application for the change of use of an existing farm building to B2 General Industrial Use. The farm building is located close to Vine House Farm but is not owned or used by Vine House Farm and is actually part of the agricultural holding of Home Farm, located off Main Road in the centre of Upton.

The application site measures 482 square metres and is restricted to the farm building itself. No external alterations are proposed at this stage, although the applicant has stated that the industrial operations would involve the cleaning and paint spraying of lorries. It is likely that changes to the building itself would be required to accommodate this type of use.

Information provided by the applicant indicates that the current use of the building is grain storage. The proposed use is likely to operate 6 days a week from 8am to 5.30pm. The number and type of vehicles to visit the site (excluding employees cars) are 2 cars, 1 light van per day and 1 lorry (unladen) every other day. The number of employees is 5/6 and the proposal would involve the storage of paint and thinners.

**History:-**

None relevant.

## **Consultations:-**

No objections have been received from the Borough Council's Land Drainage Consultant.

Head of Health and Environment Services has raised concerns in regard to a B2 use on this site owing to the proximity to neighbours and the potential for noise nuisance. The use has the potential to cause local air quality issues. These issues would be dealt with by this department and would require extraction stacks on the building to a height to be determined by appropriate calculation. Any B2 use could be operated from the site and this causes great concern due to the potential for noise nuisance.

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

Neighbours notified, eleven letters have been received raising the following concerns:-

- a) the building is not associated with Vine House Farm
- b) Shenton Lane is unsuitable for industrial traffic
- c) the proposal will alter the tranquil atmosphere of the village
- d) Shenton Lane is only 3.3 metres wide with no footpath or adequate street lighting
- e) agricultural vehicles have difficulty entering the site now
- f) the building is only 5 metres from the boundary and will not provide adequate noise insulation from the equipment
- g) potential pollution of land and air with the by products produced from the industrial activities and overspill of vehicles
- h) a factory is totally unacceptable in a purely rural community
- i) surely there are enough empty industrial units in the area without spilling out into the countryside?
- j) a cleaning and spraying operation will cause major health worries
- k) the use would be a major hazard to the environment causing air and noise pollution
- l) the use would devalue properties in the local area by a considerable amount
- m) access to the building is extremely difficult
- n) the impact on amenity has not been adequately addressed by the applicant and the application needs to be accompanied by expert reports
- o) the application form has not been accurately completed
- p) additional information should be provided in the form of transport assessment, plans and documents, noise impact assessment, environmental statement and landscaping statement
- q) the proposal is contrary to policy NE5 and T11, provisions of PPG4 and PPS7
- r) the proposed change of use results in a significant intensification in level of activity on the site that is inappropriate in this unsustainable rural location
- s) the current sewage system is totally inadequate - would it be necessary for any waste to drain into the present system?
- t) increased use of roads in Upton by industrial traffic would significantly increase the risk of accidents
- u) the location is very much considered an amenity area for both the local population and for visitors to the village
- v) a family of barn owls is nesting in the outbuildings adjacent to the proposed site.

## **Development Plan Policies:-**

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

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 a detrimental impact on the countryside.

Planning Policy Guidance Note 24 requires the Local Planning Authorities ensure that development does not cause an unacceptable degree of disturbance. Noise characteristics and levels can vary substantially according to their source and the type of activity involved.

Policy NE5 aims to protect the countryside and only permit development where it is either important to the local economy, cannot be provided within/adjacent an existing settlement, change of use/reuse of buildings of historic value or for sport or recreational purposes. The development should not pose a detrimental impact on the landscape, should be in keeping with existing buildings and be effectively screened, and will not generate traffic likely to impact on road safety. BE20 stipulates a number of criteria by which proposals in the countryside should adhere to. The proposed use should not adversely impact on the appearance and character of the landscape or building for conversion. Conversion of the premises is only possible by significant adaptation and rebuilding, future occupiers should not be affected by existing activities nor should the proposal impact on a protected wildlife habitat. The proposal should not affect Highway Safety and should comply with Highway criteria. The proposal should not include significant areas of external storage. NE10 identifies areas of local landscape improvement and any development proposals within the improvement area should include comprehensive landscaping proposals.

## **Appraisal:-**

### Policy Considerations

The applicant has not submitted details on whether there is a demand or need for the development, nor whether it can be provided in adjacent settlements. As the application indicates the use for cleaning and paint spraying lorries, it is likely that the applicant already has a business interested in using the building indicating there is potential for demand. However, this does not necessarily mean that other commercial businesses would likewise have a demand or need for the building.

The building is not of historic value, although it is not clear what alterations may be required to the building to accommodate the use.

Potential alterations could include the addition of extraction system, flues, alternative materials etc. This being the case, it could have a detrimental impact on the visual amenity of the area.

The proposed use is considered likely to have an adverse impact on the character and appearance of the landscape and adjacent properties. Not only is this in regard to external alterations to the building itself but also what may be kept outside. For example employees cars, delivery vehicles, lorries to be painted, skips, storage, materials etc. The operations of a business at the site are likely to have a material change to the appearance of the application site, out of keeping and inappropriate to the countryside location.

