

**REPORT P31**

**PLANNING COMMITTEE**

**06.09.2005**

**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:** 05/00589/FUL  
**Applicant:** Mr Dave Hill  
**Location:** 113 Main Street Ratby  
**Proposal:** RESIDENTIAL DEVELOPMENT FOR 12 NO DWELLINGS

**Introduction:-**

This is a full application for planning permission for 12 dwellings in the village of Ratby. The application site fronts onto Main Street but it also borders the rear gardens of properties in Whittington Drive and Saxons Rise. The southern boundary of the application site also borders the gardens of properties, which front onto Main Street and Stamford Street.

The application site currently comprises a detached 1960's style bungalow within extensive gardens close to the village centre and is approximately square with the existing bungalow being set at an oblique angle in the centre of the plot. The southern boundary of the site is close to the boundary of the Ratby Conservation Area. The levels within the application site vary with lowest land being situated towards the plots Main Street frontage and the sites southern boundary which is closest to the Conservation Area. The site levels rise upward towards the plots boundary with properties in Saxons Rise and Whittington Drive. There are views, looking south-eastward, of the listed St Philips and St James Church, which is in the Ratby Conservation Area. The site also offers views over the Conservation Area.

The application proposes the dwellings to be sited in two main blocks, six to the rear of the site in a terrace form and six to the front, five in terrace form and one detached with the access located between.

In justification of the proposal the applicant has submitted a design statement in which it is maintained that the aim of the scheme is to provide smaller, more affordable housing with dedicated parking and amenity spaces, which reflects the village core. Revised plans have been submitted that alters the appearance and style of the dwellings.

**History:-**

04/00067/OUT Erection of 10 dwellings and associated access Approved 12.11.04

**Consultations:-**

No objections have been received from:-

Head of Health and Environment  
National Forest  
Leicestershire Constabulary, Crime Reduction Officer.

No objection subject to conditions have been received from:-

Land Drainage Engineer  
Severn Trent Water  
Director of Environment and Heritage Services (Archaeology).

No comments have been received at the time of writing the report from the Environment Agency.

The Director of Highways, Transportation and Waste Management raises no objection subject to conditions but comments that as the access and parking does not meet expected standards the Highway Authority would not consider adoption of the road.

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

- Environmental Manager - a large number of mature trees are present on the site this should be surveyed and retained if necessary.
- Director of Education - As the local high and upper schools are full and forecast to remain so there is a requirement for the developer to make a financial contribution of £17,124 towards Brookvale High School and £17,508 towards Groby Community College, these total at £34,632.
- Head of Commercial and Support Services - Based on the scheme for 12 dwellings a contribution of £620 towards the cost of books and other materials is required, this would be spent over a period of 12 months.
- Director of Highways, Transportation and Waste Management - There is no requirement for a contribution towards Civic Amenity Site Infrastructure.
- Natural Life Project officer - Due to demolition of built structure potential bat roost sites are being destroyed. It is recommended that the developer incorporates bat bricks and boxes into the design of the new properties and to plant native trees, common to the area, on site to establish feeding grounds for the bats.

The Borough Council's Arboriculture Consultant comments the trees fronting Main Street are composed principally of diseased Elm and poor quality Sycamore none of which are considered worthy of retention. The trees on the site consist mainly of fruit trees, none of which have any particular amenity value. There is a pair of trees on the southern boundary, a Lime and a smaller Field Maple, which are considered to be worthy of retention; the Lime in particular provides good screening to the site. It may also be worth retaining some of the Conifer screening on the boundary to the west of the site.

Ratby Parish Council objects on the following grounds:-

- a) overdevelopment
- b) out of character
- c) dominant development detrimental to the appearance of the area
- d) poor access thus creating highway dangers

Ratby Village Society objects on the following grounds:-

- a) development is bland
- b) out of character
- c) detrimental to visual appearance of Main Street
- d) impact of additional traffic.

Ratby Local History Group objects on the following grounds:-

- a) out of character
- b) impact on conservation area
- c) location of access
- d) proximity of dwellings to road frontage
- e) height of proposed dwellings
- f) loss of trees and trees to the west of Main Street
- g) adverse impact on the amenity of existing residents

Neighbours notified, 8 letters and a petition containing 164 signatures have been received raising the following concerns:-

- a) out of character
- b) adverse impact on conservation area and approach to village
- c) loss of green area
- d) overdevelopment
- e) impact on highway safety through increase in traffic
- f) parking area in close proximity to habitable rooms giving rise to noise and disturbance
- g) potential harm to wildlife habitat
- h) devalue property in vicinity of site
- i) potential for land erosion
- j) impact of three storey dwellings in street scene

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

The site is within the settlement boundary for Ratby as defined in the adopted Hinckley and Bosworth Local Plan. The site is also adjacent the Ratby Conservation Area as defined in the adopted Hinckley and Bosworth Local Plan for the area.

Policy RES5 allows for new residential development within the settlement boundary subject to siting, design and layout of proposals not conflicting with other relevant policies of the plan.

Policy BE1 requires a high standard of design in order to secure attractive development and 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 BE14 seeks to ensure that, where required, the field evaluation of the archaeological remains of sites are assessed prior to the determination of an application.

Policy T5 aims to ensure that the development has adequate parking and access.

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:-**

##### Principal

The site is located within the settlement boundary of Ratby where residential development is looked upon favourably providing there is no adverse impact on the amenity of neighbours, character of the area and highways. Members will recall planning permission was granted on the site for ten dwellings in 2004, therefore the principal of developing this site with multiple dwellings has already been accepted. Concerns have been raised regarding the loss of the open green area by developing a plot that currently is very open and green. Policies in the Local Plan protect open spaces where they are identified as

making a contribution to the special character of the settlement, this site is not one identified as such.

### Highways

Concerns have been addressed regarding highway safety. The Director of Highways, Transportation and Waste Management has not objected to the proposal, but has suggested conditions and stated they do not intend to adopt the road. It is considered that adequate parking is available across the site and the access requirements can be achieved therefore the proposal will not, it is considered, have a detrimental impact on highway safety.

### Density

The application site measures 2850 squared metres. To develop this with 12 dwellings would result in a density of 42 dwellings per hectare (dph). National Policy suggests between 30 and 50 dph, it is therefore considered that the density proposed is in line with national policy and does not constitute overdevelopment of the site. It is accepted that the character of the area also needs to be considered when considering whether the proposed density is appropriate, this will be considered later in the report.

### Form and Design

The site sits within an area that is mixed in terms of design and style. Ratby village comprises a variety of dwellings both large and small. The application site currently comprises a large detached dwelling in spacious gardens. The application proposes to develop the site with 12 dwellings, 11 of which are in two terraced blocks, one to the site frontage and one to the rear of the site. It is considered that the form of development whilst not necessarily the same as development immediately surrounding the site, is in character with the style of development within Ratby village. Policy requires proposed development to complement or enhance the character of the surrounding area, and does not state that it should replicate the adjoining development. Furthermore, National Policy requires a mix of development within an area to provide choice. It is considered that the site lends itself to smaller properties that take advantage of the topography of the site. The development proposed is considered typical of the style of development found in older settlements which tend to form part of the character that contributes to a Conservation Area. The site does not sit within the Conservation Area but is located close to the edge of it, the proposed built form along the street frontage is considered to add to the character of the area bringing a sense of place to the existing street scene and thus adding to the entrance to the Conservation Area. It is considered that the design of Unit 12 could be improved to provide a transition between the existing development and the proposed, as such it is proposed to condition further details of this unit to be submitted prior to commencement of development.

Whilst the development comprises three storey properties on the street frontage, the height of these is 9.4m which is not considerably higher than a standard two storey dwelling. The dwellings will appear two storey from the front and therefore will not be dominant within the street scene or have an adverse impact on the character of an area that essentially comprises two storey dwellings.

### Residential

The site varies considerably in levels and therefore careful consideration has been given to the development of the site to ensure that the proposed dwellings take advantage of the topography whilst not having an adverse and detrimental impact on the amenity of the residents adjoining the site.

No 111 Main Street comprises a bungalow set back from the road, it is located level with the rear boundary of the application site. Due to the site levels and the form of development both existing and proposed it was necessary to position the proposed dwellings away from the southern boundary of the site. There is a distance of approximately 20 metres between the corner of No 111 and the side of the proposed Unit 1, furthermore there are no windows proposed at first floor on the side elevation facing No 111. The area between the existing and proposed dwellings consists of garden and parking area. The amenity of the No 111 can be further protected through careful consideration of the boundary treatment to the southern boundary. It is suggested that the boundary treatment to this part of the site is a wall.

Concerns have been raised regarding the potential for overlooking however the distances between proposed and existing dwellings across the site has been assessed and it is considered that they comply with policy. Furthermore substantial existing boundary landscaping reduces the possibility for overlooking.

#### Landscaping and Boundary Treatment

The site currently comprises substantial landscaping on the boundaries. The west and north boundaries comprise established conifer hedging. The boundary treatment is yet to be agreed but it is proposed this can be conditioned to be agreed prior to development commencing. On the southern boundary there are two trees; a Lime and Field Maple both of which are particularly worthy of protection it is therefore proposed that these are protected by a Tree Preservation Order. Along the eastern boundary there are substantial trees however these consist principally of diseased Elm and poor quality Sycamore none of which are considered worthy of retention, these are in the ownership of the Highway Authority who have been approached by the applicant in terms of the potential to tidy them up. Across the site there are a variety of fruit trees, none of which have any particular amenity value.

#### Financial Contributions

The application proposes 12 residential units therefore contributions towards the provision of infrastructure and facilities should be made. The contributions required for this scheme are £2,886 per dwelling towards Education; £1,850 per dwelling towards Play and Open Space; and a total of £620 towards Library Facilities. The applicant has agreed to enter into a legal agreement to secure payment of these contributions.

**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 provide financial contributions towards play and open space, libraries, and education, 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 Policies BE1; RES5; BE14; T5; REC2; REC3 and IMP1 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 revised by amended plans 05025.02A; 05025.03A; 05025.04A; 05025.05A; 05025.06A; 05025.07A; 05025.08A; and 05025.10A received by the Local Planning Authority on 18th August 2005.

- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 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.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no window other than those approved under this permission shall be inserted into the gable end elevations of Units 1, 6, 7, 11 and 12 unless otherwise agreed in writing with the Local Planning Authority.
- 6 Notwithstanding the details submitted further details of the front elevation of Unit 12 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, unit 12 shall be implemented in accordance with the approved details.
- 7 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - (i) proposed finished levels or contours
  - (ii) all boundary treatment
  - (iii) car parking layouts
  - (iv) other vehicle and pedestrian access and circulation areas
  - (v) hard surfacing materials
  - (vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
  - (vii) 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.
- 8 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 9 No development shall take place until details of measures to be taken to prevent the deposit of materials, i.e. mud from vehicles leaving the site during construction works being deposited on the public highway, have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be retained and fully implemented for the duration of the construction period.
- 10 The gradient of the access drive shall not exceed 1:12 for the first 7 metres behind the highway boundary.

