

Date: 15 August 2008

To: All Members of the Planning Committee

Mr R Mayne (Chairman)	Mr JD Cort	Mr K Morrell
Mr DW Inman (Vice-Chairman)	Mr WJ Crooks	Mr K Nichols
Mrs M Aldridge	Mrs A Hall	Mr LJP O'Shea
Mr JG Bannister	Mr P Hall	Mr BE Sutton
Mr CW Boothby	Mr CG Joyce	Mrs BM Witherford
Mr JC Bown	Dr JR Moore	

Copy to all other Members of the Council

(other recipients for information)

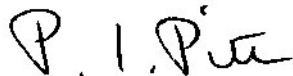
Dear Councillor

There will be a meeting of the **PLANNING COMMITTEE** in the Council Chamber, Council Offices, Hinckley on **TUESDAY, 26 AUGUST 2008** at **6.30pm**, and your attendance is required.

The agenda for the meeting is set out overleaf.

There will be a pre-meeting at 6.00pm in the Members' Room (Annexe) to inform Members of any late items.

Yours sincerely



Pat Pitt (Mrs)
Corporate Governance Officer

PLANNING COMMITTEE

26 AUGUST 2008

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

RESOLVED

2. MINUTES

To confirm the minutes of the meeting held on 29 July 2008 attached marked 'P18'.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

4. DECLARATIONS OF INTEREST

To receive verbally from members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the Agenda.**

5. QUESTIONS AND PETITIONS

To hear any questions and to receive any petitions in accordance with Council Procedure Rules 10 and 11.

RESOLVED

6. TOWN & COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED

Schedule of planning applications attached marked 'P19' (pages 1 – 25).

RESOLVED

7. COMMUNITY INFRASTRUCTURE LEVY

Report of the Head of Corporate and Scrutiny Services attached marked 'P20' (pages 26 - 30).

RESOLVED

8. APPEALS LODGED AND DETERMINED

Report of the Director of Community and Planning Services attached marked 'P21' (pages 31 – 33).

RESOLVED

9. APPEALS PROGRESS

Report of the Director of Community and Planning Services attached marked 'P22' (pages 34 – 38).

RESOLVED

10. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

NOTE: AGENDA ITEMS AGAINST WHICH THE WORD "RESOLVED" APPEARS ARE MATTERS WHICH ARE DELEGATED TO THE COMMITTEE FOR A DECISION. OTHER MATTERS ON THIS AGENDA WILL BE THE SUBJECT OF RECOMMENDATIONS TO COUNCIL.

If you require a copy of this agenda in a different format, please contact Becky Owen on 01455 255879 or email rebecca.owen@hinckley-bosworth.gov.uk

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

29 JULY 2008 AT 6.30 PM

PRESENT: MR R MAYNE - CHAIRMAN
MR DW INMAN - VICE-CHAIRMAN

Mrs M Aldridge, Mr JC Bown, Mr MB Cartwright, Mr WJ Crooks,
Mr DM Gould, Mrs A Hall, Mr P Hall, Mr CG Joyce, Mr K Morrell,
Mr O O'Shea and Mrs BM Witherford.

Officers in attendance: Mrs T Darke, Mr C Merriman, Miss R Owen, Mr
TM Prowse and Mr M Rice.

112 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Mr JG Bannister, Mr JD
Cort, Mr K Nichols and Mr BE Sutton and the following substitutions
authorised in accordance with Council Procedure Rule 4.3:

Mr Cartwright for Mr Cort;
Mr Gould for Mr Nichols.

113 **MINUTES (P14)**

On the motion of Mr Bown, seconded by Mr Crooks, it was

RESOLVED – the minutes of the meeting held on 1 July 2008 be
confirmed and signed by the Chairman.

114 **DECLARATIONS OF INTEREST**

No interests were declared.

115 **TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE
DETERMINED (P15)**

The Committee considered a schedule of planning applications, together with
a list of late items, and the recommendations of the Director of Community
and Planning Services.