The applicants have not identified any protected wildlife habitats within the application site.

No details have been submitted in regard to the structural condition of the building. Although, clearly some adaptation would be needed to utilise the building for an alternative use, the adaptation is likely to alter the form and general design of the building. External storage is not proposed at this time but would most likely be required for any B2 use, not solely for the cleaning and paint spraying of lorries.

### Environmental Considerations

The application site is quite open, particularly to the north and west. There is a hedge that runs along the road frontage while to the south are residential dwellings within 8 metres of the barn in question. No further screening has been proposed to reduce the impact of the proposal that has the potential to have a detrimental impact on the character and appearance of the landscape.

With regard to potential environmental impact and nuisance to adjacent residential property, Health and Environment Services have raised concerns that there is a real potential for any B2 use, not just the specific one proposed, to have a detrimental impact on the adjacent properties.

Many objections have been raised in regard to noise, traffic, air pollution and impact on health by the proposed operations. Air pollution and any health implications have not been raised as concerns to Health and Environment Services. It is considered that the reason for this is that a use, such as the proposed, would be required to meet specific guidelines to prevent air pollution or health implications, prior to occupation. For example, these guidelines may require the erection of extraction flues, internal cladding etc. before the use could commence to maintain the company's compliance with all regulations.

### Highway Considerations

Some concern has been raised over the location of the proposal and the sustainability of Shenton Lane for use by large vehicles such as HGV's and large vans. However, the existing/previous use of the site had similar types of large vehicles such as tractors and lorries (for transporting grain etc). Therefore the Highway Authority is not in a position to demonstrate that the proposal is likely to result in a significant increase in use of Shenton Lane.

A personal consent could ensure that the scale and nature of the industrial use does not significantly change, therefore the vehicle movements would not significantly increase.

It was apparent at the site visit that the grass verge opposite both vehicular accesses securing the proposed developments site had some evidence of overriding occurring from vehicles turning in and out of the accesses. An increase in the number of vehicles visiting the site will require the submission of details for a scheme for the widening of Shenton Lane at these points.

If the application had been recommended for approval a number of conditions would be necessary.

### Other Considerations

Impact on property value is not considered to be a material planning consideration.

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

- 1 In the opinion of the Local Planning Authority, the proposal would form an unwarranted and unacceptable industrial development intruding into the open countryside with a consequential loss of visual amenity. Therefore the proposal is contrary to policies NE5 and BE20 of the adopted Hinckley and Bosworth Local Plan.
- 2 In the opinion of the Local Planning Authority, the proposal would be detrimental to the amenities of adjacent residential properties by reason of noise and therefore is contrary to policies BE1, NE5 and BE20 of the adopted Hinckley and Bosworth Local Plan.

**Contact Officer:-** K Burnett Ext 5898.

**Item:** 16

**Reference:** 05/00701/FUL

**Applicant:** Chase Homes Eastern

**Location:** Lehigh 18 Main Street Carlton Nuneaton, Warwickshire CV13 0BZ

**Proposal:** ERECTION OF FIVE DWELLINGS

**Introduction:-**

Members will be aware of a similar application that was submitted and approved for the site of 18 Main Street Carlton on 23rd January 2004. Following this, the developer found some discrepancies with the details approved, and submitted revised details to rectify these, and to discharge condition 6 of planning permission 03/00244/FUL. The approved changes included the removal of the existing ground floor slabs to Plots 1, 4 and 5, and their reinstatement at 400mm lower (Plots 1 and 5) and 200mm lower (Plot 4). As a result all five dwellings have the same finished floor level, which the developer considers to be in accordance with the originally approved drawings. These changes (known as option A) were approved by committee on 14 June 2005. Notwithstanding this decision, the applicant has decided to pursue the opportunity of amending the scheme to pursue the details previously identified as Option B. This option includes minor amendments to reduce ridge heights, as well as alterations to doors and windows to reduce the impact on neighbours' amenities.

**History:-**

03/00244/FUL	Demolition of existing dwelling and erection of five dwellings with associated garaging and access.	Approved	23.01.04
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**Consultations:-**

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

Severn Trent Water  
Environment Agency  
Head of Health and Environment Services.

No comments had been received at the time of writing this report from Director of Highways, Transportation and Waste Management.

Parochial Church Council state that it is disappointing that the roof levels have not been significantly reduced and that the views of the Church from the street will be spoiled and the street scene significantly altered.

Parish Council have verbally raised no objection to option B.

## **Development Plan Policies:-**

The site lies in the western part of Carlton village within the settlement boundary as defined in the adopted Hinckley & Bosworth Local Plan.

Policy RES5 assesses residential proposals for development on unallocated sites, whilst Policy BE1 seeks to ensure high quality in new development and that proposals complement the surrounding area, provide safe access arrangements and adequate off-street parking provision, do not adversely affect neighbouring properties and ensure an adequate degree of privacy and amenity.