- 11 No gates shall be erected to the vehicular access.
- 12 No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.
- 13 The driveways, access and turning areas shall be surfaced with tarmacadam, or such other hardbound materials as may be previously agreed in writing with the Local Planning Authority and made available before the development is brought into use and kept available for such use at all times that the site is in use.
- 14 Prior to occupation of any dwelling hereby permitted the parking layout shown on drawing number 05025.02A received by the Local Planning Authority on 18 August 2005 shall be provided and marked out and thereafter retained in perpetuity.
- 15 Any shared private drive off the shared surface road serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the highway boundary and have 6 metres kerbed radii at its junction with the adopted road carriageway. Such shared drive once provided shall be so maintained at all times.
- 16 Prior to commencement of development full details of the drainage works for the disposal of both surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall incorporate sustainable drainage principles and an assessment of the hydrogeological context of the development. The development shall subsequently be implemented in accordance with the approved details before the development is completed.
- 17 No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, commencing with an initial stage of exploratory trial trenching. This work shall be conducted in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.
- 18 The existing vehicular access shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossings reinstated to the satisfaction of the Local Planning Authority in consultation with highway Authority.
- 19 Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.
- 20 No part of the development hereby approved shall be occupied until visibility splays of 2.4 metres by 70 metres shall be provided at the junction of the access with Main Street, and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays

**Reasons :-**

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To define the permission.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4&5 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.



- 6 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 7 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 9&10 In the interests of road safety to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 11 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 12 To ensure that an adequate line of vision is available in the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 13 To ensure that adequate off-street parking and turning facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 14 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 15 To enable vehicles to pass within the site, clear of the public highway in the interests of road safety to accord with Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 16 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 17 To ensure satisfactory archaeological investigation and recording to accord with Policy BE14 of the adopted Hinckley & Bosworth Local Plan.
- 18 To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.
- 19 In the interests of road safety to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 20 To ensure that an adequate line of vision is available in the interests of road safety to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 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 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).
- 5 The site is a potential bat roost, therefore the developer should incorporate bat bricks and boxes into the design of the new properties and plant native trees, common to the area, on site to establish feed grounds for the bats.
- 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.

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

**Item:** 02

**Reference:** 05/00652/REM

**Applicant:** Mr B Singh

**Location:** Well Lane Service Station Upper Bond Street Hinckley

**Proposal:** DEMOLITION OF EXISTING BUILDING ERECTION OF 14 NO 1 AND 2 BEDROOM FLATS AND ASSOCIATED CAR PARKING

**Introduction:-**

This reserved matters application is for the erection of 14 No.1 and 2 bedroom flats with associated car parking. The outline application was granted permission on 30/12/03 subject to a Section 106 Agreement to provide financial contributions towards off-site public open space and the local educational infrastructure. No reserved matters were considered at that stage.

The proposal is for the erection of one building incorporating 6 one-bedroom flats, 6 two-bedroom flats and 2 split level two-bedroom flats over three and half storeys. Car parking will be provided at ground floor level accessed off Well Lane, with 100% off road parking provision. As the site slopes up from west to east the proposed building from Upper Bond Street will rise from 8.5 to 9.0 metres at eaves level and 13.2 to 13.7 at ridge level.

The site lies within an area of mixed uses, with a relatively new residential three-storey flat development to the west, a Cantonese restaurant to the south, funeral directors to the north and a large private car park to the east with Victorian terraced properties beyond.

The front elevation shows 3 projecting gables with bay windows to all 3 floors, the ground floor provides 2 entrances into the building and 2 entrances into the carpark. The rear elevations shows 2 projecting gables with dormer windows to the third floor. First and second floor flats will benefit from balconies, whilst ground floor flats will have their own private gardens.

**History:-**

96/00132/FUL	Extension to form additional workshop bay	Approved	02.05.96
03/00492/OUT	Residential development with associated works	Approved	30.12.03

## **Consultations:-**

No objections have been received from:-

Land Drainage Engineer  
Director of Highways, Transportation and Waste Management  
Leicestershire Constabulary Crime reduction Officer  
Director of Environment and Heritage Services (Archaeology)  
Environment Agency.

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

Severn Trent Water  
Head of Health and Environment Services.

Neighbours notified, 1 letter received raising the following concerns:-

- a) The likelihood of future residence complaining about the noise and fumes emitted from the existing neighbouring Cantonese restaurant
- b) The possibility of the new building obstructing the public's view of the restaurant from the road which could fundamentally alter the presence of the restaurant causing customer dissatisfaction.

## **Development Plan Policies:-**

### Structure Plan Policies

Housing Policy 5 of the Leicestershire, Leicester and Rutland Structure Plan 1996-2016 adopted 7th March 2005 seeks to achieve a mix of housing types and design with a minimum density of 40 dwellings per hectare in town centre locations. Strategy Policy 10 encourages the promotion of good design in development schemes.

### Local Plan Policies

The site lies relatively close to the northern edge of the Hinckley and Bosworth Town Centre and Druid Quarter Conservation Area as designated in the Hinckley and Bosworth Local Plan. The area is subject to Policies EMP1 (b) and EMP7 of the Hinckley and Bosworth Local Plan, which generally supports business uses in such locations, subject to them being compatible with adjoining uses. However, residential development may be viewed favourably, subject to design, density, scale and layout being satisfactory and the scheme meeting the criteria set out in the Borough Council's Supplementary Planning Guidance and policies such as BE1 and RES5.

Policy RES5 assess residential proposals for development on unallocated sites, whilst Policy BE1 seeks to ensure high quality in new development and the proposals complement the surround 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 T5 seeks to apply the County Council Highway standards and parking targets when considering new development.

The site lies within the Druid Quarter Masterplan area and is a site that has been identified for possible development for new build. However, no design brief has been prepared specifically for this site.

## Appraisal:-

The application submitted seeks approval of reserved matters following outline consent. The outline application sought permission for the principle of residential development only, although, indicative plans were submitted similar to this reserved matters scheme indicating that 14 residential units were proposed for the site.

The outline consent was subject to an agreement under Section 106 of the Town and Country Planning Act 1990, which required payment of financial contributions towards play and open space and education facilities. The contributions required are £1,225.00 per 2 bedroom dwelling for education, totalling £9800 and £1720.00 per dwelling for play and open space, totalling £24,080.

Planning Policy Guidance 3 'Housing' welcomes the reuse of previously developed land in order to promote both regeneration and minimise the amount of greenfield land being taken for development. The more efficient use of the land by increasing housing densities, is strongly argued, whilst acknowledging that imaginative designs and layouts improve the quality and attractiveness of residential areas. The application site is approximately 0.07 hectares with the net density equating to approximately 200 residential units.

The plans submitted provide attention to detail in the fenestration treatments and architectural features of the proposed flats which reflects the character of some of the older properties in the area, particularly Upper Bond Street and Well Lane elevations. In addition, the more contemporary twist in design on the rear elevation is considered creative, which further adds to the character of the area.

Concern was raised at outline stage regarding the height of the building in relation to the Cantonese Restaurant and the G Sellars building to the south and the north of the site. Nevertheless, owing to the topography of the site the proposed ridge line of the building will be similar to those of the Wimpey development opposite and significantly lower than the factory buildings on Well Lane and Druid Street. Also to help the building relate to the two storey building on the southern boundary the building steps down in height along Bond Street, though to help clarify this, details of the existing and proposed finished floor levels have been requested from the applicant.

In conclusion subject to the requested amended plans providing details of the provision to be made for screen walls and fencing, existing and proposed ground levels and proposed finished floor levels, and the bat brick and boxes as requested on the outline consent, it is considered that the application is acceptable.

**RECOMMENDATION :- That subject to the receipt of acceptable amended plans, 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 BE1, RES5 and T5 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to the following conditions.

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

- 1 This permission relates to the application as revised by amended plan \*\*\* received by the Local Planning Authority on \*\*\*\*

**Reasons :-**

- 1 To define the permission.

## **Notes to Applicant:-**

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 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 outstanding conditions attached to the outline planning permission 03/00492/OUT are still relevant and must be complied with.

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

**Item:** 03

**Reference:** 05/00700/OUT

**Applicant:** Untouchable Leisure Ltd

**Location:** Beavers Bar 5 London Road Hinckley

**Proposal:** DEMOLITION OF EXISTING BAR AND ERECTION OF 12 APARTMENTS

## **Introduction:-**

The application is an outline application for residential development at Beavers Bar, London Road, Hinckley. The scheme proposes 12 apartments and includes the proposed siting of the building and access at this stage. The site measures 0.05 hectares.

The site is located within the urban area of Hinckley, close to the town centre. The area is a mix of uses including residential, community and retail. The site is currently operating as a bar (A3 use) and has done so for a number of years.

The character of the area is a mix of single, two and three storey properties either detached or forming a terrace. The town centre and associated facilities are within easy walking distance. Beavers Bar itself is single storey.

The plans submitted show the layout of the site, internal accommodation, parking arrangements and an indicative street scene elevation to include Gladstone Terrace and The Lawns Business Centre.

Information submitted in support of the application is an analysis of the existing area to include its character, adjacent uses and form of buildings. The application site has been described as unique in form and with development potential on a west-east line leading out of Hinckley town centre. The existing use has been the subject of complaints to the Local Authority and the existing ground floor benefits from a large void beneath. The adjacent single storey offices are out of keeping with the immediate area and more distant surroundings in design, height and massing.

**History:-**

01/01096/ADV	Retention of Illuminated Sign	Consent	24.04.03
00/01168/FUL	Elevational Alterations and Extension to Roof	Approved	28.02.01

**Consultations:-**

No objections have been received from:-

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

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

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

Site and press notices were provided and neighbours notified. Six letters received raising the following concerns:-

- a) access and parking is approached down Gladstone Terrace and this should be clear at all times
- b) road serving Gladstone Terrace and Davenport Terrace is already extremely narrow and very congested
- c) will the building be built on the boundary and how will it be maintained?
- d) a three storey building would block light from the houses and cause overlooking in gardens
- e) the building would completely spoil the surrounding neighbourhood
- f) will parking available to local residents be unaffected by the development?
- g) vehicles during construction will cause disruption
- h) excavations directly alongside properties will have a detrimental affect on the foundations
- i) works should fully comply with the Party Wall Act
- j) the variety of access points onto the roof garden of the underground car park will be detrimental to the security of the surrounding buildings
- k) there are no other three storey properties in the area within such close proximity of residential properties
- l) the existing building has been built to the very edge of the property boundary creating a pinch point. Fire Service vehicles have been prevented from passing residents cars parked in Gladstone Terrace.

There is no requirement for education contribution as there is currently no shortfall.

**Development Plan Policies:-**

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

Policy RES5, of the adopted Hinckley & Bosworth Local Plan, 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. Policy RET5 states that alternative uses proposed in the town centre fringe should not have a detrimental effect on the amenities of adjoining residential properties by reason of height, mass, design, proximity, noise and disturbance, and excessive traffic generation. Adequate parking provision should be provided and the development should be in keeping with the general character of the area, not detract from the visual amenities of the area or be prejudicial to the comprehensive development of the larger area of which the development forms part.

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 £1,850 per each residential unit, where facilities cannot be provided within the site.

## **Appraisal:-**

### Density

The application site measures 543 square metres, which with 12 apartments gives a density of around 221 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. Although 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, this number of dwelling is unusually high even for apartment development in Hinckley.

### Design

The current application had not included the design of the dwellings to be determined at this time. However, Article 3 has been invoked to enable the indicative street scene to be judged as part of the application. This shows a three storey block facing London Road.