- (a) **08/00442/FUL – Erection of 10 apartments, Beavers Bar, London
Road, Hinckley – Lighthouse Property Ltd**

Members expressed concern with regard to the principle of the
application in that part of the application site was not in the ownership

of the applicant. It was confirmed that the applicant was within his right to put in an application which was not entirely on his land. It was also reported that the applicant had agreed to undertake improvements to the road as part of the development.

It was moved by Mr Cartwright and seconded by Mr Bown that a condition be added stating that the development could not go ahead without the issues regarding the road being resolved, and requiring improvements to the road, should it go ahead. Mr Cartwright then amended the motion to add a condition that the windows onto Gladstone Terrace be obscure glazed and fixed. This was supported by Mr Bown. Upon being put to the vote, the motion as amended was CARRIED. It was then

RESOLVED – subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972, or the receipt of a one-off payment to provide financial contributions towards play and open space, libraries, civic amenity facilities and parking shortfall, the Director of Community and Planning Services be granted powers to issue planning permission subject to the abovementioned additional conditions and those contained within the officer's report and late items. Failure to complete the agreement by 14 August 2008 might result in the application being refused.

- (b) 08/00512/FUL – Extension and alterations to roof, 17 Thornfield Way, Hinckley – Mr J Crossfield

It was moved by Mr Bown, seconded by Mr Crooks and

RESOLVED – the application be approved subject to the conditions contained within the report.

- (c) 08/00536/FUL – Erection of residential care home, Moat House, New Road, Burbage – Adept Care

Some Members expressed concern with regard to the close proximity of the proposed building to existing residents and the risk of overlooking. It was moved by Mr Hall and seconded by Mrs Hall that the application be refused for these reasons. Upon being put to the vote the motion was LOST.

Members felt that should this application be approved, some blossom-type trees should be planted by the proposed car park to create some privacy for residents of Pughes Close. It was moved by Mr O'Shea, seconded by Mrs Aldridge and

RESOLVED – subject to the submission of a satisfactory ground investigation and the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 to provide contributions towards libraries, the Director of Community and

Planning Services be granted powers to issue planning permission subject to the abovementioned additional condition and those contained within the officer's report and late items. Failure to submit or complete the agreement by 26 August 2008 may result in the application being refused.

- (d) 08/00564/FUL – Proposed erection of one dwelling, 12 Brascote Road, Hinckley – Mr Kevin Woods

It was moved by Mrs Aldridge, seconded by Mr Gould and

RESOLVED – the application be permitted subject to the conditions contained within the officer's report.

- (e) 08/00691/ADV – Erection of signage, Atkins, Lower Bond Street, Hinckley – Hinckley & Bosworth Borough Council

On the motion of Mr Bown, seconded by Mr Crooks, it was

RESOLVED – consent to display advertisement subject to standard conditions be granted.

116 APPEALS LODGED AND DETERMINED (P16)

A summary was submitted of appeals lodged and determined since the last meeting. It was moved by Mr Bown, seconded by Mrs Aldridge and

RESOLVED – the report be noted.

117 APPEALS – PROGRESS (P17)

A schedule was submitted indicating the stages that various appeals against planning decisions had reached. It was moved by Mr Crooks, seconded by Mr Cartwright and

RESOLVED – the report be noted.

(The meeting closed at 7.57pm)

PLANNING COMMITTEE

26 August 2008

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 applications files, unless otherwise stated

PLANNING COMMITTEE AGENDA - 26 August 2008 - NUMERIC INDEX

REF. NO.	APPLICANT	SITE	ITEM	PAGE
08/00374/FUL	Mallory Park (Motorsport) Ltd	Motorsport Ltd Mallory Park Church Road Kirkby Mallory	01	
08/00573/FUL	Mr A Shiraz	Comfort Inn Hotel Comfort Inn 32 Wood Street Earl Shilton	02	
08/00672/FUL	Mr Arek Kulakowski	Broomhills Farm Desford Lane Peckleton	03	
08/00708/FUL	Mr R Allcoat	Hall Farm Hinckley Lane Higham On The Hill	04	

Item: 01
Reference: 08/00374/FUL
Applicant: Mallory Park (Motorsport) Ltd
Location: Motorsport Ltd Mallory Park Church Road Kirkby Mallory Leicester
Proposal: REPROFILING OF LAND AND CREATION OF NEW EARTH BUND TO REDUCE NOISE POLLUTION

Introduction:-

This application seeks full planning permission for the re-profiling of land to create an extension to the existing Motocross track together with a new earth bund to reduce the potential for noise pollution. The track extension was required specifically for the British round of the World Motocross Grand Prix that was held over the weekend of 31st May 2008 and has been scheduled to be held in the future for a single weekend over the next three years.

