

REPORT P35

PLANNING COMMITTEE

04.10.2005

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: 05/00033/OUT
Applicant: Rexhaven Ltd
Location: Lyndhurst 61 Heath Lane Earl Shilton Leicester LE9 7PE
Proposal: ERECTION OF ONE DWELLING

Introduction:-

The application is for outline planning permission relating to the erection of one detached bungalow at land to the rear of No.61 Heath Lane. The application reserves all matters. The site measures approximately 0.018 hectares. The application seeks permission to build on a plot of land to the rear of a residential dwelling, which is part of the rear private amenity space to No 61. The site is surrounded by other residential properties.

The applicant has stated that a detailed Design Statement at this outline stage is not appropriate. The applicant has provided a 'letter of application' that outlines the '...nature of the site and the principle of development...' Illustrative drawings have been provided, and these plans are for indicative purposes. The plans illustrate a bungalow that has a ridge height of 6m lowering to 4.6m over the integrated garage. The applicant states that the plot is a 'regular' shape with a site area of around 178 square metres or approximately 0.018ha, of which approximately 66 square metres may be developed into a 'modest' two-bedroom dwelling. Private amenity space is to the side adjacent No.1 Gartree Crescent.

History:-

No relevant planning history.

Consultations:-

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

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

No objections received from Environment Agency.

Earl Shilton Town Council but assert that it be made sure the frontage of the building from the path met the Council regulations, in other words, the same as other houses in Gartree Crescent.

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

- a) Increase traffic problems
- b) insufficient room for a dwelling
- c) noise and loss of privacy to No.59 Heath Lane
- d) overlooking issues to the rear of No 59 Heath Lane and its rear garden.

Development Plan Policies:-

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

Policy BE1 of the adopted Hinckley & Bosworth Local Plan seeks to ensure that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area, and comply with appropriate design, layout, highways and parking standards.

Policy REC3 relates to new residential development and outdoor public space.

Policy T5 states that Leicestershire County Council's design standards need to be met for new residential dwellings.

The Council's Supplementary Planning Guidance seeks to ensure that new residential development satisfies adopted Local Plan policies, maintaining high design standards.

Appraisal:-

The main factors to consider are a) whether the plot can accommodate a residential dwelling without impacting upon residential amenities of nearby properties and b) the impact of the proposed dwelling upon the character of the surrounding area.

The site is a restricted plot due to its depth, size and shape. In comparison to other dwellings within the surrounding area this plot is very constrained, and any type of building - bungalow or otherwise - will appear cramped and out of character. There are no opportunities to design the dwelling in such a manner that can overcome these concerns, due to a nominal depth of around 10.5m from Gartree Crescent to the timber boundary of No.59 Heath Lane. The frontage of any future development would need to be close to the public highway, thus appearing visually intrusive within the street scene. In comparison to existing dwellings within Gartree Crescent, these dwellings have reasonable front garden depths, and adequate off-street car parking space.

Although there are no specific architectural features defining the overall character of the area, there are mixtures of house types. House designs vary from inter-to-post war periods, 1960's styles with a mix of modern developments. There are a mixture of both traditional two-storey dwellings and bungalows. Properties along Heath Lane (to the north of the plot) have reasonable rear garden lengths varying from 25-30m, and are 9-10.5m in width. There are properties within Gartree Close that have private amenity space to the rear that are 10m in depth. However, these dwellings do not share boundaries with other dwellings for example, Nos.2-6 back onto Heath Lane South and so there are no issues of overlooking, or loss of residential amenity to neighbouring dwellings. Private amenity space for the proposed plot is to the side elevation with a depth of 7.5m to the front narrowing to 4.5m to the rear. This depth is insufficient to maintain a significant degree of privacy for future occupants of this dwelling. There will be a loss of residential amenities to occupants of both No.1 Gartree Crescent and No.59 Heath Lane because of inadequate space for a garden area. Any development on this plot would be out of character with existing properties.

The plans indicate a driveway length of 4m with garage depth of 5.2m. It is difficult to perceive how it is possible to provide adequate off-street car parking space without any over-hang to the public highway on a plot that is 10.5m in depth. The plans show a gap of 1m between the rear elevation of the garage, and the boundary fence to No.59 Heath Lane. There are no opportunities to provide a vehicular turning point within the site's curtilage. Vehicles will reverse onto the public highway from a site that has constrained visibility for both pedestrians and highway. County Highways state that '...all details of the proposed

development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards'. Further, Highways states a '...2 metres x 2 metres visibility splays on each side of any vehicular access...' is required and that this is not illustrated as achievable on the block plan.

Developer contributions would be required for play and open space in line with policy had the recommendation been more favourable.

For the reasons outlined above it is considered that the plot cannot accommodate a residential dwelling due to its shape and size. Any potential development on this plot may have negative impacts upon the reasonable enjoyment of residential amenities to the future occupants of the property, No.59 and 61 Heath lane as well as No.1 Gartree Close. The proposed development is out of character to the surrounding area, and will set a negative precedent, resulting in over-development.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, the development of the site for the erection of one dwelling represents overdevelopment which is out of keeping with the character of the area and will lead to the loss of amenities to numbers 59 and 61 Heath Lane, and future occupants of the dwelling, contrary to policy BE1 of the adopted Hinckley and Bosworth Local Plan adopted February 2001 and the Council's Supplementary Planning Guidance on New Residential Development.
- 2 In the opinion of the Local Planning Authority, the site is too restricted in shape and size to accommodate the residential dwelling in a satisfactory manner by virtue of the inadequate provision of private amenity space and off-street car parking facilities, contrary to policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan adopted 2001.
- 3 The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the Local Planning Authority would also object, but which would consequently be difficult to resist.
- 4 In the opinion of the Local Planning Authority, lack of financial contribution to address the increase in pressure placed on Public Open Space facilities of the local area by the proposed development would not accord with Circular 05/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996-2016, Policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Guidance on Play and Open Space (October 2002).

Contact Officer:- A Ghafoor Ext 5775

Item: 02
Reference: 05/00197/FUL
Applicant: Mr & Mrs R Thompson
Location: Common Farm Barton Road Market Bosworth Nuneaton,
Warwickshire CV13 0LQ
Proposal: BARN CONVERSIONS TO TWO RESIDENTIAL UNITS AND ONE
COMMERCIAL INDUSTRIAL UNIT

Introduction:-

This is a full application for the conversion of a group of five barns to two residential properties and the use of another barn for industrial purposes. The proposed conversion to two residential properties provides barn one with accommodation on ground floor only and the other over two floors, utilising the high barn. Barn one has three bedrooms, one with ensuite, kitchen, dining room, sitting room, utility and bathroom. Barn two has four bedrooms; two with ensuites, kitchen, dining room, study, sitting room, utility and bathroom.

Common Farm is located on Barton Road, between Market Bosworth and Carlton. The existing buildings are visible from the main road as the area is open with isolated farms and dwellings.

The applicant has submitted a Structural Inspection Report that concludes that the barns are generally in a sound structural condition with the expected deterioration from the weather elements and their agricultural use. Their conversion/modernisation will not need significant structural alterations nor enhancements assuming suitable consideration is given to the design and specification.

History:-

None relevant.

Consultations:-

No objections have been received from Central Networks.

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

Borough Council's Land Drainage Consultant
Head of Health and Environment Services
Environment Agency
Director of Highways Transportation and Waste Management
Director of Environment and Heritage Services (Archaeology).

No comments have been received at time of writing the report from Severn Trent Water Ltd.

Parish Council raised a number of queries:-

- a) Have Leicestershire County Council Highways been consulted on the new access?
- b) are the outbuildings that are not part of the planning application to be demolished?
- c) is the industrial unit to have conditions regarding the type of industry permitted? There was some concern about noise pollution.

Following a response to these queries, no formal objections were raised.

Site notice provided and neighbours notified. One letter received raising the following points:-

- a) There has been light industrial use at the farm for many years and have no complaints in terms of noise pollution and work activity outside normal office hours.
- b) restrictions should be imposed to ensure that the new use remains as a light industrial unit and the current situation is maintained regarding noise pollution.

Development Plan Policies:-

The site is located within the open countryside, close to Market Bosworth and Carlton as identified in the adopted Hinckley and 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 excessive expansion and encroachment of buildings into the countryside.

Policy NE5 aims to protect the countryside and only permit development where it is either important to the local economy, cannot be provided within/adjacent an existing settlement, change of use/reuse of buildings of historic value or for sport or recreational purposes. The development should not pose a detrimental impact on the landscape, should be in keeping with existing buildings 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. The proposal should not include significant areas of external storage. Policy T5 aims to apply the County Council highway standards and parking standards to new developments.

Supplementary Planning Guidance Guide to Conversion of Rural Buildings gives advice on external building character, internal features, the setting of converted buildings, habitat preservation and creation, landscaping, submission requirements, etc.

No open space contribution is applicable to the new dwellings as the application site is not within 1km of a recreation area.

Appraisal:-

Design

The application involves some changes to the barns to be converted. The majority of the proposed doors and windows make use of the existing openings in the barns. The original proposal for the conversion of barn 2 and 4 did involve the addition of new openings for doors and windows. The conversion also involved an extension to barn 5 that is currently an open roofed pen.

The new openings are in keeping with the other doors and windows, and are considered acceptable additions. The extension, although retaining the same footprint of the barn by utilising the open pen, does remove/replace the existing end elevation of the barn and includes a new window completely different to the others in the same elevation. Amended details were submitted removing the extension and reducing in the number of new openings.

The proposals include the removal of a structure which enclosed the courtyard between the two proposed dwellings. This provides a better aspect for the new properties.

The proposed industrial unit utilises a barn for employment purposes. There is already manufacturing taking place in the barn opposite where a small business uses the space to produce garden accessories etc. The main changes to this building are the style of the windows. It has not been specified at this stage as to what/who the end user shall be.