The residential character of the area is predominantly two storey in height and development of the site for residential purposes should respect this scale. Particularly given the relationship/proximity of the proposals on Gladstone Terrace to the application site.

It is noted that there are three storey buildings in the town centre on Castle Street, which is near to the site but not directly adjacent. There is a clear change in the height of development as you leave the core of the town centre to a mix of single and two storey buildings which changes the character to a more traditional residential appearance.

Therefore, the street scene elevation demonstrates that the proposed apartment building is out of keeping with the character of the area and the adjacent properties, and likely to have a detrimental impact on the amenities of adjacent occupiers by reason of design.

In regards to the design of the front elevation of the proposed building, it is not judged to reflect the character of the area and existing buildings, for example the lack of chimneys, proposed juliet balcony on the front, large opening to the basement parking, lack of symmetry of fenestration details etc. contributes to the accommodation that the design of the proposed building is unacceptable.

## 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 gable walls. The proposed layout does not achieve these distances, particularly between the proposed building and properties in Gladstone Terrace, required to safeguard existing residents and future occupiers.

However, these distances are not just required purely for privacy and outlook but mass of the building as well. The scale, mass, height and proximity of the building results in an overbearing affect on the amenities of residents in Gladstone Terrace.

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 provides 15 parking spaces located in the basement area below the building. This is below the requirement of 18 spaces that are required to meet the Local Plan standard. However, given the town centre location, the lack of car parking provision, that is above the requirements of Planning Policy guidance Note 3, and would be difficult to sustain as a reason for refusal.

## Access

The Highway Authority have not objected to the application and comment that the site is a brownfield site which currently creates traffic on a daily basis as well as delivery vehicles/dray vehicles etc. The existing premises fall within A4 of the Use Classes Order, with permitted change to either A1, A2 or A3. Any such use could generate a significant amount of more traffic than the residential development exposed without the benefit of a purpose built parking area as indicated on the basement level for the flats. On balance therefore, notwithstanding the fact there is a school within the vicinity, the Highway Authority are not in a position to demonstrate that if the proposal were permitted would lead to an overall increase in traffic to the site.

There is a shortfall in parking space provision when considering the Local Plan standard. Sustainable reasons for refusal due to lack of parking could not be justified in this instance when considering the brownfield nature of the site, its town centre location and Regional Planning Advice. Should the recommendation have been favourable, a contribution for the shortfall in parking provision would have been required.

## Landscaping and Amenity

The proposed site layout provides landscaping and amenity in the form of a roof garden above basement parking. The building itself would fill the entire application site. Landscaping cannot be accommodated at the front of the site which is out of keeping with the Lawns Business Centre, and the general character of the area.

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. The amenity areas do provide adequate amenity space for the number of flats inline with the Local Plan requirements.

## Contributions

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



## Conclusion

It is therefore considered that due to the density, scale, mass and siting of the proposed scheme, it tantamounts to overdevelopment of the site, which detrimentally affects the character of the area and streetscene, and severely impacts on the residential amenities of the occupiers of adjacent properties.

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

- 1 In the opinion of the Local Planning Authority the density, design 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 library facilities, local waste management facilities and local health facilities by the proposed development would not accord with Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016 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 adopted Leicestershire, Leicester and Rutland Structure Plan 1996-2016, 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).

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

**Item:** 04

**Reference:** 05/00709/CONDIT

**Applicant:** Elizabeth Tandogan

**Location:** Barlestone Fisheries 1 Main Street Barlestone

**Proposal:** VARIATION OF CONDITION 3 OF PLANNING PERMISSION  
01/01216/COU TO ALLOW FOR SUNDAY OPENING

### **Introduction:-**

This application seeks to vary condition 3 of planning permission 05/00030/CONDIT to allow Sunday opening hours between 5pm and 11pm. Currently the condition prohibits Sunday opening at all times.

Planning permission 05/00030/CONDIT sought to vary condition 3 of the previous planning permission 01/01216/COU to extend evening opening hours and to allow opening on Sundays and Bank Holidays. The resulting permission allowed for extended evening opening hours and provision of opening hours for bank holidays but prohibited Sunday opening.

The premises are located within a residential area on the corner of Main Street and Chapel Street. This is closely sited to the junction of Main Street and Newbold Road. There is a

chinese takeaway adjacent, and the property faces both The Jolly Toper public house on Main Street and Barlestone Baptist Church on Chapel Street.

**History:-**

05/00030/CONDIT	Variation of condition 3 of planning permission 01/01216/COU to extend opening hours.	Approved	21.3.05
01/01216/COU	Change of use of existing shop (A1 use) to hot food takeaway (A3 use)	Approved	27.2.02

**Consultations:-**

No objection has been received from:-

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

A Member of the Local Borough Council has expressed concern regarding this application in respect of objections received as a result of the smell and the fact that the premises are located within a residential area, in close proximity to the Barlestone Baptist Chapel where regular Sunday Services are held.

The Parish Council have objected to the planning application, following concerns regarding smell and additional rubbish.

Neighbours notified, 2 letters have been received raising the following concerns:-

- a) increased traffic on Sundays restricting parking for attendees of Sunday Service.
- b) noise from customers visiting and leaving the takeaway at night
- c) the smell is overpowering, particularly when coupled with the Chinese takeaway
- d) the potential increase in anti social behaviour
- e) increased litter and discarded food

**Development Plan Policies:-**

The site lies within the settlement boundary of Barlestone and a local shopping centre as identified in the adopted Hinckley & Bosworth Local Plan.

Policy BE1 of the Local Plan states that permission will only be granted where development does not adversely affect the occupiers of neighbouring properties. Policy RET7 relates to development in local shopping centres. Of particular relevance is reference made to the consideration that development will not be permitted if it is to have an adverse effect on the amenities enjoyed by occupiers of adjoining residential property and the general character of the locality, in terms of noise, smell, litter or disturbance and that it would result in an under-provision of off street parking, access and servicing facilities.

**Appraisal:-**

The current permitted opening times are 12:00 to 23:30 from Monday to Saturday, from 17:00 to 23:00 on public bank holidays and not at all on Sundays. In light of the premises' location within a predominantly residential area, it is considered that by proposing to offer Sunday opening, in addition to the extended opening hours, will potentially provide an increase in noise, smell, litter and general nuisance to the detriment of the occupiers of nearby properties and the general character of the area.

The applicant has drawn to the attention of the Local Planning Authority that the adjacent Chinese Takeaway operates at such extended hours, including Sundays. The relevant planning permission for these premises did not restrict the opening hours and therefore, the business is permitted to operate at such times. Accordingly, whilst the applicant has highlighted the opening times of the neighbouring Chinese Takeaway, it is considered that this does not set a precedent. In addition, it is considered that if the Chinese Takeaway were now subject to such planning approval Officers' recommendation would reflect that currently made in respect of its neighbouring business.

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

- 1 In the opinion of the Local Planning Authority, it is considered that to permit the proposed Sunday opening would present a source of nuisance to the occupiers of the nearby properties, to the detriment of residential amenity and the general character of the area, contrary to Policies BE1 and RET7 of the adopted Hinckley and Bosworth Local Plan.

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

**Item: 05**

**Reference: 05/00711/COU**

**Applicant: Mr SJ Miners**

**Location: 8 Newton Road Harrowbrook Ind Est Hinckley**

**Proposal: INDOOR MINIMOTOR AND GOKART CIRCUIT**

**Introduction:-**

The application is for the change of use of an industrial building on the Harrowbrook Industrial Estate for an indoor minimoto and go-kart circuit. The building is currently vacant and measures 1,180 square metres. It is situated in a central location within the industrial estate and is accessed from the estate road. To the north of the site is the Phoenix Business Park and Dodwells Bridge Industrial Estate and to the east Ashby Canal. The industrial estate has a number of businesses operating from various types and sizes of industrial building.

A supporting statement has been submitted with the application stating that although the sport of minimotos is a relatively new activity it is growing in popularity. The applicant intends to cater for all ages including corporate events and birthday parties, which will help to reduce the problem of minimoto use on public roads and pavements. They feel that the proposed use will be good publicity for Hinckley with the possibility of television coverage from minimoto events held at the Brands Hatch Race Circuit.

The applicant has applied to run the premises 40 hours per week to include weekends, and will employ 6 staff. They also expect 30 cars visiting the site during the normal working day.

**History:-**

None relevant

## **Consultations:-**

No objections have been received from the Borough Council Land Drainage Engineer.

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

Head of Health and Environment Services is satisfied that there is ample screening and distance to have no impact on residential dwellings. However further information is required from the applicant as to how the building is to be ventilated. This ventilation should not be through the opening of windows and doors, as this will allow noise to escape from the premises causing nuisance to surrounding businesses.

Neighbours notified, 1 letter received raising the following questions and concerns:-

- a) how will the karts and bikes be powered?
- b) if fuel powered the issue of noise and nuisance would also apply?
- c) what provisions have been made for access and car parking facilities? Previous tenants blocked access and roads causing delivery problems.

## **Development Plan Policies:-**

The site lies within the settlement boundary and existing employment site within Hinckley as identified in the adopted Hinckley & Bosworth Local Plan.

Employment Policy 5 of the Leicestershire, Leicester and Rutland Structure Plan 1996-2016 adopted 7th March 2005, requires existing employment site allocations to be reviewed and key existing sites identified.

Policy EMP1(a) of the adopted Hinckley & Bosworth Local Plan seeks retention of employment uses on these existing employment sites that are of importance to the economy of the Borough, and whose operation presents no significant environmental problems.

Policy BE1 of the adopted Hinckley & Bosworth Local Plan states that planning permission for development proposals will be granted where amongst other criteria, there is adequate provision for on and off street parking and the development does not adversely affect the occupiers of neighbouring properties.

## **Appraisal:-**

The main considerations of the application are the use of the premises for a minimoto and go-karting circuit, the provision of adequate parking facilities, ventilation, and affect on neighbours.

The application site forms part of an identified local employment area within Hinckley. The recent Employment and Land Premises Study, which meets the objectives of the LSEP in regenerating the local economy, concludes that the Borough Council should retain 100% of the site for employment.

Although the use as a go-kart circuit falls within Sui Generis of the Use Classes Order 1987, other indoor, outdoor sports and leisure uses including motorbike racing is classified as D2. Whilst the proposed use will result in the employment of 6 staff members, neither of these uses is an employment use. It is therefore considered that the proposed use does not complement the character of the industrial estate and has potential to cause a nuisance to adjoining occupiers. It would also set an undesirable precedent for future change of use applications on existing employment areas.

With regards to the parking provision required, the applicant has stated that approximately 30 vehicles will be visiting the site during the normal working day. A plan accommodating this has been included with the application although it is not to scale. The adopted Hinckley & Bosworth Local Plan states that all uses not included within the parking guidelines should be based on the proposed use's individual circumstances. Planning Policy Guidance 13 states that for D2 use the maximum parking standards should be 1 spaces per 22 m<sup>2</sup>, which equates to 53 spaces. However the Highway Authority have stated that the level of car parking provided within the application site is appropriate and on occasion if the car park were to reach capacity the on street parking that may occur would not be detrimental to highway safety.

The proposed use has the potential to cause noise and disturbance to the neighbouring businesses. It is considered that this could be controlled through satisfactory ventilation of the premises. However the applicant, at the time of writing has not submitted any details regarding this ventilation.