The intention is to create the new section of track temporarily for the event and then subsequently remove it and reinstate the land to its former profile and condition. A full site survey to establish ground levels has been undertaken and has been submitted with the application. The new earth bund is proposed along the south east boundary of the perimeter of the site at 1 metre within the existing perimeter fencing. The proposed bund is 520 metres in length, 18 metres wide and 4 metres in height at its northern end, closest to the village of Kirkby Mallory, dropping to 3 metres in height further to the south.

The track extension and bund will be formed from existing topsoil and subsoil on site together with imported topsoil and subsoil for which an appropriate licence has been granted. A substantial landscaping scheme has been included with the application including the continuous planting of native broadleaved woodland species and mixed woody shrub groups along the bund to supplement the small areas of planting that already exist.

The site is located in the countryside to the south west of the village of Kirkby Mallory and is an established motor sport venue and tourist attraction. The proposed track extension and earth bund would be in an area to the east of the main race circuit. Part of the proposed Motocross track extension is within an area that was re-profiled following the grant of planning permission in 2007 to provide a more even surface to improve spectator and parking areas. As the event has already been held, this area has for the most part already been reinstated to its former profile although it has not yet been landscaped. The existing part of the track further to the south has been in place for a number of years after being moved further from the village.

A Design and Access Statement, Noise Impact Assessment, Tree Survey and a statement regarding ecology within the site have been submitted with the application. The Design and Access Statement refers to the benefits of the provision of the earth bund not only in terms of reducing noise pollution but also in terms of the enhancement of the visual appearance of the site from the planting of a substantial number of trees and shrubs along the bund. The Noise Impact Assessment concludes that the bund will reduce noise from the Motocross track, particularly in the area of the Church and Keepers Cottage, but will not improve on the existing reduction from the main race track. The bund does not affect any other properties in Kirkby Mallory to the north of the Church and as these properties are closer to the hairpin on the main race track, this will continue to be the main noise contributor. The Tree Survey records the existing trees in the vicinity of the site and their condition. It recommends that subject to the creation of an appropriate Construction Exclusion Zone (CEZ) around the groups of trees there should be no adverse effect on them. The

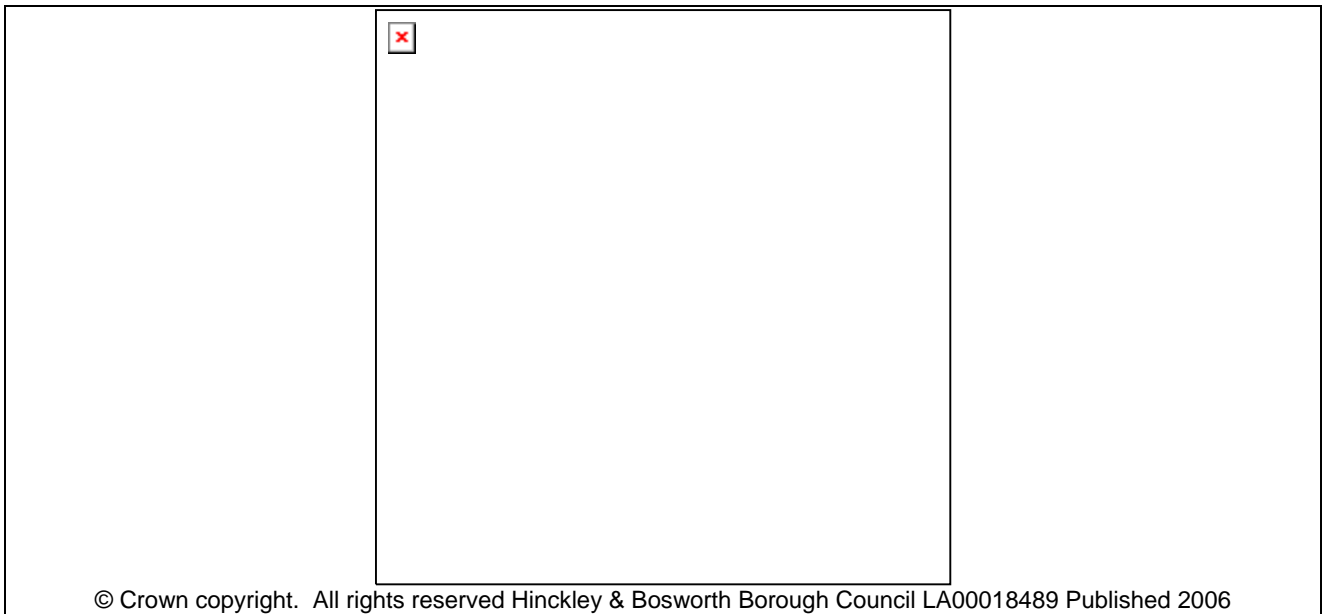
ecology statement advises that there is minimal ground flora and the trees are in isolated clumps within the development area. A walk over survey revealed no evidence of protected species.