Access

The barn conversions are to be accessed via a new access from Barton Road, while the conversion for industrial purposes will use the existing access. The Highway Authority initially objected to the new access regarding the potential increase in vehicle numbers and movements in and out of an access on a Class III road. Following these concerns the applicant advised that the agricultural use was to cease and therefore reduce the total number of vehicle movements, not increase them.

In response to this the Highway Authority have commented that depending on the scale of the existing farming activities on the site, it may be difficult for the Highway Authority to justify its original reason for refusal. Without the benefit of entering the site, and viewing the level of farming activity on the site, it is difficult for the Highway Authority to assess the number of vehicular movements that the existing use of the site generates. If the scale of the agricultural activities on the site could generate in the region of 20-30 vehicle movements per day, the Highway Authority would not be in a position to demonstrate that the application would result in an increase in vehicle movements to and from the site, and conditions should be imposed on any approval.

Principle

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

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

However, the application submitted does not include justification as to why residential should be considered acceptable but given the joint uses proposed (both residential and employment) and suitability of conversion of the buildings, it is considered to outweigh the strict control of residential development in open countryside. It is also important to note that employment use is established at the farm.

Impact on Open Countryside

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

appearance to retain their rural character and for the domestic appearance to be concealed from general view.

It is considered that this site is not overly prominent, even though the buildings can be viewed from the main road. The proposal would not have an adverse effect on the appearance of the landscape through introducing a domestic element to what is currently rural. The extensions proposed are in keeping with the scale and character of the existing buildings. The Supplementary Planning Guidance is specific and states 'significant extensions to a barn as part of an overall conversion will be unacceptable. If a building merits retention then it must be capable of conversion to a new use in its own right.' The scheme meets this criteria.

Overall the proposals are not considered likely to have a detrimental impact on the open countryside.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policies NE5, BE1, BE20 and T5 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 This permission relates to the application as revised by amended plans 03A and 04A received by the Local Planning Authority on 14 July 2005
- 3 This permission relates to the application as endorsed by additional plan No.05A received by the Local Planning Authority on 11 April 2005.
- 4 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.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification development within Schedule 2, Part 1 Classes A-E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 6 The barn for industrial purposes shall only operate between the hours of 8 a.m. and 6 p.m. Mondays to Saturdays but at no times on Sundays, and bank holidays.
- 7 There shall be no storage of materials, plant, oil drums, tyres or waste materials of any description on the open area of the site, unless otherwise indicated on the approved plan.
- 8 No development shall take place within the application area until the applicant has undertaken a desktop study and site investigation to fully characterise the nature and extent of any land and/or water contamination. A report detailing the findings of the investigation providing an adequate risk assessment shall be submitted to and approved in writing with the Local Planning Authority. This shall include a method statement detailing necessary remediation proposals. Any works required shall be carried out in accordance with the approved details.

- 9 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the methods statement is submitted to and approved in writing by the Local Planning Authority to detail how the unsuspected contamination shall be dealt with. Any further works required shall be carried out in accordance with the addendum.
- 10 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected to the proposed new vehicular access 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.
- 11 The gradient of the new access drive shall not exceed 1:12 for the first 5 metres behind the Highway boundary.
- 12 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.
- 13 Before first occupation of either dwelling hereby permitted, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.
- 14 Before the first occupation of either dwelling, car parking provision shall be made within the curtilage of the development site on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.
- 15 Before first occupation of either dwelling hereby permitted, the proposed vehicular access to the site shall be provided with 6 metre control radii on both sides of the access. This radii shall be permanently maintained.
- 16 Before first use of the development hereby permitted the proposed access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained at all times.
- 17 The proposed access shall have an effective width of a minimum of 4.25 metres for a distance of at least 5 metres behind the Highway boundary. The access drive once provided shall be so maintained at all times.

Reasons :-

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2&3 To define the permission.
- 4 To ensure that the development has a satisfactory external appearance to accord with policies BE1 and BE20 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the use remains compatible with the surrounding area to accord with policies NE5 and BE20 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policies BE1 and BE20 of the adopted Hinckley and Bosworth Local Plan.

- 7 To ensure that the site does not deteriorate into an untidy condition to accord with policies NE5 and BE20 of the adopted Hinckley and Bosworth Local Plan.
- 8&9 To safeguard the health of future occupiers of the residential properties to accord with BE1 of the adopted Hinckley and Bosworth Local Plan.
- 10 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 11 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 12 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 13 To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 14 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 15 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 16 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 17 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

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 suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority. If the groundwater strata are unsuitable for soakaway drainage systems, the applicant should consider discharging to existing or new ditches.

- 3 The septic tank proposal will require the consent of the Environment Agency and must comply with that Authority's conditions. An alternative system would be RBC type treatment plant (biodisc or similar), which does not depend on an irrigation network to dispose of effluent.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Western Area Manager - (telephone 01530 414151).

Contact Officer:- K Burnett Ext 5898

Item: 03

Reference: 05/00573/FUL

Applicant: Shropshire Land Company

Location: Desford Hall Leicester Lane Desford Leicester LE9 9JJ

Proposal: DEMOLITION OF OUTBUILDINGS AND ERECTION OF NEW OFFICE BUILDING

Introduction:-

This application was deferred by Members at the 9 August 2005 Committee Meeting to enable officers to seek Counsel's opinion regarding the implication of decisions which might be made on the application. The previous report to committee is repeated, with updates, for Members information.

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

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

The applicant has restated his contention that the proposal is not a speculative application but is a response from existing tenants of the Desford Hall site for additional floorspace. Letting agents retained by the applicant have confirmed this requirement stating that tenants generally are wanting to move to a more pleasant working environment in out of

town locations where there is less traffic congestion. Currently there are 79 employees at the Desford Hall site which could increase to 130 with the proposed offices.

History:-

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

Consultations:-

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

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

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

Severn Trent Water
Ramblers.

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

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

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

The Borough Council's Arboricultural Consultant advises that the trees affected by the development comprise a mature Sycamore as well as some Cypresses and Holly Trees. The Sycamore is of marginal quality and replacement planting will adequately compensate

for the loss of other vegetation. There is a magnificent Oak Tree of considerable importance close to the proposed new building, which will require protection during construction work.

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

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

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

Development Plan Policies:-

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

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

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

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

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

The Structure Plan also requires the countryside to be protected for its own sake and development in these areas will only be acceptable if the general appearance and character of the landscape and countryside is safeguarded or enhanced (Strategy Policy 8). Built development should be well integrated with existing development and designed sympathetically to fit into the local surroundings.

Appraisal:-

The Principle

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

Impact

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

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

Conclusion

Officers are still of the opinion that although these existing buildings probably benefit from the 1987 permission to reuse as offices, their proposed redevelopment with a substantial two storey structure sited close to the boundary of the site with open countryside is not appropriate or acceptable and should therefore be resisted.

RECOMMENDATION :- REFUSE, for the following reason :-

- 1 Notwithstanding the Local Plan designation, it is considered that the proposal represents an unwarranted and inappropriate form of development in a conspicuous rural location and it would therefore have an unacceptable adverse impact on the visual appearance and character of the parkland setting to Desford Hall as well as on the surrounding countryside. The development is therefore contrary to Policies EMP2, BE1, BE5 and NE5 of the adopted Hinckley and Bosworth Local Plan as well as the approved Leicestershire, Leicester and Rutland Structure Plan, 1996-2016, Employment Policies 5 and 7 and Strategy Policy 8.

Contact Officer:- C Merriman Ext 5774

Item: 04

Reference: 05/00587/LBC

Applicant: Shropshire Land Company

Location: Desford Hall Leicester Lane Desford Leicester LE9 9JJ

Proposal: DEMOLITION OF OUTBUILDINGS AND ERECTION OF NEW OFFICE BUILDING

Introduction:-

This application was deferred by Members at the 9 August 2005 Committee meeting to enable officers to seek Counsel's opinion regarding the implications of decisions which might be made on the concurrent planning application which is reported elsewhere on the agenda. The previous report to Committee is repeated for Members information.

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

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

History:-

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

Consultations:-

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

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

Development Plan Policies:-

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

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

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

Appraisal:-

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

out of scale and detrimental to the setting of the Grade II Listed Desford Hall and therefore contrary to adopted policies protecting such aspects of the historic environment.

RECOMMENDATION :- REFUSE, for the following reason :-

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

Contact Officer:- C Merriman Ext 5774

Item: 05

Reference: 05/00736/FUL

Applicant: Tesco Stores Ltd

Location: Tesco Distribution Depot Dodwells Road Dodwells Bridge Ind Est
Hinckley Leicestershire

Proposal: CREATION OF CAR PARK AND OTHER ASSOCIATED WORKS

Introduction:-

This is a full application for the creation of a car park and other associated works at the Tesco Distribution Centre on Dodwells Road, Hinckley. The application site is roughly triangular in shape, being bounded almost entirely by Dodwells Road to the south, Ashby Canal to the north and east, and a public footpath to the west (the former railway line). The main building is of a typical industrial shed design and is set back between 50m and 110m from Dodwells Road. Open countryside lies beyond the site, to the north.

The proposed new parking area would provide 523 spaces in total and would be located on an open area of agricultural land beyond the rear boundary of the existing site, between the former railway line and Ashby Canal. Landscape screening is proposed along the boundary with Ashby Canal, in the form of an earth bund with planting, and along the return at the northern end of the site. The existing car-park to the front of the Centre would be used for the parking of trailers and tractors. The proposals also include cycle and motorbike parking facilities, a new gatehouse, and other alterations to improve pedestrian/cycle access within the site. Lighting would be provided to the parking area.

Planning permission to provide the additional spaces within a decked car-park at the front of the site was approved by Committee in 2004 (ref.no. 04/00466/FUL). At the same time, a separate application, similar to the current proposal, was also submitted (ref.no. 04/00467/FUL). However, this was refused on the grounds that it have a detrimental impact on the appearance of the open countryside and the Ashby Canal Conservation Area, and that there was insufficient justification for the additional parking spaces, contrary to the provisions of both the Development Plan and Government guidance. The applicant originally intended to implement only one of these proposals, if either or both were permitted, but has now lodged an appeal against the refusal. This is due to be heard at a Public Inquiry in December this year. The applicants have stated that if the current application is permitted it would voluntarily relinquish their planning permission for the decked car park at the front of the site and the current appeal would be withdrawn.