Although it is recognised that this is a leisure activity for all ages and is an activity which is growing in popularity, bringing more people into Hinckley, and that it reduces the number of minimotos being used on public roads and pavements, it is not considered that these are reasons to set aside the concerns.

Overall the current scheme is considered unacceptable and conflicts with the relevant policies, EMP1 and BE1 of the adopted Hinckley & Bosworth Local Plan.

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

- 1 The proposed change of use of the premises is likely to have a detrimental impact on the character of the area and is therefore contrary to policies EMP1 and BE1 of the adopted Hinckley & Bosworth Local Plan, and Employment 5 of the of the Leicestershire, Leicester and Rutland Structure Plan 1996-2016 adopted 7th March 2005, as the site is identified as part of a local employment area.
- 2 The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the Local Planning Authority would also object, but which would be consequently hard to resist . Therefore the proposal is contrary to policies EMP1 and BE1 of the adopted Hinckley & Bosworth Local Plan, and Employment 5 of the of the Leicestershire, Leicester and Rutland Structure Plan 1996-2016 adopted 7th March 2005, as the site is identified as part of a local employment area.

**Contact Officer:-** K Garman Ext 5680.

**Item:** 06  
**Reference:** 05/00734/OUT  
**Applicant:** Mr And Mrs McAllister  
**Location:** Wakefield 34 Lychgate Lane Burbage  
**Proposal:** ERECTION OF NEW DWELLING DETACHED GARAGES AND  
CREATION OF NEW ACCESS

**Introduction:-**

The application is for Outline planning provision with only landscaping reserved for subsequent approval. The application relates to the erection of a two-storey dwelling by demolishing the existing detached garage to the west of No.34. The dwelling would occupy a plot that offers around 640square metres (or 0.060ha) of which the dwelling would occupy 85square metres footprint. The dwelling is for a 3 bedroom property with two off-street car parking spaces with a new access off Lychgate Lane to serve the existing property. A pair of garages would be built in front of both the proposed new dwelling and No.34.

To the west of the site there is a hipped roofed two storey dwelling (No.30) and this projects around 4m further forward than No.34. No.30 occupies a plot that abuts a public footpath connecting Lychgate Lane and Lychgate Close to the southern perimeter of the site. The proposed dwelling would be in-line with No.30 sitting approximately 7-8m further forward than No.34. The rear garden would have a length of 42m or so. The adjoining dwelling (No.34) has a side elevation that is around 16m in length. To the north, east and south the site is surrounded by residential dwellings that are of various design types (some two-storey dwellings as well as bungalows of which some are dormer style).

The application site has a semi-mature Purple Beech tree. The existing dwelling (No.34) would be accessed via a new driveway that is located to the north-eastern edge of the plot. The driveway would be 3.3m wide and would partly be covered by the spread of the semi-mature tree. To the south of the tree there would be erected the double garage, again partly encroaching upon its canopy. The proposal is to retain this tree under these circumstances.

**History:-**

No relevant planning history.

**Consultations:-**

No objections received from:-

Land Drainage Engineer  
Head of Health and Environment

The Borough Council's Arboricultural Consultant states that the semi-mature Purple Beech tree is currently a '...vigorously healthy tree, despite some pruning scars to the main stem, and contributes considerably to the immediate visual and natural environment of the area'. He also states that '...the development proposals as set out on the attached plan would not be compatible with the retention of the tree in the long term. The site slopes towards the road, which allows surface water-essential for the irrigation of tree roots-to run off. The reduced area would not be sufficient for the needs of the tree...the excavation and construction necessary to provide a driveway would destroy 50% of the surface rooting system, and lead to the decline and possible loss of the tree.

The Director of Highways Transportation and Waste Management recommends refusal on the grounds that the proposal, if permitted could result in an unacceptable increase in traffic using a new access that lacks appropriate visibility for the speed of traffic on the main road that could lead to increased dangers for road users.

Burbage Parish Council recommends refusal of this application on the following grounds:-

- a) existing tree on the site which is a valuable visual amenity considered to be at risk should the development be approved
- b) space available for the new dwelling is very narrow
- c) erection of two new garages to the front of the existing and new dwellings
- d) restricted access
- e) out of keeping with the existing street scene.

17 letters of neighbour objections have been received. The objections of neighbours to the proposal are summarised as follows:-

- a) restricted access and highway safety concerns
- b) out of character to the surrounding area
- c) proposed garages are not on the building line
- d) future drainage problems due to surface water problems in the area.

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

#### National Guidance

Paragraph 57-58 of Planning Policy Guidance Note 3 'Housing' seek to achieve efficient use of land especially previously developed land regardless of scale. The wider locality must be taken into consideration when determining proposals.

Planning Policy Statement 1 'Delivering Sustainable Development' encourages Local Planning Authorities to place an emphasis upon good quality development achieving sustainable development.

#### Local Plan

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

Policy BE1 seeks to ensure a high standard of design, complementing or enhancing the character of the surrounding area. Point G of BE1 also seeks to ensure that adequate highway visibility is achieved in new developments.

Policy T5 states that LCC's design standards will be applied for new accesses or highways.

The Council's Supplementary Planning Guidance on new residential development seeks to ensure that design quality forms part of the development process and aims to achieve good quality solutions.

### **Appraisal:-**

The application site is within the settlement boundary and is situated within a well-established residential area. The pertinent issues related to this application are as follows: the impact of the proposed dwelling upon the character of the surrounding area, the impact of the development upon a semi-mature tree and the impact upon the public highway.

Firstly, the Highways Authority recommends refusal due to the design of the access drive. In its current layout the proposed development incorporating a second driveway could result in an unacceptable increase in traffic using a new access, which lacks appropriate visibility for the speed of traffic on the main road that may lead to danger to highway users. Both the proposed and existing driveways are located where there is inadequate visibility, especially for pedestrians. Therefore, the introduction of another access point into the site is considered to be contrary to highway safety.

Secondly, both the construction of a new driveway to serve No.34 and its detached garage would be detrimental to the semi-mature Purple Beech tree. Members will note the recommendation from the Borough Council's Arboriculture Consultant that the tree is '...has all the necessary attributes' for a Tree Preservation Order and officers are seeking to protect the tree by such means. The tree is healthy and contributes positively to the character and visual amenity of this part of Lychgate Lane due to its prominence and high quality despite of some pruning scars. There are very few focal points within Lychgate Lane, and the position and location of the tree offers a focal point from various vistas. The tree is visible from various locations especially from elevated positions within the street scene and its retention is considered to be essential. The proposed development would seriously compromise its visibility.

Finally, the proposed dwelling would appear out of character and cramped in this location due to the size, width and narrowness of the plot. Although there are various property types situated along Lychgate Lane, this specific site is adjacent to a row of bungalows to the east and a two-storey dwelling to its west. The site forms a gap between No.34 and No.30, which forms a physical and visual break between the two properties, containing a public footpath route, thus contributing positively towards the overall character of the area. This gap between the two dwellings is important to maintain, and a two-storey dwelling will appear as an over-development. The two-storey dwelling to the west (No.30) appears to dominate the street scene, and any further development of this type will further detract from the visual amenities of the area. The siting and location of the proposed property seems not to cause undue loss of privacy, or overlooking, due to its narrowness and distance between front and rear elevation. However, the potential impact upon the outlook for occupants of No.34 to the front, and future occupants of the proposed development to the rear, will impact upon the reasonable enjoyment of residential amenities of both properties.

Paragraph 57 of Planning Policy Guidance Note 3 'Housing' recommends the efficient use of land as well as encouraging the utilisation of previously developed sites. In this specific case the erection of a single dwelling within an area that is uncharacteristic of high-density development, would be out of character and a visual intrusion in the street scene. Therefore, in applying guidance contained in para.57 of PPG3, the wider locality must be taken into consideration, and this development would not be in keeping with its immediate surroundings.

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

- 1 In the opinion of the Local Planning Authority, the development of the application site would be out of keeping with the surrounding area due to its design, mass and scale. The proposed development would be a visual intrusion in the street scene due to its siting and location, contrary to policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 2 In the opinion of the Local Planning Authority, the proposed development is likely to be detrimental to the stability of the Purple Beech Tree that is subject to a Tree Preservation Order, contrary to policy NE11 of the adopted Hinckley & Bosworth Local Plan.



- 3 The proposed additional access to serve the new dwelling, if permitted, could result in an unacceptable increase in traffic using a new access which lacks appropriate visibility for the speed of traffic on the main road which could lead to increased dangers for road users, contrary to policies BE1 and T5 of the adopted Hinckley & Bosworth Local Plan.

**Contact Officer:-** A Ghafoor Ext 5775

**Item:** 07

**Reference:** 05/00738/C

**Applicant:** Leicestershire County Council

**Location:** Bradgate Landfill Site Bradgate Hill Groby

**Proposal:** SUBMISSION OF DETAILS UNDER CONDITION 17 OF PLANNING PERMISSION NO. 97/0487/4 AND APPLICATION TO VARY CONDITIONS 4, 5 AND 16 OF THE SAME PERMISSION TO VARY THE APPROVED RESTORATION SCHEME AND RAISE APPROVED CONTOURS BY EXTENDING THE LIFE OF TIPPING OPERATIONS

**Introduction:-**

The comments of the Borough Council are requested on this application which has been submitted to Leicestershire County Council as the determining Authority for waste disposal applications. The Bradgate Hill site is an active non-hazardous landfill which accepts predominantly household waste together with commercial and industrial wastes. The site covers an area of approximately 9.2 hectares situated between two former mineral workings and is located some 2kms northwest of Groby and a similar distance southeast of Markfield, on the north side of Bradgate Hill.

Access is gained via a roundabout on the A50 southeast of Field Head which was specifically constructed for the landfill development. Landfill operations have been carried out since early 1992 within the whole site with approximately 5.2 hectares being completed to current approved pre-settlement levels and capping, with an area of around 0.9 hectares restored and planted with broadleaf woodland. The current proposal comprises three elements:-

- a) changes to the post settlement landform to remove the drainage ditch that traverses the cap in the approved restoration scheme and to provide a more appropriate landform in accordance with latest guidance
- b) changes to the pre-settlement landform to reflect the post settlement landform and take into account historic and future settlement of the waste mass, and
- c) to extend the duration of landfill operations by two years beyond the end of 2005, through the variation of condition 4 of planning permission ref: 97/0487/4.

Whilst no Environmental Impact Assessment is required, a detailed Landscape and Visual Assessment as well as Air Quality and Noise Assessments have been submitted as supporting information as part of the application.

The operators of the site have continually appraised officers of the Waste Disposal Authority regarding their proposals and presentations of the scheme have been made to the local community via the regular Liaison Committee Meetings.

## History:-

83/0133/4	Restoration of Mineral Workings by deposit of waste materials	Approved	21.04.86
97/0487/4	Minor extension to Bradgate No.2 Quarry Landfill site including new phasing and Restoration schemes	Approved	02.09.97

## Consultations:-

The application will be determined by Leicestershire County Council and this Authority's observations are requested as a formal consultee. All other consultations have been carried out by the County Council.