In addition the applicant provided details of prior consultations regarding the proposed development with the local community in the form of a letter detailing a meeting with the chair of the Parish Council and a Village Newsletter.

History:-.

Whilst there is a substantial planning history associated with the overall site, the most recent application detailed below is the most relevant to this application.

06/01361/FUL	Re-Profiling of Land and Reduction of Noise Pollution	Approved	07.03.07
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Consultations:-

No objection has been received from:-

Director of Highways, Transportation and Waste Management (Highways)
Head of Community Services (Pollution)
Head of Community Services (Land Drainage).

No objection subject to conditions have been received from:-

Director of Community Services (Rights of Way)
Environment Agency.

Director of Community Services (Ecology) advises that the ecological statement submitted would usually be unsatisfactory, as it does not address great crested newts and was not completed by a licensed bat/great crested newt worker. However, as the application is retrospective in part it is recommended that the planting scheme that is proposed for the site which provides a suitable mix of species be supplemented with the installation of bird and bat boxes and log piles at appropriate locations throughout the site to provide additional features suitable for wildlife habitats.

Natural England objects to the application on the basis that inadequate information has been submitted to demonstrate the effects of the development on protected species, and in particular great crested newts. The application is recommended for refusal unless adequate information is provided from suitably qualified and experienced persons holding relevant licences.

Borough Council's Arboricultural Consultant comments that there are no protected trees affected by the proposals.

Head of Corporate and Scrutiny Services (Green Spaces) has provided comprehensive positive comments on the proposed landscaping scheme that are discussed in more detail in the main report.

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

Transco
Ramblers Association
Leicestershire and Rutland Trust
Peckleton Parish Council
Press Notice
Site Notice
Neighbours.

Policy:-

Central Government Guidance

Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas in paragraph 7 states that planning authorities should adopt a positive approach to proposals designed to improve the viability of existing facilities that play an important role in sustaining village communities. Paragraph 34 states that tourism and leisure activities are vital to many rural economies and supports sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which enhance, but do not harm, the character of the countryside.

Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation in paragraph 14 states that development proposals provide many opportunities for building in beneficial biodiversity features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments.

Planning Policy Guidance 24 (PPG24): Planning and Noise advises that in determining applications involving noisy activities, account should be taken of the frequency that the noise will be generated and the likely level of disturbance.

The Good Practice Guide on Planning for Tourism states that tourism, in all its forms, is of crucial importance to the economic, social and environmental well-being of the country. The planning system has a vital role to play in terms of facilitating the development and improvement of tourism in appropriate locations. Tourism developments may offer considerable opportunities to conserve and enhance the local environment and its inherent qualities and protect and improve biodiversity through the creation of new features of wildlife interest. Such advantages will be important considerations in assessing the overall sustainability, and thus acceptability, of a particular proposal.