The applicant's agent advises that the current car parking facilities at the Centre are inadequate and that additional spaces are needed. A Traffic Impact Assessment and Travel Plan have been submitted in support of the application, in addition to a Planning Statement, Environmental Noise Assessment and Landscape Statement. The Statement points out that Tesco is a large employer within Hinckley and that the lack of car parking is restricting both its current efficiency as a business and its ability for future growth. It adds that the current car parking facilities, and even those that would be provided by the approved deck car park, would not now meet the Centre's requirements to meet future demand and continue to fulfil its role within the Tesco distribution network. It is understood that up to 300 jobs would be created, although the application forms indicate no proposed employees.

History:-

04/00467/FUL	Creation of car park and erection of gatehouse, transport office and boundary fence	Refused	08.09.04
04/00466/FUL	Erection of decked car park and associated structures	Approved	28.02.05
02/01074/FUL	New Gatehouse and entrance improvements including new access onto highway and increased car and trailer parking	Withdrawn	07.02.03

Consultations:-

No objections have been received from:-

Neighbours
 Head of Health and Environment Services.

The Director of Planning, Transportation and Waste Management has no objections in principle, but remains concerned about the total amount of spaces being provided. It is considered that this number (523) appears to be unjustified at this stage in that it does not have sufficient regard to national targets of traffic reduction nor to the need to encourage alternative travel modes. However, it is acknowledged that Tesco has successfully demonstrated to other Authorities that a higher level of car parking may be appropriate for this particular type of operation. In accepting this, it is nevertheless suggested that a car parking capacity of 430 would be a more appropriate level than that currently being proposed and that greater efforts should be made to bring about a higher level of use of other travel modes including company transport, public transport, car sharing, cycling and walking.

Borough Council's Land Drainage Consultant has no objections subject to the application of SUDS principles and satisfactory drainage details.

Director of Community Services (Footpaths) has no objections subject to appropriate retention of public footpaths that run through or adjacent the site or to an application to divert the footpaths where necessary before development commences.

British Waterways has no objections in principle but wishes to be consulted on the details of landscaping proposals to ensure there is no negative visual impact on the canal.

The Inland Waterways Association and The Ashby Canal Association both object on the grounds that it would result in visual intrusion of the open countryside and canal and that proposed landscaping appears inadequate to protect the environment of the Ashby Canal. If the Council is minded to permit the application, conditions to fully protect the environment of the Canal should be applied.

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

Environment Agency
The Director of Environment and Heritage Services.

Development Plan Policies:-

The application site lies within the settlement boundary of Hinckley and within an existing employment site as designated in the adopted Hinckley and Bosworth Local Plan. Strategic objective 5 of the Local Plan aims to reduce growth in energy use through the promotion of sustainable development that seeks to reduce transport movements.

Policy EMP1a of the Local Plan states that the Council will actively seek to retain the site (part of Dodwells Bridge Industrial Estate) for employment purposes.

Policy EMP2 of the Local Plan states that expansion of existing employment uses will be permitted subject to meeting design, layout, landscaping, access, parking, and highway requirements and where it protects or, where possible, improves the character, appearance and quality of the site and its immediate environment.

Policy BE1 of the Local Plan relates to the design and siting of development and states that the Council will seek to ensure a high standard of design for developments and to safeguard and enhance the existing environment.

Policy BE7 of the Local Plan states that in and adjoining Conservation Areas, the Council will require the siting and design of new development to preserve or enhance their character or appearance.

Policy NE5 of the Local Plan states that development in the countryside will be granted provided it is important to the local economy and cannot be provided within or adjacent to an existing settlement and only where it does not have an adverse impact on the appearance or character of the landscape and is effectively screened by landscaping.

Strategy Policy 4 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996-2016 encourages integrated and sustainable travel and transport provision to improve the environment and minimise the need to travel.

Appraisal:-

The current application differs from the original, refused, proposal in the following main respects:-

- a) an increase from 500 to 523 spaces
- b) an increase in area, extending a further 70 metres north into open countryside
- c) revision of the internal parking arrangements
- d) details of lighting now shown
- e) earthbund and planting adjacent the canal.

However, the planning considerations remain the same, and these are outlined below.

It is considered that the main considerations with regard to this proposal are, firstly, whether the provision of a total of 523 car parking spaces on this site is excessive and so conflicts with Government guidance that seeks to encourage sustainable development, and, secondly, whether the proposed development of an area of designated open countryside is acceptable in principle and/or would be detrimental to the visual amenities of the area and/or would be harmful to the adjacent Ashby Canal Conservation Area.

With regard to the highway issues, officers do acknowledge the applicant's claim that there is an increasing need for additional parking on this site. It is also noted that a temporary arrangement for Tesco employees to park at the nearby Triumph premises is due to end shortly. Nevertheless, the proposal does raise questions of sustainability that appear hard to justify.

Sustainability

In previous meetings with the applicant's representatives, officers have consistently expressed concerns that the provision of such significant numbers of additional parking spaces would conflict with national planning guidance (in particular Planning Policy Guidance Note 13) which advises local planning authorities to use parking policies, alongside other planning and transport measures, to promote sustainable transport choices and reduce reliance on the car for work and other journeys. It was suggested, therefore, that any proposal for a significant increase in car parking spaces would be unlikely to be given favourable consideration. Instead, the applicant was advised to fully explore measures to reduce car-use by employees through the implementation of a robust Green Travel Plan, which might then reduce the need for any additional car-parking spaces on the site.

Supporting information has been included with the application that states that, even with the implementation of a Green Travel Plan, there still remains a need for the 523 parking spaces to enable the Centre to achieve forecast volumes for 2008/9 and to accommodate 300 additional personnel. It advises that the approved decked car park would not provide sufficient spaces and would also prevent further expansion of commercial vehicle fleet to service the projected growth. On the basis of the information provided and also bearing in mind the nature of the operation, the Highway Authority remains of the view that a maximum of 430 car-parking spaces only can be justified, as was recommended in respect of the approved decked car park.

Visual Amenity

Turning to the issue of visual amenity, it is clear that the area of land proposed for car-parking currently serves as an effective softening 'buffer' between the 'hard edge' of this part of the industrial estate and both the Ashby Canal and the open countryside beyond. This land is designated in the local plan as countryside, outside the defined settlement boundary of Hinckley. The site is very visible from the towpath of the canal despite some screening from a hedgerow and some mature trees.

The applicant's agents' supporting landscape statement suggests that the nature of the area has changed in recent years, since the designation of the Ashby Canal Conservation Area in 1990, and particularly following the erection of the Triumph building and the development of the Centre itself (although this opened in 1989). Additional landscaping, including a 2-metre high earth bund with planting is being proposed to the boundary adjacent the Canal. However, whilst helping to screen the site, it would also affect the generally open nature of the area, and it is likely that the combination of thirty-nine 8-metre or 10-metre lighting columns on the site would either be physically visible or at the very least cause a substantial glow, to the detriment of the rural nature of the area. In addition, vehicle movements taking place over a 24 hour period would be likely to affect the relative tranquillity of the area. Whilst there would certainly be some benefits in the very visually

prominent decked car park not being constructed at the front of the site, it is considered that the current proposal nevertheless remains unacceptable in principle and would, despite the proposed improved landscaping, represent an undesirable visual intrusion into open countryside.

Supporting information

The applicant's agents have responded to comments received on the application, clarifying that:-

- a) the height of the bund would be up to 2 metres and that types of planted species could be subject to a condition of approval; the bund could be redesigned to increase its height where parking spaces intrude into it;
- b) the Environmental Noise Assessment clearly demonstrates that the car park would not have an impact on the amenity of the canal or footpath;
- c) British Waterways would be consulted on a detailed landscaping scheme;
- d) the highway authority's restriction on parking spaces (430) is not justified and is not adequate for the future needs of the Centre;
- e) Policy NE5 of the adopted local plan allows development in the open countryside where it cannot be provided within or adjacent an existing settlement and where it does not have an adverse impact on the appearance and character of the area;
- f) Tesco's investment and employment generation cannot be realised unless the level of car parking proposed is approved.

Conclusion

The authority is aware of the need for this important local employer to seriously reconsider it's parking and transportation arrangements. However, it is considered that the scale and impact of the scheme as submitted remains unacceptable and unjustified given the existing approval of the decked car park at the front of the site.

Notwithstanding the recommendation below, Members are again reminded of the appeal pending on the previous scheme. The Committee may wish, therefore, to await the outcome of this before determining the current application.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 The local planning authority is of the opinion that the proposed car-park would represent an unnecessary and undesirable intrusion of urban development into open countryside to the detriment of its appearance and character. In addition, it would also neither preserve nor enhance the appearance or character of the adjacent Ashby Canal Conservation Area, in conflict with Policies NE5 and BE7 of the adopted Hinckley and Bosworth Local Plan.
- 2 The local planning authority is of the opinion that the applicant has provided insufficient information to justify a significant increase in car-parking spaces, which conflicts with national planning guidance contained in Planning Policy Guidance Note 13, Strategy Policy 4 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996-2016 and Strategic Objective 5 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- N Wright Ext 5605

Item: 06

Reference: 05/00758/OUT

Applicant: Mr M Goode

Location: 70 - 90 Upper Bond Street Hinckley Leicestershire

Proposal: DEMOLITION OF EXISTING INDUSTRIAL BUILDING AND THE ERECTION OF 16 APARTMENTS WITH ASSOCIATED CAR PARKING SPACE AND AMENITY SPACE

Introduction:-

This is the resubmission of a previously withdrawn application for outline permission for the demolition of industrial building and erection of apartments on land off Upper Bond Street (between 70 and 74 and 82 to 90), Hinckley. The scheme proposes 16 apartments and at this stage only includes siting and means of access. The site measures 0.123 hectares.