## Development Plan Policies:-

The site is located within the Charnwood Forest Area of Particularly Attractive Countryside and the National Forest Area as defined in the adopted Hinckley & Bosworth Local Plan and the approved Leicester, Leicestershire and Rutland Structure Plan. Policies in these plans are designed to protect the area and make sure proposals do not diminish the unique character and amenity of the Charnwood Forest. Development proposals within the National Forest Area should reflect the forest context and be accompanied by appropriate landscaping and planting schemes (Strategy Policies 13 and 14 of the Structure Plan and NE19 and NE21 of the Local Plan). Strategy Policy 8 of the Structure Plan and Policy NE5 of the Local Plan address development proposals within the countryside and recognise that waste management developments may be accommodated in such areas where there is an overriding need and appropriate works of mitigation are undertaken.

Resource Management Policy 8 of the Structure Plan relates to the release of land for waste management whereas Resource Management Policy 13 addresses restoration, aftercare and after use of mineral and landfill sites, requiring restoration at the earliest opportunity.

Further guidance in relation to waste disposal and landfill operations are contained in the Leicestershire, Leicester and Rutland Waste Local Plan, adopted in September 2002 as well as Regional Spatial Strategy 8 (March 2005), and Planning Policy Guidance 10. "Planning and Waste Management"

## Appraisal:-

Since landfill operations began at this site in the early 1990's more comprehensive and up to date research has been undertaken in respect of the design, construction and settlement characteristics of landfill waste sites throughout the country. From the technical information supplied in support of this application, it would appear that the approved pre-settlement profile of the landfill will not achieve the desired post settlement levels giving rise to an irregular plateau which would not be free draining. This would not now comply fully with EC landfill directives or up to date legislation. Consequently, modification to the final restored landform is required, comprising the tipping of an additional 239,000 cubic metres of waste over a period of 16 to 19 months, thereby extending the date by which operations are to cease by two years. The additional material will increase the pre-settlement height of the landform by 10 metres at its highest point but post settlement levels will remain the same as previously approved, although the shape of the restored landform will be altered from a twin peak profile to a single 70 metres long crest orientated northwest/southeast. The greatest impact of these amended proposals will be the visual appearance of the landform where the pre-settlement levels are up to 9 metres above the existing tree line. However, this profile will settle to below the level of the trees over a period of 7 years. Alternative

strategies have been assessed in order to limit the pre-settlement landform so that it does not protrude above the tree line, including temporarily capping the site and returning in 5 years to continue tipping. Whilst this approach would satisfy the landscape concerns it would prolong the operations on the site and in particular final capping and restoration, delaying the permanent installation of landfill gas/leachate management equipment and give rise to increased potential for odour.

Whilst it is a concern that landfill operations will continue beyond the previously permitted date it is evident from the information provided that additional material has to be added to the existing landfill to meet up to date legislation and environmental protection requirements. It is therefore considered that the temporary minor impact on the visual appearance of the localised landscape would not be of a significant consequence to warrant objection to the proposal. However, the county council should continue to require the operators of the site to exercise their strict control over environmental matters in order to minimise the impact of the development on the amenities of local residents.

**RECOMMENDATION:- That Leicestershire County Council be advised that Hinckley & Bosworth Borough Council raise no objections in principle subject to the following aspects of the development being satisfactorily controlled in the same manner as the existing landfill operation:-**

- 1 landfill gas emissions and leachate run-off, particularly in relation to the ground and surface water regimes and their impact on Groby Pool Site of Special Scientific Interest,
- 2 litter control, particularly by ensuring that perimeter fencing is adequate in height,
- 3 limiting hours of operation to those previously agreed,
- 4 site capping on completion of tipping
- 5 control of odour emissions, fly and rodent infestations,
- 6 a review of the bunding and screening arrangements to ensure vehicles manoeuvring on the site are properly screened from external viewpoints.

In addition the Borough Council will expect a comprehensive tree planting scheme to form part of the restoration requirements as a contribution to the National Forest initiative. The scheme should be implemented as soon as possible and maintained of 10 years with replacement of any failures.

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

**Item:** 08  
**Reference:** 05/00741/COU  
**Applicant:** B Cowpe-Pendleton  
**Location:** Dutch Barn Drayton Lane Fenny Drayton  
**Proposal:** CHANGE OF USE OF LIVESTOCK BUILDING AND DUTCH BARN TO B2 USE WITH ANCILLARY OFFICE ACCOMMODATION

**Introduction:-**

This is an application for the change of use of two farm buildings to B2 (General Industrial) use with ancillary office accommodation. The farm buildings are not associated with a farm as such but are owned by a resident of Fenny Drayton, and were to be used for dairy livestock accommodation, but are vacant.

The buildings are located off Drayton lane just west of Fenny Drayton and within 130 metres of residential properties. The buildings are visible from Drayton lane and from the nearest residential properties as the site is only partially screened from the road and is surrounded by agricultural land. The topography of the land falls west and north increasing the vista of the buildings.

The application site measures 1.97 hectares. The Dutch barn measures 9.4 metres by 14 metres and reaches a height of 6.9 metres. The livestock building measures 18.5 metres by 27.5 metres and reaches a height of 7 metres.

The application proposes 382 square metres for industrial purposes, 199 square metres for warehouse/storage purposes and 195 square metres for office purposes. Employees are estimated at 18 and proposed hours of use are 7am to 7pm. External changes to the building are required to accommodate the proposed uses.

The supporting statement submitted with the application notes that the buildings were completed just before the epidemic of foot and mouth disease which decimated the dairy and beef herds during 2001-2002. Upon review of the economic considerations after the epidemic, it was found that the dairy operation was no longer viable. The operation was never commenced and the new purpose built units were not useable for the intended purpose. Alternative uses for the buildings have been considered so that they may be put to beneficial use. The proposed B2 uses appears to be an appropriate option and would provide modest job creation in a setting well separated from the nearest dwellings. The buildings are already partly screened by earthworks and with suitable landscaping would not affect neighbours' amenities.

**History:-**

None relevant.

**Consultations:-**

No objections have been received from Head of Health and Environment Services.

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

The Borough Council's Land Drainage Consultant  
Director of Community Services (Rights of Way).

Parish Council have raised objections to the application for the following reasons:-

- a) description of site is incorrect
- b) site layout shows planting of screening trees. As this was a condition of the original permission for the buildings and was never implemented, how can we believe this will happen this time?
- c) the prevailing wind would carry noise from any industrial use to nearby houses
- d) access is on a fairly sharp bend and this would make it more dangerous
- e) plans show parking spaces for over 20 cars - an unwarranted increase in traffic movements
- f) Drayton Lane, where it enters the village, is barely wide enough for two vehicles and there is no footpath. This makes it dangerous for children walking to the play equipment
- g) we are aware of the Governments attitude to farmers diversifying, we feel that the site was never a working farm
- h) these are relatively new buildings with no historical interest. If they are indeed redundant they should be demolished and the land restored to pasture
- i) granting this application would open the way for an extension to the village boundary and thus allow infill building
- j) would set a precedent for the conversion of other farm buildings, even nearer the village
- k) the application would devalue several properties around the site.

Site notice was erected and neighbours notified. Thirteen letters received raising the following concerns:-

- a) B2 is another way of saying industrial. What industry is being considered?
- b) the development would add greatly to the traffic already using Drayton Lane which is excessive
- c) the location description is misleading
- d) the use on the outskirts of a small residential village would be misplaced, unsuitable and inappropriate
- e) there are designated areas for this type of development in Atherstone and Nuneaton
- f) the application is for the use of the land for commercial purposes with no connection to agriculture or ancillary work connected with agriculture
- g) the proposed windows would severely compromise privacy
- h) properties would be devalued and would have difficulty in selling
- i) the proposed turning area would involve large vehicles
- j) proposal will disturb peace and tranquillity of the village
- k) proposal would be an extra strain on electricity, water etc
- l) the buildings have not been used as farm buildings
- m) the access onto public highway is inadequate
- n) the proposals do not satisfy the criteria of the relevant planning policies.

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

Ramblers Association  
Director of Highways, Transportation and Waste Management.

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

The site is located within the open countryside, adjacent to the settlement boundary of Fenny Drayton, 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.

### Structure Plan Policies

Employment Policy 7 stipulates that provision for employment development will be made within and adjoining rural centres in the form of new development or conversion of existing buildings subject to the development being of a scale and type appropriate to the form, character and setting of the settlement.

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

### Local Plan Policies

Policy NE5 of the adopted Local Plan aims to protect the countryside and only permit development where it is 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, be effectively screened, and 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 and should not include significant areas of external storage.

## **Appraisal:-**

### Policy Considerations

The principle of farm diversification is acceptable in the right location with a resulting appearance appropriate to the character of the area for alternative uses. However, proposals should not have a detrimental effect on the countryside. B2 uses, in particular, are more likely to be harmful to the countryside. In this case the B2 element together with the ancillary office accommodation would create a detrimental outcome to the open countryside.

The applicant has not submitted details on whether there is a demand or need for the development, nor explain why it cannot be provided in adjacent settlements. It is likely that the applicant would be looking to let the building rather than to convert it for a specific user.

No details have been submitted in regard to the structural condition of the building. Clearly adaptation is needed to utilise the building for the alternative use.

### Environmental Considerations

The application site is currently very open, other than a hedge running along the western boundary of the site and screening along the Drayton Lane frontage. Given the size and scale of the buildings, even with the existing screening, the buildings are very visible. The site is located on the edge of Fenny Drayton and with open views from both Drayton Lane and the public footpath runs along the northern boundary. The topography of the land does not reduce its openness. The proposed development has the potential to have a detrimental impact on the character and appearance of the landscape. The applicants clearly recognise this given the additional screening proposed around the development. It is likely that dense screening would be required for the proposed use which would take years to establish and then may appear out of place given the very open nature of the landscape.

The proposed use itself 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, which would be significant, but also what may be kept outside. For example employees cars, delivery vehicles, skips, storage, materials etc. The operations of a business at the site are likely to have a material change to the appearance of the site, out of keeping and inappropriate to this countryside location. Whilst external storage is not proposed at this time but would most likely be required for any B2 use.

The applicant has not identified any protected wildlife habitats within the application site.

#### Alterations to the buildings

The proposed alterations involves the removal of wooden panelling and its replacement with steel sheeting. The addition of brickwork and many windows in the Dutch barn's eastern and western elevations, as well as enclosing the open elements of each building and moving doors and windows and adding further windows in the livestock building. The steel elements are proposed to be green in colour.

These alterations to accommodate the proposed uses result in a complete change to the character of the buildings. They would no longer have an agricultural appearance and are already isolated in terms of not being part of an agricultural complex. The buildings would have a very 'industrial' form and have the character of an industrial estate rather than appropriate development in the countryside. The proposal would appear as a new office block and warehouse building as opposed to a converted agricultural building.

The proposals result in an industrial development intruding into open countryside impacting on the visual amenity of the area.

#### Highway Considerations

While no formal comments have been received from the Highway Authority, they have indicated that their recommendation would be favourable subject to conditions.

#### Other Considerations

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

The discrepancy in address has been rectified to alter the description from Pick Your Own to Dutch barn.

#### Conclusion

Within the Borough the importance of farm diversification is recognised. Many schemes have been considered acceptable where they are in keeping with the character of the area and appropriate to the location. Planning Policy Statement 7 and Local Plan Policy encourage diversification in rural areas to other uses.

However in this case, the proposal is not considered to accord with the guidelines of Planning Policy Statement 7 and policies of the Local Plan in regard to conversion of the agricultural buildings to alternative uses. It is on this basis that the application is recommended for refusal.