Policy BE5 aims to safeguard the setting of listed buildings and Policy T5 seeks to apply the County Council highway standards and parking targets when considering new development.

Further guidance is given in the Local Planning Authority's Supplementary Planning Guidance on new residential development and design statements.

## **Appraisal:-**

The principle of demolishing the existing dwelling and erecting five dwellings with associated garaging and access has already been established and approved. Notwithstanding the details approved at Planning Committee on June 14th 2005 and discharge of condition 6, the developers insist that the approved planning drawings are not a wholly accurate interpretation of the site and surrounding properties are, therefore, misleading in their depiction of the true relationship of the new development to neighbouring dwellings. Accordingly, additional plans submitted by the developers show the differences between the approved levels and ridge heights and those as intended to be built.

The current application reflects the details previously considered as Option B. This application takes consideration of local residents' and the Parish Council's concerns in respect of the previously approved details. The proposal is to make minor amendments to the ridge heights, in addition to alterations to doors and windows. It is considered that the current application proposes to amend the scheme to improve the overall development by improving the street scene and reducing the impact on the neighbouring properties.

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

**SUMMARY OF DECISION** - The proposal is in conformity with Policy/Policies BE1, BE5, RES5, NE12, NE17 and T5 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 Representatives samples of the types and colours of all materials to be used on the external elevations of the residential units and garaging, including details of all types of fenestration, shall be deposited with and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A-E & G, Part 1 and Class A, Part 2 of Schedule 2, Article 3 to the Order shall be carried out without the prior written consent of the Local Planning Authority.
- 3 Before development commences, a scheme of hard and soft landscaping shall be submitted to and approved by the Local Planning Authority and shall, as part of a detailed



schedule, indicate the treatment proposed for all ground surfaces, including parking areas and boundary details, including gates, walls and fences, as well as the disposition of all proposed trees, shrubs and bushes. These details shall also include the following: species of tree, shrub and bush, trunk diameter and height of tree, unless otherwise agreed in writing with the Local Planning Authority. The scheme shall include the retention of the hedges along the northern, eastern and western edges of the site and the erection of a 1.8 metre high wall or fence along the western edge of the site between the front of No. 14 Main Street and the rear boundary of plot 3, where there is currently no hedge, and shall be retained at all times in the future unless otherwise agreed in writing with the Local Planning Authority.

- 4 The approved 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.
- 5 The development hereby permitted shall not commence until drainage works for the disposal of surface water have been carried out in accordance with details submitted to and approved by the Local Planning Authority in writing.
- 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 trapped gullies with an overall capacity compatible with the site being drained.
- 7 The landfill gas monitoring report prepared by Ground Investigation Specialists Limited dated 27th November 2002 shall be fully implemented in accordance with the recommendations made.
- 8 Any proposed vehicular access gates shall be set back a minimum distance of 5 metres from the highway boundary and shall be made to open inwards only.
- 9 Before the development is brought into use a vehicular turning space shall be constructed within the curtilage.
- 10 The access shall be surfaced in tarmacadam or similar bound materials for the first 5 metres behind the highway boundary before the first dwelling is first occupied.
- 11 Before the first dwelling is occupied the gradient of the access for the first 5 metres from the highway boundary shall not exceed 1 in 20 unless otherwise agreed in writing with the Local Planning Authority.
- 12 Before the first dwelling is occupied drainage shall be provided within the site such that surface water does not drain into the public highway and shall be retained thereafter.
- 13 Before the first dwelling is occupied the shared private drive shall be a minimum 4.25 metres wide for a distance of at least 5 metres from the highway boundary unless otherwise agreed in writing with the Local Planning Authority before development commences.
- 14 The existing vehicular access shall be closed permanently within one week of the new vehicular access being brought into use and the existing vehicular crossing reinstated to the satisfaction of the Local Planning Authority.

**Reasons :-**

- 1 To ensure that the development has a satisfactory external appearance to accord with policy BE1 BE5 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 2 To safeguard amenities of neighbouring properties to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 3 To enhance the appearance of the development to accord with policy BE1 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 4 For the avoidance of doubt.
- 5 There would appear to be no public surface water sewers available within the vicinity of the site to serve this development.
- 6 To avoid water pollution.
- 7 To ensure the site is safe and suitable for residential development to accord with policy NE17 of the adopted Hinckley & Bosworth Local Plan.
- 8 To enable a vehicle to stand clear of the highway whilst the gates are opened to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 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 adopted Hinckley and Bosworth Local Plan.
- 10-14 In the interests of road safety to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 1991 for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 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.
- 3 The applicant's attention is drawn to the comments made by the Environment Agency attached to this decision notice.
- 4 All works within the limits of the Highway with regard to the accesses shall be carried out to the satisfaction of the Western Divisional Surveyor (Tel. Ashby 414151).

**Contact Officer:-** N Wright Ext 5605.