The site is located within the urban area of Hinckley, to the north of the town centre within an area of mixed uses. The site is partly occupied and partly vacant.

The character of this mixed use area is a combination of residential and commercial (glazing, vehicle repairs, petrol station etc), with building types ranging from single storey commercial premises to 2 and 3 storey residential and business premises.

The plans submitted show the layout of the site to include siting of the two buildings, car parking, amenity space and boundary treatments. A street scene and front and rear elevations has been included for indicative purposes.

Information submitted in support of the application outlines site analysis, design principles and design solutions. It is the intention to create a development that focuses upon the quality of the living environment by good design, space planning, material choices and integrating green spaces. This builds on the guidelines laid out in Planning Policy Statement 1 and Planning Policy Guidance Note 3 to provide a high quality development to reflect the wider context of Bond Street.

History:-

05/00331/OUT	Erection of 18 No. Flats with parking and Amenity Space	Withdrawn	19.05.05
03/00454/FUL	Change of Use from Flats to Hostel Including Extensions and Alterations	Approved	16.07.03

Consultations:-

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

Leicestershire Constabulary Crime Reduction Officer
 Borough Council's Land Drainage Consultant
 Environment Agency
 Severn Trent Water Ltd
 Director of Highways, Transportation and Waste management
 Director of Environment and Heritage Services (Archaeology)
 Director of Community Services (Rights of Way).

Press and site notices were provided and neighbours notified. One letter received raising concern that the land forming part of the proposed development does not belong to the applicant - no notification of this intent has been made.

No comments have been received at the time of writing the report from Head of Health and Environment Service.

Development Plan Policies:-

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

Policy RES5 assesses residential proposals for development on unallocated sites. Policy BE1 seeks to ensure high quality of new development, that proposals complement and not adversely affect the surrounding area or adjacent properties, and ensure adequate privacy and amenity. Policy T5 aims to apply the County Council highway standards and parking standards to new developments. Policy EMP7 states that planning permission would be granted for a variety of uses subject to the use not having a detrimental effect on the local traffic network and amenity of the area and adjoining occupiers, as well as the satisfactory provision for the storage of waste materials, access, servicing and off street car parking arrangements.

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 0.123 hectares with 16 apartments which gives a density of around 130 dwellings per hectare. This is above the minimum density level of the local plan of 27 dwellings per hectare, and above the Planning Policy Guidance Note 3 guidance that requires 30-50 dwellings per hectare. However Planning Policy Guidance Note 3 does seek higher densities than 30-50, on brownfield sites within urban locations, which are close to good public transport and transport corridors, and this is not unusually high for apartment development. The density is comparable to residential development in the area.

Design

The current application does not include design of the proposed dwellings for consideration. The elevational details submitted with the plan are only indicative but form an important element to judging the feasibility of the development.

The design of the two apartment blocks proposes one 3 storey block containing 12 one bed flats and one 2 storey block containing 4 two bed flats. The height of the buildings complement dwellings and buildings in the vicinity. The front elevations of both blocks contain only windows as the entrances/exits are at the rear. The fenestration details vary from block to block with the 2 storey having arched head details and the 3 storey being soldier courses.

Initial comments in regard to design of the apartment blocks requested that amendments should be made to the height of the two storey block to create more of a terrace with existing properties on Upper Bond Street. The front elevation of the three storey block should appear as though there are entrances directly from the street, as do many properties on Upper Bond Street. The entrances do not have to be proper entrances to allow access only appear able to give access. The windows on first and second floors should assist in giving character to the building as it appeared to be quite bland and featureless. The use of bays or groups of types of windows to break up the front elevation. Also the southern gable needs additional features as this will be a dominant elevation in the street scene and shouldn't just be a wall of brick. Amended plans are to be submitted following the advice/request to alter the plans. Should the amendments be acceptable it will be suggested that the design of the apartment blocks should be submitted at reserved matters stage.

Layout

With regards to privacy and outlook, the Supplementary Planning Guidance requires a distance 25 metres between facing windows and 14 metres between facing windows and gable walls. The proposed layout does not fully achieve these distance in regard to properties on Factory Road. These distances are required to safeguard existing residents and future occupiers.

However, given the marginal discrepancy between the required distance (around 2 metres), this would not warrant refusal of the application. In built up locations there is some flexibility with minimum distances, particularly on front elevations facing the Main Road.

Adequate off street parking provision must be provided for the number of bedrooms proposed. The parking standards require a minimum of three spaces per two dwellings. The current layout provides 18 parking spaces located to the rear of the buildings, this is below the requirement of 24 spaces to meet the Local Plan standard. However, given its close proximity to the town centre, the lack of car parking provision, that is above the requirements of Planning Policy Guidance Note 3 in any case, would not be a reason for refusal. A financial contribution for the lack of car parking can be included as part of the s106 agreement. The applicant has tried to overcome the shortfall in spaces by restricting the type of flats to each block. For example, the one bed flats have 1 space per flat in the three storey block, and the two bed flats have 1.5 spaces per flat in the two storey block.

The Highway Authority consider that a sustainable objection could not be raised on the grounds of a lack of parking. This is a brown field site in a town centre location with good transport choice options, where there are comprehensive on street parking controls.

In regard to access, in order to provide the required visibility splays, the proposed use of railings across the sites frontage will have to be altered. No other concerns or objections have been raised.

Redirected Public Footpath

The proposal includes the requirement to divert the existing public footpath, that would be directly affected by the positioning of the three storey block. An application for the permanent diversion order takes at least 12 months to be processed and until the order is completed, the existing footpath would need to be kept free from obstruction and free access by pedestrians maintained at all times. Temporary diversions and stopping up orders can take at least eight weeks to process.

Landscaping and Amenity

The proposed site layout provides landscaping and amenity in the form of railings and trees along the road frontage and boundaries, and three specified areas within the site. While the proposed trees to the front of the 2 storey block could be accommodated in the space between the block and the pavement, the distance between the 3 storey block is not adequate to plant trees. Also trees proposed along the boundary of the redirected public footpath would need to be removed to retain the openness and visibility needed to allow safe passage along the dog leg footpath. The other boundary treatments will assist in screening the proposed blocks from the residential properties on Factory Road.

The Supplementary Planning Guidance requires that 10 square metres of amenity space should be provided per dwelling. General calculations indicate that the three amenity areas do provide adequate amenity space for the number of flats in line with the Local Plan requirements.

Contributions

Developer Contributions would be required for play and open space £29,600, car parking £12,000, library facilities £520 and waste management facilities £652.48 in line with policy.

Conclusion

The resubmitted scheme has followed previous advice from discussions with officers to provide a development that is in keeping with the character of the area and reflect the appearance of buildings in the street scene. While the outline submission does not include design as part of the application to be determined, negotiations have taken place at this early stage to create a development that will be suitable and feasible for the location.

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, car parking, library facilities and waste management, 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, NE12, NE13, NE14, T5, BE14, BE15, BE16, IMP1, EMP7, REC2, and REC3 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than whichever is the later of the following dates:
 - (a) Five years from the date of this permission; or
 - (b) Two years from the date of approval of the last of the reserved matters to be approved.
- 2 Before the development is commenced, full details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority:
 - i) The design and external appearance of the proposed building
 - ii) The external building materials
 - iii) The details of the required bin store
 - iv) The provision to be made for vehicle parking on the site
 - v) The provision to be made for vehicle turning within the site

- vi) The method of disposal of surface and foul water drainage which shall be on separate systems
- vii) The provision to be made for landscaping of the site
- viii) The existing trees and hedges on the site which are to be retained
- ix) The provision to be made for screening by walls and fences
- x) The floor levels of the proposed apartment blocks in relation to the existing ground level and the finished levels of the site.

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

- 3 The approved 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.
- 4 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- 5 No development shall approved by this planning permission shall be commenced until the information required by the Environment Agency, as requested in their letter dated 17 August 2005, regarding the protection of the quality of the water environment has been submitted to and approved in writing by the Local Planning Authority.
- 6 The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details submitted to 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 10 metres behind the Highway boundary and shall be hung so as to open inwards only and so maintained in perpetuity.
- 8 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.
- 9 All existing vehicular accesses shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossings reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.
- 10 The car parking and any turning facilities within the curtilage of each site shall be provided before any dwelling is occupied and shall thereafter permanently remain available for such use.
- 11 Before the development hereby permitted is first used, cycle parking provision shall be made to the satisfaction of the Local Planning Authority and once provided shall be maintained and kept available for use in perpetuity.
- 12 Notwithstanding the submitted details, before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.

- 13 Before first use of the development hereby permitted, visibility splays of 2.4 metres by 90 metres shall be provided at the junction of each access with Upper Bond Street. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.
- 14 Block A's access shall have an effective width of a minimum of 4.8 metres for a distance of at least 10 metres behind the Highway boundary. The access drive once provided shall be so maintained at all times. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.
- 15 Block B's vehicular access shall have an effective width of a minimum of 4.25 metres for a distance of at least 10 metres behind the Highway boundary. The access drive once provided shall be so maintained at all times. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.
- 16 Before first use of the development hereby permitted, both vehicular accesses to the site shall be provided with minimum 4 metre control radii on both sides of the access and maintained as such at all times thereafter.
- 17 No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitably qualified body acceptable to the Local Planning Authority. The details should include existing and proposed ground levels and layout and depths of all foundations, service trenches, drains, landscaping and other ground works.

Reasons :-

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies BE1, RES5 and NE12 of the adopted Hinckley and Bosworth Local Plan.
- 4 To prevent pollution of the water environment to accord with policies BE1 and NE14 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure the site is suitable for its intended use, to protect the quality of the water environment and to accord with policies BE1 and NE14 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution. To accord with policies BE1, NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan.

- 7 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 11 In the interests of the sustainability of the development and to encourage alternative transport choice. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 12 In the interests of pedestrian safety and to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 13 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 14&15 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 16 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. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 17 To ensure satisfactory archaeological investigation and recording, as well as enable assessment of the impact of development and preparation of an appropriate scheme of archaeological mitigation. To accord with policies BE14, BE15 and BE16 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 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 applicants attention is directed to the letter from Leicestershire Constabulary Crime Reduction Officer dated 8 August 2005.
- 4 The applicants attention is directed to the letter from Environment Agency dated 17th August 2005.