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

- 1 In the opinion of the Local Planning Authority, the proposal would form an unwarranted and unacceptable 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 design of the proposed conversion is out of keeping with the appearance of the existing agricultural buildings and would be detrimental to the visual amenities of the area. Therefore the proposal is contrary to policies NE5 and BE20 of the adopted Hinckley and Bosworth Local Plan.

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

**Item:** 09  
**Reference:** 05/00770/FUL  
**Applicant:** Mr T Knapp  
**Location:** 30 Springfield Road Hinckley  
**Proposal:** PROPOSED EXTENSIONS AND ALTERATIONS TO DWELLING TO FORM 2NO SEMI DETACHED DWELLINGS

**Introduction:-**

The proposal comprises a two storey and single storey extension to the property and conversion to two, three bedroom semi detached dwellings, at 30 Springfield Road, Hinckley. The plan provides for a total of four parking spaces, one of which is a garage space. The site is surrounded by residential properties, on the edge of the town centre.

This application follows 3 refused applications and a dismissed appeal, proposing extensions and alterations to the existing dwelling to form 4 apartments. The last application was reported to, and refused at Committee 11th April 2005. Other than alterations made to the number of dwellings proposed the current application is similar to the previous submission.

**History:-**

05/00169/FUL	Extensions and alterations to dwelling to form 4 apartments (revised scheme)	Refused & now subject to appeal	21.4.2005
04/00448/FUL	Extensions and alterations to dwelling to form 4 apartments (revised scheme)	Refused	14.7.2004
03/01396/FUL	Extensions and alterations to dwelling to form 4 apartments (revised scheme)	Refused & dismissed on appeal in December 2004	7.4.2004



## Consultations:-

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

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

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

Director of Highways, Transportation and Waste Management

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

- a) what assurance can be given to ensure the developers do not at a later date revert to the previous proposal for four apartments
- b) concern that the existing house has already been subdivided into two apartments
- c) the property already exceeds the natural boundary of other houses in the area
- d) the impression of the building is cramped
- e) out of character
- f) concern that the proposed study will become a fourth bedroom
- g) the proposal will be encroaching onto the footpath making the front elevation appear larger than it is

## Development Plan Policies:-

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

Policy RES5 assesses residential proposals for development on unallocated sites. RES8 states that the subdivision of existing dwellings will be granted subject to adequate on street parking and providing the proposal is satisfactory in terms of the effect on neighbours amenities and the character of the area. Policy BE1 seeks to ensure high quality design in new development, the proposal should complement and not adversely affect the surrounding area nor adjacent properties and adequate privacy and amenity space is required. 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 on design and layout.

## Appraisal:-

### Principle

Previously when considered under appeal, the main issues identified by the Inspector were the effect of the proposal on highway safety and the free flow of traffic on Springfield Road, the character of the area and living conditions of the occupants of neighbouring properties having regard to noise and disturbance. However the main reasons given by the Inspector when dismissing the appeal related to the proposed treatment of the area between the extended dwelling and the pavement. It was judged not to complement the character and appearance of the surrounding area, as well as the lack of a valid s106 agreement relating to open space provision. The Inspector did not consider that the proposal would adversely affect the free flow of traffic on Springfield Road nor the living conditions of the occupants of neighbouring properties. The Inspector did not object or raise concerns in regard to the provision of 4 parking spaces, and felt the proposal was in keeping with the street scene. In light of the Planning Inspector's Appeal Decision and amendments made to the previous

scheme to improve the level of the landscaping at the front of the property, the main planning considerations are as follows:-

### Design

The proposed development will continue the built form of the street by extending parallel to the road and only extending marginally to the rear of the existing building. The proposed extension has adopted design features of the existing dwelling and is considered to reflect the character and pattern of the remaining street scene.

Properties on Springfield Road are landscaped along their frontages with various types and amounts of planting. The applicant has endeavoured to add landscaping to the front of the development to complement the existing street scene and it is considered that any approval should be conditioned to retain and maintain the landscaping from occupation.

### Privacy and Overlooking

A certain degree of overlooking to the gardens to the south of the site already exists from the current property together with mutual overlooking between Nos. 30 & 32 and Nos. 34 & 36 Hurst Road. Owing to this, as well as the topographical changes in the land, it is not considered that the residential amenity currently enjoyed by these properties would be adversely affected. The relationship between the existing property and those on the northern side of Springfield Road is not considered any worse than the level of overlooking that already exists, across this public highway.

### Parking and Access

The applicant has identified four off-street parking spaces on the submitted plan. This equates to two spaces per property and is in accordance with the specified requirements of the Local Planning Authority's Supplementary Planning Guidance. The Highway Authority has raised no objections to the proposal.

Although it has been noted that the study on the first floor could be used as a bedroom thus increasing the required number of off-street parking spaces. In any case, a number of rooms within the property, in theory, could be converted to/used as a bedroom. Hence, the application is judged on the plans submitted.

### Contributions

The Local Planning Authority would seek a financial contribution towards the provision and maintenance of recreational facilities off-site. Based on current calculations this would equate to £1,850 as there is an increase of one additional dwelling.

### Conclusion

In light of the points raised by the Inspector in relation to the previous appeal and after considering the relevant planning considerations of the current proposal, Officers are minded to approve the application. It is considered that the current scheme to provide two semi-detached properties is more favourable than the previous proposal of four apartments currently subject to appeal.

**RECOMMENDATION:- That following the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972, or the receipt of a one-off payment, to provide financial contributions off-site public open space provision, the Head of Culture and Development be granted powers to issue planning consent subject to the following conditions:-**

**SUMMARY OF DECISION** - The proposal is in conformity with Policies BE1, RES5, RES8 and T5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 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 unless previously agreed in writing with the Local Planning Authority.
- 3 Before the residential units are occupied and notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, all off-street parking spaces, including the integral garage, as depicted on the approved plans, shall be made available for the parking of vehicles at all times in the future.
- 4 Any garage door shall be set back a minimum of 5.0 metres behind the highway boundary if 'sliding', 'roller shutter' or inward opening doors are fitted, 5.6 metres if 'up and over' type doors are fitted or 6.0 metres if outward opening hinged doors are fitted.
- 5 The access and parking areas shall be surfaced in tarmacadam or similar bound materials for the first 5 metres behind the highway boundary before the first residential unit is occupied.
- 6 No gates shall be erected on the vehicular accesses to the site.
- 7 No walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 0.6 metres in height above the level of the adjoining carriageway.
- 8 No garage type doors or any other obstruction shall be erected to the proposed parking archways at the front of the new building. A minimum set back from the Highway boundary of 4.8 metres to the main external wall (kitchen/hallway) shall be provided.
- 9 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.
- 10 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 2 metre control radii on both sides of the access.
- 11 Before first occupation of either dwelling, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.
- 12 The approved landscaping scheme shall be carried out during the first appropriate planting season following the date when the proposed dwellings are 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.

**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 ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
- 4 To enable a vehicle to stand clear of the highway to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 5 To reduce the possibility of deleterious material being deposited in the highway (loos stones etc.)
- 6 In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that an adequate line of vision is available in the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To enable a vehicle to stand clear of the highway whilst parked and protect the free and safe passage of traffic, including pedestrians, in the public highway.
- 9 To reduce the possibility of surface water from the site being deposited in the highway causing danger to road users.
- 10 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway.
- 11 In the interests of pedestrian safety.
- 12 To enhance the appearance of the development and to ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies BE1 and RES8 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 2000 (as amended) 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 All works within the limits of the highway with regard to the accesses shall be carried out to the satisfaction of the Western Area Manager (Tel 01530 414151) and permit to construct/modify a vehicular access must be obtained from the Area Manager before development commences.

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

**Item:** 10  
**Reference:** 05/00773/FUL  
**Applicant:** Mr & Mrs N S Chapman  
**Location:** Manor View Aston Flamville Road Burbage  
**Proposal:** ERECTION OF LOUNGE EXTENSION

**Introduction:-**

This application relates exclusively to the substitution of a conservatory to a purpose built lounge extension. A new conservatory is approved under extant consent (planning reference 05/00373/FUL) to replace existing one. The conservatory is to be located to the rear (north) facing elevation and measures 6m x 4.2m and is approximately 3.2m in overall height. The proposed conservatory is to be adjacent to the existing kitchen. The conservatory that has been approved offers a ground floor area of around 25.2square metres. The lounge replacement would be slightly larger. Measuring 4.1m in height and similar in appearance to the existing kitchen to its east.

The dwelling sits within a spacious plot at the end of a ribbon of development to the north east of Aston Flamville Road, surrounded on three sides by open countryside.

**History:-**

05/00373/FUL	Extensions and alterations to dwelling change of use of ground floor to dance studio barn to domestic garage and garden area to car park	Approved	31.5.05
04/01498/FUL	Extensions and alterations to dwelling change of use of ground floor to dance studio barn to domestic garage and garden area to car park	Refused	23.3.05
04/00838/FUL	Extension to form dance studio and change of use from barn to residential garage	Refused	12.8.04
04/00259/FUL	Extension and partial change of use to create dance studio	Refused	22.4.04
95/00556/FUL	Erection of storage building for agricultural vehicles	Approved	20.9.95
90/1097/4	Extension to dwelling	Approved	5.11.90
90/0217/4	Extension to dwelling	Approved	12.4.90

**Consultations:-**

No objections have been received from:-  
 Parish Council.

Six letters have been received from neighbours. Neighbours object to the proposal on the following grounds: -

- a) additional extension takes up more room
- b) increase in mass of the design contrary to several policies
- c) the building by size and height will be out of keeping with adjacent dwellings
- d) use of the lounge for future students.

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

#### Structure Plan

The adopted Leicestershire, Leicester and Rutland Structure Plan 1996-2016, Strategy Policy 8 refers to acceptable forms of development in the open countryside.

#### Local Plan

The site lies within land undesignated Open Countryside in the adopted Hinckley & Bosworth Local Plan. Policy NE5 states that the countryside is protected for its own sake.

Policy BE1 of the adopted Hinckley & Bosworth Local Plan seeks to ensure adequacy of design and appearance of development.

Policy RES7 of the adopted Hinckley & Bosworth Local Plan states that planning permission for extensions to existing dwellings will be granted, except where the extension would affect neighbouring residential amenity or where the design or materials would be detrimental to that of the main property or the wider visual area.

The Council's Supplementary Planning Guidance advises that extensions should respect the scale and character of the existing dwelling and street and should not overwhelm the existing house. They should also be constructed using external materials to match the existing property.

### **Appraisal:-**

The proposed lounge extension is sited to the rear elevation of a bungalow that is at the end of a ribbon development. Members may recall that the existing bungalow has been approved subject to conditions for a first floor addition and change of use to dance studio. Considering that the previous consent increased the bulk and mass of the existing bungalow to a two-storey dwelling, this replacement lounge of the approved conservatory will not adversely affect the openness of the open countryside, nor would it detrimentally impact upon the character and setting of the surrounding area. The siting and location of the proposed lounge will not be an incongruous addition to the existing bungalow, nor would it be detrimental to the approved scheme. This is primarily due to its design being sympathetic to the existing character and appearance of the building.