5 The applicant should note that the indicative plans submitted demonstrate a development in keeping with the character and appearance of the area. Any reserved matters should be based on these plans.

Contact Officer:- K Burnett Ext 5898

Item: 07

Reference: 05/00790/OUT

Applicant: Advent Horsefair

Location: Kings Hotel 13 Mount Road Hinckley Leicestershire LE10 1AD

Proposal: RESIDENTIAL DEVELOPMENT COMPRISING OF CONVERSION OF EXISTING HOTEL TO FLATS AND ERECTION OF BLOCK OF FLATS

Introduction:-

The application is an outline application for residential development at the Kings Hotel, Hinckley. The scheme proposes to convert the existing hotel into flats and the erection of a 2.5 storey block at the rear of the site. The original submission only proposed the siting of the new building and access. The site measures 0.14 hectares.

Additional information was requested on the number of dwellings proposed (in both the hotel conversion and new building), car parking arrangements, amenity provision for future occupiers and landscaping proposals to include trees affected by the development. The existing hotel building is to provide eight flats with the new build to the rear providing six flats.

The site is within a mixed use area with residential and commercial uses adjacent to the site, and is close to the Town Centre of Hinckley. The property has operated as a hotel for many years with access from both Mount Road and at the rear of the site from St Mary's Road.

Information submitted in support of the application includes existing area analysis, proposed site layout and photographic viewpoints. It is noted that the existing access drive on Mount Road is to be closed to allow for pedestrian access only and the proposed building, to the rear would have an open frontage and front elevation details as neighbouring building, which is an office block.

History:-

01/01014/FUL	Two Storey Extension to Hotel (Renewal)	Approved	02.10.01
96/00543/FUL	Two Storey Extension (Renewal)	Approved	11.07.96

Consultations:-

No objections have been received from:-

Environment Agency
Head of Health and Environment Services.

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

Severn Trent Water Limited
Borough Council's Land Drainage Consultant
Director of Highways, Transportation and Waste Management
Leicestershire Constabulary Crime Reduction Officer.

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

- a) Further information should be submitted before a decision is made (including numbers of dwellings, parking spaces, landscaping details and design of the building)
- b) application plans are inaccurate
- c) a study of the presence of protected species should be undertaken
- d) overlooking and reduced privacy
- e) development will cause construction work, dirt, noise etc.
- f) creation of a blind spot at the entrance/exit
- g) result in the removal of mature trees
- h) restrict traffic to the council offices
- i) are existing services able to bear the extra properties?
- j) cause overshadowing to the detriment of adjoining owners
- k) movement of vehicles would be detrimental to the amenities of adjoining occupiers
- l) proposal appears to involve the removal of existing trees that currently contribute to the character of the area
- m) additional traffic will cause dangers to highway safety
- n) Mount Road already has more than its fair share of flats and bed sits
- o) the scheme makes no provision for amenity space
- p) not clear whether there is sufficient parking for residents and visitors
- q) increase in volume of traffic to the site
- r) there are too many flats in Hinckley - the site should be developed for family homes of a size and stature in harmony with neighbours houses
- s) the removal of planting will open up the boundary to the detriment of adjoining owners
- t) the area along the boundary with 21 is garden, so is quiet with no vehicles
- u) vehicle movements during the day could be between 42 and 70 thus be severely detrimental to the enjoyment of garden access
- v) not in keeping with the character of the area
- w) overdevelopment - the rear block should be removed to enable amenity space to be provided and overcome serious overlooking problems.

No response has been received at time of writing the report from Director of Community Services (Developer Contributions).

Development Plan Policies:-

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

Policy RES5 assesses residential proposals for development on unallocated sites.

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

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

The Local Planning Authority's Supplementary Planning Guidance on Play and Open Space would usually seek a financial contribution for the provision and maintenance of play and open space, equating to £1,850 per each residential unit, where facilities cannot be provided within the site.

Appraisal:-

Density

The application site measures 0.14 hectares with which 14 flats (8 in the hotel conversion and 6 in the new block) gives a density of around 100 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 advice that requires 30-50 dwellings per hectare. However Planning Policy Guidance Note 3 does seek higher densities than 30-50, on brownfield sites within urban locations which are close to good public transport and transport corridors whilst the proposed density is high in comparison to the immediate adjacent residential properties/surrounding area.

Design and Layout

The current application does not include the design of the proposed block, at the rear of the site, for consideration.

The site layout plan does identify that the new block would be 2.5 storeys in height with pedestrian entrances from both road frontages and vehicular access to the car parking area from St Mary's Road. Windows are proposed in the northern, western and southern elevations.

The residential character of the area is a mix of two and three storey dwellings and the proposed development respects this scale.

While there is a large office block located to the rear of 5-11 Mount Road, there are no other buildings with a relationship to existing properties as the proposed block of flats would create. The block would be out of keeping with the existing streetscene. Particularly given the siting of commercial building that signifies the corner of St Mary's Road leading to Florence House and to the public car park or gateway to the Council Offices. Rather than the start of a line of buildings (or potential for) to the rear of properties on Mount Road, the siting of a building in this location also creates a precedent for similar developments.

With regards to privacy and outlook, the Supplementary Planning Guidance requires a distance 25 metres between facing windows and 14 metres between facing windows and gable walls. The proposed layout does not fully achieve these distances, particularly between the proposed building and 21 Mount Road, which are required to safeguard existing residents and future occupiers. The layout plan does site windows in particular elevations of the building. However, it is difficult to fully assess the potential environment for future occupiers and the external appearance of the building. It is also important to note that the impact of overlooking at 11 Mount Road would also be worsened by the conversion of the hotel into residential dwellings. This perceived as more detrimental by a permanent resident than by changing residents at the hotel, who already have an opportunity to overlook the rear garden of 11 Mount Road.

Whilst in built up locations there is some flexibility with minimum distances, there is a likelihood of overlooking of 21 Mount Road not only of facing windows but also private amenity space. This impact on privacy is unlikely to be acceptable.

Adequate off street parking provision must be provided per the number of bedrooms proposed. The parking standards require a minimum of three spaces per two dwellings.

The current layout does provide 21 spaces that are required to meet the Local Plan standard. However, the majority of the spaces are located in close proximity to 21 Mount Road, being sited along the boundary. This is currently used as private garden area. Vehicles are therefore likely to have an unacceptable impact on the current amenity enjoyed by the occupiers of the neighbouring property due to the comings and goings of future residents.

Access

The Highway Authority comment that the proposed development should comply with the Leicestershire County Council design standards to include parking, turning facilities, access widths, gradients, surfacing and visibility splays.

On the basis of the plans it would appear that the site does not have a common boundary with the adopted highway on Argents Mead. Prior to any development commencing it should be demonstrated that a right of access into the site exists. However this is a legal matter and not a material planning consideration.

No objections have been raised in regard to highway safety issues or increase in the volume of traffic by the Highway Authority.

Landscaping and Amenity

The proposed site layout does indicative landscaping within the scheme. Any future submissions would be required to include a comprehensive landscaping scheme. However, it is clear that much of the established landscaping within the site and along its boundary with 21 Mount Road is to be removed. This will change the character of the site and increase the impact of the proposal in terms of nuisance and visual impact on adjoining neighbours.

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

The siting of the proposed building is to the north of properties on Mount Road. It is therefore unlikely to have an impact on levels of sunlight and daylight reaching the gardens of properties on Mount Road.

Developer Contributions

Developer contributions would be required for health care facilities and open space in line with policy had the recommendation been favourable.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, the proposed dwellings by virtue of the potential traffic generated by them and the proximity of the manoeuvring areas and parking areas would have an adverse impact on the amenities of the occupiers of the adjacent properties. The proposal would therefore be contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 2 In the opinion of the Local Planning Authority the siting of the proposed block of flats creates an overbearing development out of keeping with the character of the area and likely to have a detrimental impact on the amenities of adjoining occupiers, particularly in regard to privacy/overlooking. Therefore it does not accord with policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan

- 3 In the opinion of the Local Planning Authority the siting of the proposed block of flats is likely to have a detrimental affect on the character of the area by virtue of its proximity to St Mary's Road and the precedent created by the development. Therefore is contrary to Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.
- 4 In the opinion of the Local Planning Authority, the lack of any definitive financial contribution to address the increase in pressure placed on health care facilities by the proposed development would not accord with Strategy Policy 11 of the Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016 as proposed to be adopted and policy IMP1 of the adopted Hinckley and Bosworth Local Plan.
- 5 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 Circular 5/05, Strategy Policy 11 of the Leicestershire, Leicester and Rutland Structure Plan 1996-2016 (proposed to be adopted) Policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Guidance on Play and Open Space (October 2002).

Contact Officer:- K Burnett Ext 5898

Item: 08

Reference: 05/00798/FUL

Applicant: Mr And Mrs D Hines

Location: 45 Sapcote Road Burbage Hinckley Leicestershire LE10 2AS

Proposal: ERECTION OF GARAGE

Introduction:-

The application proposes to construct a detached double garage within the front garden of the property, 45 Sapcote Road, Burbage. The site is located to the north of and accessed directly off Sapcote Road. The proposed garage itself measures approximately 36 squared metres, with the property, which is a dormer bungalow, located some 37 metres back from the site frontage. The front garden is laid to lawn and block weave, enclosed by a 4 metre high leylandii hedge to the west and part of the south; whilst to the east there is a 1.8 metre high close boarded fence. A brick wall and wrought iron gates bound the site frontage.

The property to the west consists of a two storey semi-detached dwelling, which has a single storey element adjacent to the site. The neighbouring dwelling is set approximately 14 metres from the back edge of the footpath, and sits approximately 0.15 metres from the side boundary with the site. The application proposes to site the garage level with the back of the neighbour's garage.

History:-

A previous application (04/01476/FUL) sought to position a detached garage to the front of the property just off the back edge of the highway boundary. This was considered unacceptable due to adverse impact on the street scene and amenity of neighbours, and the application was withdrawn before determination.

Consultations:-

No objections have been received from:-

Environment Agency
Borough Council's Land Drainage Consultant.

No comments have been received at the time of writing the report from the Director of Planning, Transportation and Waste Management.

Neighbours notified, 1 letter has been received, enclosing an Arboricultural Survey, raising the following concerns:-

- a) The garage cannot be constructed using the low brick wall shown on the plans, as this is curved and not straight
- b) the plans are confusing as they indicate that trial holes under the existing boundary wall are to be carried out to determine if underpinning is required, however this wall cannot be used due to its curved nature, therefore underpinning will not be required. It is considered that the trial holes mentioned are something to do with the wall of the neighbour's extension
- c) the neighbour's single storey extension is currently being undermined by the applicant's leylandii hedge, the plans show the leylandii hedge being left insitu although an independent report carried out on behalf of the neighbours states the removal of these trees is necessary due to the damage they are causing
- d) the plans show the garage to be extremely close to the boundary; therefore the foundations of the garage, which will be below the foundations of the neighbour's house, due to changes in levels, could result in further damage to adjacent property, as there will be no support left in place.
- e) due to the closeness of the garage, there will be no opportunity for maintenance of either property
- f) the request to construct a garage in this location is unreasonable due to the fact that the outermost wall of the neighbour's property has dropped by 40 mm due to the leylandii hedge, which is being investigated by the insurance company.

Development Plan Policies:-

Policy BE1 of the adopted Hinckley and Bosworth Local Plan seeks a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. It provides measures to ensure development does not have an adverse impact on the environment; occupiers of neighbouring properties; or highway users.

Policy RES7 of the adopted Hinckley and Bosworth Local Plan provides that householder development: respects the scale and character of the existing dwelling and streetscene; retains adequate parking provision; is designed to mirror the existing building to create a unified overall appearance; does not adversely affect the occupiers of neighbouring properties; and is carefully sited.

Policy T5 of the adopted Hinckley and Bosworth Local Plan provides advice on the requirement for parking provision and highway design.

Adopted Supplementary Planning Guidance for Householder development provides additional advice on the design elements and locational factors of new development.

Appraisal:-

The application proposes to construct a detached double garage in the front garden of the property. The garage has been positioned to ensure that there is no detrimental impact to the adjacent neighbours by ensuring the garage sits alongside the adjacent property and projects neither forward nor back.

Whilst not a material planning consideration there are ongoing discussions between the applicants and residents at the neighbouring property (No 43) due to damage caused to No.43's property by the applicant's leylandii hedge. An objection has therefore been received from No.43 mainly on the grounds of incorrect information on the plans and further damage to their property due to the close nature of the proposed garage.

A letter has been received from the agent confirming that the leylandii trees along the boundary are to be removed where the garage is proposed. It is proposed to construct the garage along the boundary and the applicants will have to serve the appropriate notice on the neighbours under the Party Wall etc Act 1996 due to the proximity of the new build to existing development. Any damage caused to neighbouring property during construction is a civil matter.

With regards to maintenance of property, this is a common problem when development is in close proximity to existing development however again it is not a material planning consideration.

It is considered the garage proposed has been designed sympathetically to the existing dwelling. The location of the garage is considered to be the most appropriate to have least impact on the neighbours and the street scene. Therefore, the proposal is considered to comply with policy and should be granted planning permission.

RECOMMENDATION :- Permit subject to the following conditions :-

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

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 This permission relates to the application as amended by the letter from the applicant dated 1st September 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 garage shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 The use of the garage building shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling and shall at no time be used for business or commercial purposes.
- 5 Prior to commencement of development the trees to the west of the proposed garage shall be removed to the satisfaction of the Local Planning Authority.

Reasons :-

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To define the permission.

- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 4 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 In the interests of visual and residential amenity in accordance with BE1 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.

Contact Officer:- T Miller Ext 5809

Item: 09

Reference: 05/00832/FUL

Applicant: F E Downes Ltd

Location: 45 Lutterworth Road Burbage Hinckley Leicestershire LE10 2DJ

Proposal: ERECTION OF THREE DWELLINGS (PLOTS 1 5 AND 6)

Introduction:-

The application is for full planning permission for the erection of three dwellings (plots one, five and six). Outline planning permission for the erection of five new dwellings (retaining the existing bungalow) was granted subject to conditions (ref: 04/00842/OUT). Members may recall the nature of the site, and its constraints when determining the outline application. The site is part of No.45 Lutterworth Road and has two-access points (off Lutterworth Road to the south west and Lychgate Close to the north east). The site offers around 0.2ha of area and six dwellings would offer 30 dwellings per hectare. Plot 1 is sited to the north of the site; plots five and six to the southern boundary of the site. The proposal involves the access off Lychgate Close to be utilised with an internal driveway. The driveway will not be adopted.

The original plans have been amended to take into consideration chiefly design matters. For example, the roof design of plot one has been amended to a lower ridgeline from 7m to 6m. The design of the garage has also been improved with a circular window inserted to the elevation facing the main entrance to the site. The ridgeline of plot five's garage has been reduced to ensure that the bungalow appears more sympathetically to plot six from 7.5m to around 7.3m. Each plot will have private amenity space offering a depth of around 10m - 10.3m.

Plot one is a two-bedroom bungalow and has two off-street car parking spaces including integral garage. Plot five is a four-bedroom dormer bungalow with an integral garage for two vehicles and adequate frontage for a further vehicle. Plot six is a five-bedroom dormer style bungalow with an overall ridgeline of 6.7m, with a hipped roof facing properties within Lychgate Close. There is a detached double garage proposed and adequate off-street car parking space for three vehicles can be provided.

Plot one will occupy a site area of 385 square metres of which 145 square metres is developed for the bungalow. Plot five and six have similar site areas of around 560 square metres of which 110square metres will be developed on the ground floor only for plot 5 and 180square metres for plot six. The current application proposes to site plot five and six in a slightly different position than what was approved under the outline application. Plot one is roughly in a similar position along the northern boundary.

The Design Statement draws on the characteristics of the existing house types within the area. It also seeks to ensure that adequate soft landscaping is included into the scheme. There is proposed to the front of plot one and six some landscaping that has not been specified.

History:-

04/00842/OUT	Erection of five new dwellings	Approved	07.10.04
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Consultations:-

No response has been received from:-

Burbage Parish Council.

The following have no objections subject to conditions:-

Head of Health and Environmental Services
Director of Highways, Transportation and Waste Management
Borough Council's Land Drainage Consultant.

Four letters from neighbours have been received, raising the following concerns:-

- a) Increase traffic problems and safety due to vehicles entering and leaving the site
- b) plot 1 garage being too close to boundary fence of No.3 Library Close
- c) determination of boundary in relation to Plot 1 and Nos.3-5 Library Close
- d) construction traffic causing problems
- e) infill should be bungalows only.

Development Plan Policies:-

National Guidance

Planning Policy Guidance Note 3 aims to develop brownfield sites in the most efficient way. Density is important and Planning Policy Guidance Note 3 aims to achieve 30-50 dwellings per hectare.

Local Plan

Policy BE1 seeks to ensure that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area; comply with appropriate design, layout, highways and parking standards. Policy RES5 states that planning permission will be granted for residential development on un-allocated sites within

the settlement boundary where the siting, design and layout of the proposal do not conflict with relevant plan policies. Policy REC3 relates to new residential development and outdoor public space. Policy T5 states that Leicestershire County Council's design standards need to be met for new residential dwellings.

The Council's Supplementary Planning Guidance seeks to ensure that new residential development satisfies adopted Local Plan policies, maintaining high design standards.

Appraisal:-

Firstly, the density level is acceptable on the site considering the surrounding area. The residential density satisfies Planning Policy Guidance Note 3 (PPG3) requirements. PPG3 states that the most efficient use of land should be aimed at, but not necessarily at the expense of the wider locality. PPG3's recommendation of 30-50 dwellings per hectare is achieved by the proposed scheme. The area to the east along Lutterworth Road has a residential density of 25 dwellings per hectare.

The proposed scheme has been amended in order to principally take into consideration design elements. These amendments do further reduce the impact of plot one and six on neighbouring properties, and ensure that plot five is more in character with plot six. The garage design for plot six has been changed from a hipped to pyramid style roof; plot ones' garage has been improved to match the gable end pitched roof of the main bungalow.

Ground levels of existing properties within Lychgate Close and Library Close in relation to the finished floor levels of the proposed three properties can be ascertained. A Site Layout Plan illustrating these levels has been submitted as an amended plan. The Site Layout Plan indicates that properties within Library Close have a ground level ranging from 118.73 - 119.10. Plot one will have a finished floor level of 120.30. Existing properties within Library Close are dormer style dwellings and No.7 being a bungalow. By ensuring that plot one remains a bungalow with an overall ridgeline of 6m, the height of this dwelling will have no detrimental impact upon residential amenities of these dwellings. However, Permitted Development rights need to be removed in order to ensure that any future development of the plot is controlled. In similar circumstances the finished floor level of plot six is 119.55 compared to existing properties within Lychgate Close of 118.850 (approximately), and plot five will have a finished floor level of 119.850. It is considered that the roof design of this plot will reduce any perceived impact of this dwelling upon the residential amenities. Although the difference in finished floor levels appears to be around 1m, there are no principal windows in the elevation that faces properties within Lychgate Close. Again as these properties are bungalows, it is considered that the removal of Permitted Development rights for the alteration of this elevation is necessary.

The length of private amenity space is acceptable being similar to other existing dwellings within the area. The dwellings would sit in reasonable plots, and adequate privacy can be maintained for future occupants via close-boarded timber fencing as boundary treatments. Hard and soft landscaping scheme will be required to be approved prior to commencement. There are various landscaped areas that need to be maintained.