Neighbour's concerns have been considered. This specific proposal should be considered on its merits and although neighbour's objections to further development upon the site are substantiated, this specific proposal is a replacement of what has been already approved, with the increase in ground floor area is minimal in comparison to the approval to increase the bungalows mass and bulk via the extant consent. It is also considered that the purpose built structure will not adversely impact upon any neighbouring properties. A neighbour raises the possibility of the lounge being utilised for students attending the dance studio, in relation to the siting and location of the extension and it is considered that defining its use with a condition is appropriate.

The proposal is in conformity with the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

**SUMMARY OF DECISION** - The proposal is in conformity with Policy BE1; of the adopted Hinckley & 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 The proposed lounge extension shall be used for residential use in connection with the dwelling only, and at no time be used in connection with the proposed dance studio facilities.

**Reasons :-**

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 3 To define the permission.

**Notes to Applicant:-**

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

**Contact Officer:-** A Ghafoor Ext 5775

**Item:** 11

**Reference:** 05/00785/FUL

**Applicant:** R Russell

**Location:** 8 Lynwood Close Desford

**Proposal:** EXTENSIONS AND ALTERATIONS TO DWELLING

**Introduction:-**

The application site is situated within a well-established residential area. The existing bungalow is situated within a cul-de-sac arrangement, being a semi-detached property, but between No.7 and No.8 there is a narrow public footpath link between, Lynwood Close and Burley Close. The existing bungalow is similar in appearance and character to other bungalows within close vicinity.

The proposal as initially submitted, comprised a ground floor extension to the side elevation adjoining the public footpath to the east measuring 9.3m in length x 4m depth and 5m to ridgeline, but this has been amended to around 4.5m with a gap of 300mm between the

boundary and the side extension. The extension to the side protrudes by a further 3m to the rear but this forms part of the rear flat roofed extension. The original plans also proposed a single-storey rear extension measuring 3m in length, 10.2m wide with a flat roof of 2.7m high, but the amended plans have reduced the overall width to 9.9m. The existing side elevation garage is 5.2m x 3m and is linked to the existing bungalow. The overall width of the new extension is around 4m. This garage is pitched roofed and sits approximately 500mm away from the timber fence boundary with the public footpath.

### **Consultations:-**

No objections have been received from

Desford Parish Council

Four neighbour objection letters have been received raising the following objections:

- a) The proposed extension would protrude way past the existing building line
- b) detract from the character of neighbouring properties
- c) proximity to drains
- d) encroachment on public footpath
- e) lack of clarity of plans.

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

The site lies within the settlement boundary of Desford and the following policies apply within the adopted Hinckley & Bosworth Local Plan:

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment, and ensure that development does not affect the residential amenities of neighbouring properties.

Policy RES7 states that planning permission for extensions to dwellings will be granted where they respect the scale and character of the existing dwelling and street scene; retain adequate car parking provision and do not adversely affect the occupiers of neighbouring properties by over-development, visual obtrusiveness or overlooking.

The Council's Supplementary Planning Guidance (SPG) seeks to ensure that extensions are designed sympathetically.

### **Appraisal:-**

The amendments are an improvement upon the original scheme. By lowering the ridgeline of the proposed garage, and setting it in by 300mm from the boundary with the adjacent public footpath, the proposed extension to the side elevation will not appear overly over-bearing to such an extent that it would be detrimental to the visual amenities of the surrounding area, and would not necessarily be a visual intrusion in the street scene due to its siting and location. By being set back by 1m from the front and reducing the pitch/height of the roof, a terracing effect will not occur. The extension to the side and rear is a typical domestic development that will improve living accommodation offered by the bungalow. These additions are not incongruous extensions to the existing dwelling due to their design. This is primarily due to its appearance as the extension is designed sympathetically to the existing bungalow (pitched roofed with a flat roof extension to the rear in order to reduce impact) thus ameliorating any negative impacts upon neighbouring properties. The adjoining dwelling's rear window is not affected due to the flat roof, and the depth of the extension is no more than 3m protruding from the rear elevation, meeting the Council's Supplementary Planning Guidance. The proposal also involves the conversion of the existing 1m projecting flat roof to the front elevation into a pitched roof gable-end with an



overall height of 3.5m. This addition is not an extension in terms of increased footprint, and incorporates a design feature more in character with the existing property.

Neighbours have raised the concern that the proposal involves an extension to the front elevation. This confusion may have evolved due to the inaccurate nature of the existing and proposed floor plans that were originally submitted. Developing in front of a 'building line' is a perceived concern of neighbours who view that an extension to the front elevation would be a visual intrusion in the street scene. However, as there are no forward projections to the front elevation this is not an issue. The amended plans illustrate clearly the existing and proposed floor plans and the extensions are restricted to the side/rear, with a pitched roof on the front elevation that does not exceed the highest point of the existing dwelling.

The Borough Council's Land Drainage consultant has confirmed that the public foul and surface water sewer run underneath the existing garage. However, Severn Trent Water have confirmed that development can be enabled. With regards to building over a public sewer, adequate legislation is in place that caters for such circumstances. The agreement between Severn Trent and the applicant is a matter for the applicant to entertain, not the Local Planning Authority.

Adequate off-street car parking provision is provided within the residential curtilage. A garage space and one space in front can be accommodated, thus the additional bedroom to convert the 2BR bungalow into a 3BR one does not adversely affect car parking. For these reasons the proposed development is acceptable on planning grounds and is recommended for approval.

**SUMMARY OF DECISION:-** The proposal is in conformity with Policies Be1 and RES7 of the adopted Hinckley & Bosworth Local Plan. Planning permission is granted subject to conditions:-

**RECOMMENDATION :- Permit subject to the following 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 This permission relates to the application as revised by amended plan 05/00785A/FUL received by the Local Planning Authority on 25th August 2005

**Reasons :-**

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 3 To define the permission.

**Notes to Applicant:-**

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

- 2 The applicant is informed that prior to any development commencing an agreement to build over, or adjacent to a public sewer, needs to be agreed with Severn Trent Water Limited. Any works must comply with Building Regulations (2000) Part H4 Building Over Sewers.

**Contact Officer:-** A Ghafoor Ext 5775

**Item:** 12  
**Reference:** 05/00493/FUL  
**Applicant:** Moores Of Norton Ltd  
**Location:** Moores Arms 6 Orton Lane Norton Juxta Twycross  
**Proposal:** EXTENSIONS AND ALTERATIONS

**Introduction:-**

This is a Full Planning Application for a new restaurant of 100 covers attached to the Moores Arms public house. The works will include the alteration of the public house, the conversion of the barn to the rear, the construction of a new barn and a new roof to link these buildings together. The existing car park which serves the Moores Arms provides parking for 31 cars.

An application for Listed Building Consent for the works (ref no 05/00596/LBC) follows on this agenda.

The site is approximately 1575 square metres. The Moores Arms public house is considered to be a historic building of national importance whose character and appearance it is important to protect and is Grade II listed. The building is mid to late C18 and constructed of painted brickwork with plain tile roofs. It is thought to have been originally a farmhouse and the adjacent barn is the only surviving building of the former farmyard. It occupies a sensitive location at the historic core of the village, immediately to the south-west of the parish church of the Holy Trinity which is listed grade II\*. Orton Lane forms the southern and eastern boundaries of the site. To the north, approximately one and a half metres below the general car park level, is a group of three modern houses. The western boundary is the rear garden and gable wall of 8 Orton Lane.

The proposal will considerably extend the existing usable commercial space within the building complex. A new first floor will be constructed within the existing barn to create two levels of dining served by a kitchen at its eastern end. The yard between the barn and the pub will be used as additional seating with a new metal roof over at second floor level. A new first floor gallery on the rear of the pub would provide further restaurant space. There will be 100 covers in total.

The new barn, of a similar size to the existing barn, will be constructed along the edge of the car park and linked to the existing complex by the new metal roof. This building will accommodate the service areas of the restaurant including storage, toilets and a staff room.

A listed building appraisal has been submitted with the application, which also deals with the design strategy for the scheme. A key feature of the project is the new roof, which spans the yard. This will provide an interesting space at the heart of the scheme and views of the barn elevation from the yard through a glazed section of the roof. Alternative proposals for the new barn are also illustrated in the statement which were eventually rejected by the client in favour of the current scheme.

For Members' information, previous owners submitted applications to build houses on the car park and convert the Moores Arms to residential. Following a campaign to save the pub by the local community the site was sold to the present applicant, a local land owner, and the previous applications were withdrawn.

**History:-**

03/01394/LBC	Conversion of Public House, barns/ outbuildings to form four dwellings	Withdrawn	15.03.05
03/01393/FUL	Conversion of Public House, barns/ outbuildings to form four dwellings	Withdrawn	15.03.05

**Consultations:-**

No objections have been received from Head of Health and Environment Services.

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

The Land Drainage Engineer  
The Director of Environment and Heritage (Archaeology).

No response has been received at the time of writing this report from Press and Site Notices.

Neighbours notified and fifteen letters of support for the scheme have been received. One neighbour letter has also been received expressing concern at the number of parking spaces being provided for the size of the development.

The Georgian Group strongly recommend that the application should be refused because the scale of the proposed additions will overwhelm the relatively small listed building and detract from its special character and interest.

Director of Highways, Transportation and Waste Management consider that the number of spaces is inadequate for the size of the restaurant and it is anticipated that this will lead to a major issue with on street parking at a point on Orton Lane which has limited visibility because of the bends.

**Development Plan Policies:-**

Government Advice

Planning Policy Guidance Note 15 highlights the need to protect listed buildings from unsuitable alteration and demolition because they represent a finite resource and an irreplaceable asset. Local Planning authorities should have special regard to desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.

It advises that applicants should justify their proposals to show why they are necessary and provide a historical impact assessment of their proposals on the special character of the building and its setting.

### Structure Plan Policy

Environment Policy 1 of the adopted Leicestershire, Leicester and Rutland Structure Plan requires that measures are taken to protect, preserve and enhance buildings and settings of historic or architectural interest.

### Local Plan Policies

The site is within the settlement boundary of Norton Juxta Twycross as identified in the adopted Hinckley and Bosworth Local Plan.

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

Policy BE4 of the adopted Hinckley and Bosworth Local Plan states that Planning Permission will only be granted where it has been demonstrated that proposal does not detract from the architectural or historic character of the building. Further more, the scale, form siting and material features, which contribute to the character of the listed building, should be retained or enhanced.

Policy BE5 of the adopted Hinckley and Bosworth Local Plan requires that the setting of a listed building should be preserved and enhanced by any new development in the vicinity.

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

### **Appraisal:-**

#### Economic Benefit

The proposed development will bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area. The applicant has stated that it is the intention to create a top quality restaurant and public house which will target regional and national custom.

The Moores Arms has a history of unprofitability. The village and surrounding area does not provide enough custom for the pub and it has no access to passing trade. Consequently investment has been very limited over many years and this has led to further decline in visitors.

#### Community Benefit

It is understood that the applicant has undertaken consultations with village residents and the submitted scheme has received considerable support. The proposal will retain the building in use as a public house and focal point for the community.

## Impact of the proposal on the listed building

There are four issues:-

### 1. Design

The Moores Arms is located on a prominent corner of Orton Lane and being listed, has been recognised as the most important building in that part of the street. The original house is quite small but has been extended over time by small extensions to each gable and single storey extensions at the rear. In order to protect the setting of the building, any new proposal should be low key and not seek to dominate the original house. The impact of the new metal roof, which links the pub to the existing barn on the setting of the listed building is of concern, in terms of its dense appearance but does add an interesting element to this extension which is set back from the main front elevation of the listed building.