The distance between the side elevations of plot six to the rear elevation of No.10 Lychgate Close varies from 10.5m - 13.3m and in some parts 12m. This difference is due to the built form of No.10 Lychgate Close, and so the nearest part (10.5m) does not face the sidewall of plot six. In this case the design of the proposed dormer bungalow mitigates any perceived impact upon outlook or effect on over-bearing. The siting and layout of plot six is also acceptable and will not have a detrimental impact upon No.10 Lychgate, even though there is a difference in ground levels of around 1m due to the roof design of the proposed dwelling. Similarly, although the pyramid style detached garage is 11.8m away from the rear elevation of No.8 Lychgate Close, its nearest part is 10m away, but the wall of the garage does not face the rear elevation of No.8 in its entirety. The amended design of the

garage ameliorates any potential impact upon visual amenities. Similarly, as plot one is a bungalow the reduced distance between the side elevation of plot one and Nos.3/5 Library Close of 10.5m is not a serious cause of concern due to orientation and siting of the existing dwellings within Library Close. Notwithstanding this it is considered that the removal of Permitted Development rights will mitigate any potential impact.

Condition 16 refers to developer contribution towards off-site public open space. As this contribution has not been received at outline stage, a contribution is required in order to satisfy adopted Local Plan policies, and the Council's adopted Supplementary Planning Guidance on Public Open Space.

Finally, it is considered that the proposed dwellings are acceptable and the amended plans address issues related to design. Outline planning consent established the principle use of the site. The siting and layout of plots one, five and six do not adversely impact upon the reasonable enjoyment of residential amenities of adjacent occupiers to warrant refusal of the application. The highways recommendation for approval subject to conditions is acceptable and there are no traffic implications over the development.

RECOMMENDATION :- Permit subject to the following conditions :-

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

- 1 The development hereby permitted shall be begun within five years from the date of this permission
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 None of the proposed dwellings shall be occupied until works for the disposal of surface water and foul water have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 4 No development shall take place within the application area until the applicant has submitted a detailed design and methods statement and archaeological impact assessment, including existing and proposed ground levels, and layout and depths of all foundations, service trenches, drains, landscaping and other groundworks, and all revisions of such, for archaeological assessment and prior written approval by the Local Planning Authority and no development shall take place except in accordance with the approved details,
- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - (i) means of enclosure and boundary treatments
 - (iii) hard surfacing materials
 - (vi) planting plans
 - (x) written specifications
 - (xi) implementation programme.

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

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification development within Schedule 2, Part 1 Classes B and C, shall not be carried out on Plot 1 as identified on drawing number '05 C', and Plot 6 as identified on drawing number '01 A', unless planning permission for such development has first been granted by the Local Planning Authority.
- 7 The shared private drive shall be a minimum effective width of 5 metres wide for a distance of at least 4.25 metres from the highway boundary. The access drive once provided shall be so maintained at all times. Where the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.
- 8 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.
- 9 Before first use of the development hereby permitted, 2.0 metre by 0.75 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level, in accordance with current standards of the Highway Authority and shall be so maintained in perpetuity.
- 10 Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained at all times.
- 11 Before first occupation of any dwelling, car-parking provision shall be made within the curtilage of each dwelling on the basis of 2 spaces for a dwelling with up to 3 bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.
- 12 Before first occupation of the dwellings hereby permitted, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.
- 13 Any vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum of 5 metres behind the Highway boundary and shall be hung so as to open inwards only.
- 14 All deliveries shall take place between the hours of 07:30 and 17:00.
- 15 Before development commences details of site management during construction shall be submitted to, and approved in writing by the Local Planning Authority. The site management details shall include on-site car parking provision during construction and accesses to be used during construction.
- 16 Before first occupation of the dwellings occurs the existing access off Lutterworth Road shall be permanently closed.
- 17 The development hereby approved shall be carried out in accordance with amended plans received 19th September 2005 Drawing reference 01A, 02C, 04A, 05C and Site Layout Plan 03B.

- 18 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities, whether by off-site physical provision or financial contribution as required in accordance with policies REC2 and REC3 of the adopted Hinckley & Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved by the Local Planning Authority.
- 19 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 20 No trees or hedges on the site shall be cut down, uprooted or destroyed, nor shall be topped or lopped before written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reasons :-

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 In the interests of visual amenity in accordance with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 3 To ensure satisfactory provisions are made for the drainage of the site, in accordance with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 In the interests of visual amenity, in accordance with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property, in accordance with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway, in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 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, in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 In the interests of pedestrian safety, in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 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, in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 11 To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users, in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 12 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway, in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 13 To safeguard the residential amenities of nearby dwellings and occupants, and to avoid disturbance due to delivery vehicles entering and leaving site, in accordance with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 14 In the interests of public safety and to ensure that vehicles do not park on the Public Highway during construction work. To safeguard the residential amenities of nearby properties, in accordance with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 15 The access off Lutterworth Road is inadequate to serve the development, in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 16 In the interest of highway and pedestrian safety in accordance with policy BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 17 Avoidance of doubt.
- 18 To ensure the provision of Public Open Space to accord with policies REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan.
- 19 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 20 In the interests of visual amenity.

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 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 number 01530 262380).
- 3 The proposal is situated in excess of 45 metres from the Highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S. 5906, 1980 and Building Regulations Approved Document B, Fire Safety 204.
- 4 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 maintained as such thereafter.

- 5 Condition 17 refers to Public Open Space. In accordance with the Hinckley & Bosworth Local Plan and the approved Public Open Space Guide public open space should be provided either on site, or a contribution made towards off-site provision. In this instance a contribution of £5,550.00 is required towards the provision of off-site Public Open Space. This represents a sum of £1,850.00 per dwelling for plot one, five and six only. This can be provided by a one off payment or secured by the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.
- 6 The applicant is advised to ensure that construction vehicles are kept off the Public Highway wherever, and whenever, practicable.

Contact Officer:- A Ghafoor Ext 5775

Item: 10
Reference: 05/00856/FUL
Applicant: Mr And Mrs Joyce
Location: 145 Roston Drive Hinckley Leicestershire LE10 0UQ
Proposal: EXTENSIONS AND ALTERATIONS TO DWELLING

Introduction:-

This application is being reported to the Planning and Regulatory Committee as the applicant is a Member of the Borough Council. This is an application for a two storey extension to one side of the detached dwelling to provide a garage to the ground floor and additional bedroom with en suite and wardrobe to first floor. The extension measures 4.2 metres wide, 7.5 metres long and a maximum height of 6.15 metres. The application also relates to the conversion and extension of existing garage to provide a study and a single storey extension to provide a utility room. These in total measure 2.5 metres wide, 8.3 metre long and a maximum height of 3.65 metres.

The dwelling is situated within a residential area of Hinckley just off Normandy Way (A47). Roston Drive itself comprises of a mixture of detached and semi-detached dwellings.

History:-

05/00549/FUL	Extensions and alterations to dwelling	Withdrawn	29.06.05
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Consultations:-

No objections have been received from: -

Borough Council's Land Drainage Consultant
Head of Health & Environment Services
Director of Highways, Transportation and Waste Management.
Neighbours.

Development Plan Policies:-

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

Policy RES7 of the adopted Hinckley and Bosworth Local Plan states that planning permission for extension to dwellings will be granted where they respect the scale and character of the existing dwelling and street scene, retain adequate provision for parking within the curtilage of the dwelling, are built of materials which match the existing dwelling, do not adversely affect the occupiers of neighbouring properties by over development, visual obtrusiveness or overlooking and are carefully sited to avoid the terracing effect which would be created if similar extensions were repeated on other dwellings.

Policy BE1 of the adopted Hinckley and Bosworth Local Plan seeks to ensure a high standard of design in order to secure attractive development and to safe-guard and enhance the existing environment.

Section 1b of the Local Planning Authority's Supplementary Planning Guidance on house extensions provides further advice.

Appraisal:-

The Council's Local Plan policies and Supplementary Planning Guidance seeks to ensure that, for single storey extensions, windows of habitable rooms that face a blank wall of an adjacent dwelling are no less than 12 metres away. Currently the existing distance between the dwelling and the effected neighbouring property is already under this distance. However the proposed single storey extension comes no closer to the neighbouring property than the existing building line and should therefore have no further impact on the amenities and privacy of the surrounding dwellings. With regard to properties facing the two storey extension at the rear, the windows are to be obscure glazed to reduce the impact on the neighbours, and these are only windows to an en-suite and dressing room. A condition has been imposed to address this.

The Supplementary Planning Guidance also states that to avoid being visually obtrusive, side extensions must not exceed more than half the width of the existing house. The two storey side extension does conflict with this guidance, however every planning application is considered on its own merits. In this case the ridge line of the extension is lower than the ridge line of the original dwelling and sufficient set back has been provided at both ground floor and first floor level. These will both assist in ensuring that the extension is subordinate to the existing dwelling. Also due to the location and individual design of the dwelling the extension should not be unduly detrimental to the amenities of occupiers of adjacent houses and gardens.

In terms of car parking, there are sufficient spaces provided for a 4 bed roomed dwelling and the distance of 5.6 metres between the highway boundary and the garage doors has been achieved.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policies BE1 and RES5 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 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing extensions unless previously agreed in writing with the Local Planning Authority.
- 3 The two windows to be inserted in the first floor south elevation shall be obscure glazed and retained as such at all times thereafter.

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 of the adopted Hinckley and Bosworth Local Plan.
- 3 To safeguard the amenities of adjoining occupiers to accord with policy RES7 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.

Contact Officer:- K Garman Ext 5682

Item: 11

Reference: 05/00861/FUL

Applicant: Advent Horsefair

Location: Land Adjacent To No 10 Beatty Close Hinckley Leicestershire

Proposal: PROPOSED DWELLING AND DETACHED GARAGE

Introduction:-

This is a full application for the erection of a dwelling and detached garage on land adjacent 10 Beatty Close, Hinckley. The proposed dwelling has a mix of single and two storey elements. The application site measures 0.1 hectares. The footprint of the proposed dwelling is 'L' shaped with the detached double garage.

The site is an area of undeveloped land surrounded by residential properties. The land is overgrown with many trees along the boundaries with the residential properties. The land also has two ditches running along the northern and western boundaries that converge, running north west to Nelson Drive.

Information submitted in support of the application includes existing area analysis, proposed site layout and photo viewpoints.

History:-

None relevant.

Consultations:-

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

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

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

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

- a) The application boundary is incorrect
- b) loss of privacy - the property would be in close proximity and overlook directly
- c) effect on trees and their roots
- d) the land is regularly waterlogged - effect on drainage and surrounding areas
- e) in the event of emergency there would be limited access for emergency vehicles
- f) the drive leading to the proposed dwelling is not wide enough to allow access to a further property
- g) the shared drive could disintegrate under the weight of huge lorries
- h) development will raise the water table
- i) removal of trees would make a significant change to the environment and nature of the area
- j) privacy will be compromised to the point of adversely affecting the value of the properties in Beattie Close
- k) will the style of the property be in keeping with other properties in Beattie Close?
- l) there are already parking issues in Beatty Close
- m) increase in traffic, noise, dirt and disruption.

Development Plan Policies:-

Structure Plan Policies

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

Local Plan Policies

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

Policy RES5 assesses residential proposals for development on unallocated sites. Policy BE1 seeks to ensure high quality of new development that complements 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.

Strategy objectives 2 and 3 are to meet the housing needs of the Borough by promoting sustainable development and enhance the quality of life of all members of the community by promoting high quality living environments and sustainable development.

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 0.1 hectares, which gives a density of around 10 dwellings per hectare. This is well below the minimum density level of the local plan of 27 dwellings per hectare, and below the Planning Policy Guidance Note 3 that requires 30-50 dwellings per hectare. 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. The proposed density is considered unacceptable within an urban area and out of keeping with the general character of the area.

Design

The new dwelling has been designed with a number of features including dormer windows, bay windows, varying roof heights and a chimney. The front elevation has a porch and projecting gable, while the rear has three sets of French doors. The 'L' shaped design of the footprint of the new dwellings does not correspond with any dwellings in the immediate vicinity that are predominantly square or rectangle, and a mix of semi-detached or detached dwellings. Many of the properties are flat fronted with open porches.

The proposed dwelling and detached garage are to be of brick and tile construction that accords with the character of the area. The detached garage is for two vehicles and has a pitched roof.

Layout

With regards to privacy and outlook, the Supplementary Planning Guidance requires a distance 25 metres between facing windows and 14 metres between facing windows and gable walls. The proposed layout does achieve these distances with existing properties on Sunnyside, Nelson Drive and Beatty Close. These distances are not required purely as a measure for privacy and outlook, to safeguard existing residents and future occupiers, but also to assess the affect of the mass of the building on adjacent properties as well. The proposed dwelling is two storey in height and not likely to have an overbearing impact on the surrounding properties.

Highways

Adequate off street parking provision has been provided within the site. The proposed access is directly from Beatty Close across the drive ways to 10-14 Beatty Close.

The Highway Authority have raised no concerns in regard to the proposed access, subject to adequate parking being provided.

Landscaping and Amenity

The proposed site layout identifies the location of the TPO trees, crab apple tree to be removed, new conifer trees to be planted and notes that all other trees to be lopped for safety to the agreement of the Local Authority.

The Borough Councils Arboricultural Consultant has commented that the proposed new access to the site is achievable without causing disturbance to the protected tree. The tree is a mature ash, a surface rooting species. The tree is a fairly compact specimen.

There are many trees along each of the boundaries of the site, which provide screening to the residential properties. The land itself is overgrown and takes advantage of the nature of the ground and associated water table. The protected trees (five in total) must be safeguarded against harmful development that could cause damage.

The Supplementary Planning Guidance requires 80 square metres of amenity space is provided for the future occupiers (calculated by the number of bedrooms), which has easily been met.

Conclusion

Overall residential development of the site is acceptable in principle given its allocation within the Local Plan and in line with Government Guidance. However, the proposed density, does not comply with policy. The proposed density does not reflect the character of this residential area.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority the development proposed does not achieve the required density level and is therefore not considered a sustainable form of development. The application does not therefore accord with the provision of Government Guidance in Planning Policy Guidance 3, Housing Policy 5: Density and Design of the adopted Leicestershire, Leicester and Rutland Structure Plan and Strategic Objectives 2, 3, and policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 2 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: 12
Reference: 05/00865/REM
Applicant: Mr A R Cartwright
Location: Former EMESite Nutts Lane Hinckley Leicestershire LE10 0NT
Proposal: ERECTION OF FOUR INDUSTRIAL UNITS

Introduction:-

This is a Reserved Matters Application for the erection of four light industrial units with associated offices content on part of a site off Nutts Lane, Hinckley. The four units will create 1037 metres square in total floor space.

The complete site has Outline Approval for a net floor area of 12,176 metres squared including ground and mezzanine accommodation of use class B1, B2 and B8. It consists of two fields of open pasture of approximately 3.05 hectares. It is bounded in the north by an industrial use, an EME compound to the west, the Ashby canal to the east and the A5 Watling Street to the south. The site is accessed by a new road constructed as part of the industrial development to the north. Along each of the boundaries are hedging and some trees which are to be retained.

These industrial units are located along the eastern boundary of the site adjacent to sketchley Brook and will be the first units to be developed on the site. The walls are metal cladding over brickwork to door head level. The roofs are shallow pitched of profiled metal sheeting with ridge heights of 7.65 metres. The sectional entrance doors are hung within feature brick surrounds which add interest to the front elevations. 19 standard car spaces, four disabled parking spaces and four service vehicle spaces have been provided.

History:-

01/00604/OUT	Outline Planning permission for general industry (Class B2) and storage and distribution (Class B8)	Approved	09:01:02
02/01136/CONDIT	Removal of condition 7 of application 01/00604/OUT	Approved	26:11:02
04/01316/OUT	Outline Planning permission for general industry (Class B2) and storage and distribution (Class B8)	Approved	05:07:05

Consultations:-

No objections have been received from:-

Director of Highways, Transportation and Waste Management
 Health and Safety Executive
 Severn Trent Water Ltd
 Highways Agency
 Nuneaton and Bedworth Borough Council
 Environment Agency.

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

Health and Safety Executive
Neighbours
Press and Site Notices.

Development Plan Policies:-

Policy EMP3 states that planning permission will be granted for Business, General Industry or Storage and Distribution on the Nutts Lane site.

Policy BE1 of the adopted Hinckley and Bosworth Local Plan states that the Borough Council will seek to ensure a high standard of design in order to secure attractive development and safeguard and enhance the existing environment

Appraisal:-

The four units are located along the east boundary at a minimum distance of 8 metres from Sketchley Brook.

The design, servicing and vehicular parking arrangements of these units is similar to those illustrated in the design statement, and on the site layout plan which accompanied the Outline Planning application. The parking and vehicle service spaces provided complies with parking standards for B2 industrial use in the adopted Hinckley and Bosworth Local Plan. The design is also satisfactory and meets the requirements of Policy BE1.

Conclusion

The proposed development is considered to be in accordance with Local Plan Policies and the advice given in the development brief and the Outline Planning Consent.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION:- The proposal is in conformity with 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.

Reasons :-

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

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 All outstanding conditions concerning Planning Permission 04/01316/OUT are still applicable.
- 3 The applicants attention is drawn to the outline permission which is a permission for B2 and B8.

Contact Officer:- B Whirrity Ext 5619

Item: 13
Reference: 05/00913/DEEM4
Applicant: Building And Estates
Location: H & B B C The Depot Middlefield Lane Hinckley Leicestershire
Proposal: CHANGE OF USE FROM STORAGE TO OFFICES AND TOILETS

Introduction:-

This is a deemed application for the change of use of part of the first floor of the main building on the southern section of the Council's Depot site at Middlefield Lane, Hinckley, from storage to offices and toilets. The site is adjacent to residential properties on three sides, the allotment gardens and industrial units to the north west.

The site is currently used for the storage of vehicles, maintenance, refuse equipment and re-cycling facilities. The application is to provide additional office space and would comprise of four offices for up to 12 Council staff. It is estimated that six cars and one light van would visit the site during the working day, utilising the existing car park.

External alterations would involve five additional windows on the south-west elevation of the building.

History:-

No relevant history.

Consultations:-

No objections have been received from:-

Head of Health and Environment Services.

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

Director of Highways, Transportation and Waste Management
Borough Councils Land Drainage consultant
Neighbours
Site Notice.

Development Plan Policies:-

The premises lie within the settlement boundary for Hinckley as designated in the adopted Hinckley and Bosworth Local Plan. The site is identified in the adopted Local Plan as an employment site. Policy EMPI(b) seeks to retain such sites for other employment activities or considers alternative uses on their merits. Policy BE1 of the adopted Local Plan seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment.

The Middlefield Lane Planning Brief is adopted Supplementary Planning Guidance (2002) and provides guidance for the future development of the area including the Council's Depot. It advises that the acceptable use within the area covered by the Brief will be primarily residential, which includes the application site should this be redeveloped in the future.

Appraisal:-

The use of a part of this building for office use is considered compatible with its existing use, since there is already office accommodation on the first floor.

There is unlikely to be any undue impact from the proposed use on nearby residents in terms of noise, disturbance or traffic generation, especially given the existing uses of the site and the associated vehicular movements. The additional windows are on an 'internal' elevation facing the parking areas and, therefore, would not result in any loss of privacy to neighbours. The new windows would match those of the existing building.

Parking spaces have not been defined in the application, but this will be clarified and reported to Members at the meeting.

RECOMMENDATION:- That pursuant to and for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 the Committee resolve to carry out the development subject to the following conditions:-

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

- 1 The development hereby permitted shall be begun within five years from the date of this permission
- 2 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 so maintained at all times.
- 3 Any new windows to be inserted on the external elevations of the building shall match those of the existing building.

Reasons :-

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- N Wright Ext 5605

PLANNING COMMITTEE AGENDA - 4th October 2005 - NUMERIC INDEX

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