### 2. Loss of historic fabric.

Government advice is that an application for listed building consent should normally be accompanied by a historical impact assessment. This should highlight those important architectural or historic features, which will be altered or lost by the proposals. The proposal will involve the loss of the rear single storey roof structure, but historic timber framing in the rear wall of the public house will be exposed to the public. Officers consider this to be acceptable and do not feel that the scheme as a whole harms the historic fabric of the building.

### 3. Car Parking

It is anticipated that most customers of the new restaurant will arrive by car. To meet the vehicle parking guidelines of Leicestershire County Council, there is a requirement for 86 car spaces. There will be 47 car spaces for both pub and restaurant customers on the site. In addition two new car parking areas will be constructed on land owned by the applicant adjacent to the village hall. This will provide a further 14 car parking spaces which will be available for community use in addition to restaurant customers. This will provide a total of 61 car spaces. Although there is a shortfall, it is felt that with such support by the village to retain the facility, a number of customers will be those living in the village who will walk. (Some opportunity of on-street parking is also available) it is considered that when balanced against the potential loss of the pub this is not a reason to warrant refusing the application.

### 4. Residential amenity

In principle, the layout of the site comprises of two elements, the Moores Arms building complex on the southern half of the site and the car park to the north at the rear. The building is located at the heart of the village bounded on three sides by residential properties. The distances within the Council's Supplementary Guidance have been met, such as window to window distances. Along the northern boundary, the existing land level of the car park drops by approximately 1.5 metres along the boundary of adjacent property. It is considered that overlooking can be overcome adequately by the imposition of a planning condition. Overall, it is not considered that the scheme will have a detrimental impact on residential amenity.

## Conclusion

On balance, officers consider the principle of this development to be acceptable in terms of the Council's aims to provide high quality design, and encourage development which will lead to the regeneration of the area. The retention of the public house is important to the village, and this scheme is likely to make it viable.

**RECOMMENDATION:- That the Head of Culture and Development be granted powers to issue planning permission consent subject to the following conditions.**

**SUMMARY OF DECISION:-** The proposal is in conformity with Policies BE1, BE4, BE5 and T5, of the Hinckley and Bosworth Local Plan.

- 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 revised by amended plan 122/01D, 02D 03 and 04 received by the Local Planning Authority on 18 August 2005
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed Public House/Restaurant shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - i) proposed finished levels or contours
  - ii) means of enclosure
  - iii) hard surfacing materials
  - iv) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
  - v) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
  - vi) planting plans
  - vii) written specifications
  - viii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - ix) implementation programme.
- 5 The details approved by condition 4 in relation to the hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 6 Alterations shall not take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording. This work shall be conducted in accordance with a written scheme of investigation which has been submitted and approved in writing by the Local Planning Authority.
- 7 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only, unless otherwise agreed in writing with the Local Planning Authority.
- 8 No development shall take place until a scheme for ventilation of the premises, which shall include installation method, maintenance and management has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details before the premises are first brought into use for the development hereby approved and maintained in use thereafter.
- 9 There shall be a minimum of 47 car spaces provided within the curtilage of the site for customer use and these shall be retained at all times thereafter.

- 10 No development shall be carried out until details of 14 off-site parking spaces have been submitted to, approved in writing by the Local Planning Authority and provided on land owned by the applicant adjacent to the Community Centre. These shall be made available for community use in addition to customer overflow car parking spaces and retained at all times thereafter.
- 11 No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjoining highway.
- 12 Before the development hereby permitted is first used, off-street car parking provision shall be made within the application site to the satisfaction of the Local Planning Authority. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be maintained at all times.

**Reasons :-**

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To define the permission.
- 3-5 To ensure that the development has a satisfactory external appearance and surrounding landscape to accord with policies BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure satisfactory historic building recording to accord with policy BE16 of the adopted Hinckley and Bosworth Local Plan.
- 7 In the interests of road safety to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE4 and EMP4 of the Hinckley & Bosworth Local Plan.
- 9-11 To ensure that adequate off-street parking facilities are available to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 12 In the interests of Highway 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 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

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

**Item:** 13  
**Reference:** 05/00596/LBC  
**Applicant:** Moores Of Norton Ltd  
**Location:** Moores Arms 6 Orton Lane Norton Juxta Twycross  
**Proposal:** ALTERATIONS AND EXTENSIONS

**Introduction:-**

This is a Listed Building Application for a new restaurant of 100 covers attached to the Moores Arms public house. The works will include the alteration of the public house, the conversion of the barn to the rear, the construction of a new barn and a new roof to link these buildings together. The existing car park which serves the Moores Arms provides parking for 31 cars.

A full application for planning permission for the works precedes this item on the agenda (ref no 05/00493/LBC).

The site is approximately 1575 square metres. The Moores Arms public house is considered to be a historic building of national importance whose character and appearance it is important to protect and is Grade II listed. The building is mid to late C18 and constructed of painted brickwork with plain tile roofs. It is thought to have been originally a farmhouse and the adjacent barn is the only surviving building of the former farmyard. It occupies a sensitive location at the historic core of the village. Immediately to the south-west of the parish church of the Holy Trinity which is listed grade II\*. Orton Lane forms the southern and eastern boundaries of the site. To the north, approximately one and a half metres below the general car park level, is a group of three modern houses. The western boundary is the rear garden and gable wall of 8 Orton Lane.

The proposal will considerably extend the existing usable commercial space within the building complex. A new first floor will be constructed within the existing barn to create two levels of dining served by a kitchen at its eastern end. The yard between the barn and the pub will be used as additional seating with a new metal roof over at second floor level. A new first floor gallery on the rear of the pub to provide further restaurant space. There will be 100 covers in total.

The new barn, of a similar size to the existing barn, will be constructed along the edge of the car park and linked to the existing complex by the new metal roof. This building will accommodate the service areas of the restaurant including storage, toilets and a staff room.

A listed building appraisal has been submitted with the application. This primarily deals with the design strategy for the scheme. A key feature of the project is the new roof, which spans the yard. This will provide an exciting space at the heart of the scheme and views of the barn elevation from the yard through a glazed section of the roof. Alternative proposals for the new barn are also illustrated in the statement which were eventually rejected by the client in favour of the current scheme.

For Members' information, previous owners submitted applications to build houses on the car park and convert the Moores Arms to residential. Following a campaign to save the pub by the local community the site was sold to the present applicant, a local land owner, and the previous applications were withdrawn.



## History:-

03/01394/LBC	Conversion of Public House, barns/ outbuildings to form four dwellings	Withdrawn	15.03.05
03/01393/FUL	Conversion of Public House, barns/ outbuildings to form four dwellings	Withdrawn	15.03.05

## Consultations:-

No objections have been received from Head of Health and Environment Services.

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

The Land Drainage Engineer  
The Director of Environment and Heritage (Archaeology).

No response has been received at the time of writing this report from Press and Site Notices.

Neighbours notified and fifteen letters of support for the scheme have been received. One neighbour letter has also been received expressing concern at the number of parking spaces being provided for the size of the development.

The Georgian Group strongly recommend that the application should be refused because the scale of the proposed additions will overwhelm the relatively small listed building and detract from its special character and interest.

Director of Highways, Transportation and Waste Management considers that the number of spaces is inadequate for the size of the restaurant and it is anticipated that this will lead to a major issue with on street parking at a point on Orton Lane which has limited visibility because of the bends.

## Development Plan Policies:-

### Government Advice

Planning Policy Guidance Note 15 highlights the need to protect listed buildings from unsuitable alteration and demolition because they represent a finite resource and an irreplaceable asset. Local Planning authorities should have special regard to desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.

It advises that applicants should justify their proposals to show why they are necessary and provide a historical impact assessment of their proposals on the special character of the building and its setting.

### Structure Plan Policy

Environment Policy 1 of the adopted Leicestershire, Leicester and Rutland Structure Plan requires that measures are taken to protect, preserve and enhance buildings and settings of historic or architectural interest.

## Local Plan Policies

The site is within the settlement boundary of Norton Juxta Twycross as identified in the adopted Hinckley & Bosworth Local Plan.

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

Policy BE4 of the adopted Hinckley & Bosworth Local Plan states that Planning Permission will only be granted where it has been demonstrated that proposal does not detract from the architectural or historic character of the building. Further more, the scale, form siting and material features, which contribute to the character of the listed building, should be retained or enhanced.

Policy BE5 of the adopted Hinckley & Bosworth Local Plan requires that the setting of a listed building should be preserved and enhanced by any new development in the vicinity.

## **Appraisal:-**

### Economic Benefit

The proposed development will bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area. The applicant has stated that it is the intention to create a top quality restaurant and public house which will target regional and national custom.

The Moores Arms has a history of unprofitability. The village and surrounding area does not provide enough custom for the pub and it has no access to passing trade. Consequently investment has been very limited over many years and this has led to further decline in visitors.

### Community Benefit

It is understood that the applicant has undertaken consultations with village residents and the submitted scheme has received considerable support. The proposal will retain the building in use as a public house and focal point for the community.

### Design of the scheme

Planning officers fully support the concept of the scheme and believe that, in principle, it should be supported. To this end, several meetings have been held with the applicant, his architect, the local councillor and a neighbour during the development of the scheme.

### Impact of the proposal on the listed building

There are two issues:-

#### 1. Design

The Moores Arms is located on a prominent corner of Orton Lane and being listed, has been recognised as the most important building in that part of the street. The original house is quite small but has been extended over time by small extensions to each gable and single storey extensions at the rear. In order to protect the setting of the building, any new proposal should be low key and not seek to dominate the original house. The impact of the new metal roof, which links the pub to the existing barn on the setting of the listed

building is of concern, in terms of its dense appearance but does add an interesting element to this extension which is set back from the main front elevation of the listed building.

2. Loss of historic fabric.

Government advice is that an application for listed building consent should normally be accompanied by a historical impact assessment. This should highlight those important architectural or historic features, which will be altered or lost by the proposals. The proposal will involve the loss of the rear single storey roof structure, but historic timber framing in the rear wall of the public house will be exposed to the public. Officers consider this to be acceptable and do not feel that the scheme as a whole harms the historic fabric of the building.

Conclusion

On balance, officers consider the principle of this development to be acceptable in terms of the Council's aims to provide high quality design, and encourage development which will lead to the regeneration of the area. The retention of the public house is important to the village, and this scheme is likely to make it viable.

**RECOMMENDATION:- That the Head of Culture and Development be granted powers to issue listed building consent subject to the following conditions.**

**SUMMARY OF DECISION:-** The proposal is in conformity with Policies BE1 and BE4 of the Hinckley and Bosworth Local Plan.

- 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 revised by amended plan 122/01D and 02D received by the Local Planning Authority on 18 August 2005
- 3 All new windows and doors shall be recessed and constructed in painted timber. Full details including cross sections of the window transoms, mullions, cills and adjacent brickwork and doorframes together with the BS colour codes to be used on all external surfaces and details of all rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be implemented in accordance with the approved details.

**Reasons :-**

- 1 To comply with the requirements of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 2 To define the permission.
- 3 To ensure a satisfactory appearance and to protect the character and integrity of the listed building to accord with policies BE1 and BE4 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 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

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