Local Plan Policy

The site lies in the countryside outside the settlement boundary of Kirkby Mallory as defined in the Hinckley and Bosworth Local Plan.

Policy BE1 seeks to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area; minimise the impact on the local environment; incorporate landscaping to a high standard and should not adversely affect the occupiers of neighbouring properties.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is either important to the local economy or is for sport or recreation purposes and where it does not have an adverse effect on the appearance or character of the landscape; is in keeping with the scale and character of the general surroundings; will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy NE12 requires development to take into account the existing landscaping features of the site and make provision for further landscaping where appropriate.

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

Appraisal:-

The main considerations with regard to this application are the principle of the development and its impact on the surrounding countryside and the amenities of the occupiers of neighbouring properties.

Principle of Development

The Motocross track extension is required to enable Mallory Park to host the British round of the World Motocross Grand Prix, a prestigious event providing world-wide promotion of the locality, an economic boost to tourism and trade and improving the viability of this race circuit. The scale of the extension to the off-road track is relatively small in comparison to the overall size of the facility and the other activities that are carried out on the wider site. In addition, the track extension is to be of a temporary nature with the land reinstated to its former condition following each annual event. Whilst the site is in a countryside location, it is within an established motor sports complex and, therefore, the principle of the development is acceptable.

Impact on the Countryside

The engineering works involved in extending the track will inevitably change the appearance of the shaded area within the red edge of the site from a gently sloping flat grassed area to an undulating bare earth area. However, this will only be for a temporary period and the area will be reinstated to its previous condition as soon as practicable following the event. Although the proposed permanent earth bund will be over 500 metres in length, it is only between 3 and 4 metres in height and the substantial landscaping and planting scheme proposed will screen the bund and help to assimilate it into the surrounding landscape. It will also help to reduce the impact within the landscape of the existing concrete post and chainlink perimeter fence around this part of the site.

There are three groups of Oak trees that are subject to a Tree Protection Order in the vicinity of the site. The Borough Council's Arboricultural Consultant confirms that the proposed works will not have a detrimental effect on these trees subject to the canopy and root exclusion zones identified on the plan submitted with the Tree Survey being adhered to.

The Borough Council's Green Spaces Manager has provided comprehensive comments on the proposed landscaping scheme which, includes substantial planting of native tree and woody shrub species to maintain the natural character of the site. The amenity value of the site will be greatly

enhanced by the proposed landscaping and, once established, will provide continuity within the landscape particularly when the existing groups of mature trees reach the end of their life and are removed.

The landscaping will greatly enhance the potential biodiversity of the site by providing different habitats for a wide range of insects and mammals and will create a wildlife corridor. The planting of the slopes will also consolidate the bund by preventing soil creep and erosion.

Natural England have objected to the application on the grounds that inadequate information has been submitted to demonstrate the effects of the development on protected species, and in particular great crested newts. The agent has been advised and is in discussion with Natural England on this matter. Any further details on this matter will be reported as a late item to the main agenda.

Impact on Neighbouring Properties

The extension to the Motocross track will bring the track, and therefore the noise created from its use, closer to the village and to residential properties. The Noise Impact Assessment submitted with the application concludes that the proposed earth bund and subsequent planting thereon will help to mitigate the potential increase in noise disturbance from the use of this area as a Motocross track to the occupiers of nearby residential properties.

In addition, the proposed use of this area is for one weekend per year and the potential increase in disturbance is therefore very infrequent. This is also the case for the potential increase in traffic associated with the event. On balance, whilst the extension to the track may increase noise disturbance to the village, the proposed use is for only one weekend on an annual basis and given the wider use of the main circuit throughout the year, the potential increase in disturbance is not likely to be so significant to justify refusal of the application.

Other Issues

The Environment Agency and Director of Community Services (Rights of Way) have raised no objections subject to the imposition of conditions relating to the storage of oils, fuels and chemicals and works within close proximity to the Public Rights of Way T76 and T85. The suggestions do not meet the tests necessary in order that they can be imposed as conditions therefore a note to applicant is suggested that refers to the relevant letters informing the applicant of the requirements of the respective consultees.

Conclusion

The proposed extension to the existing Motocross track for a limited period is acceptable in principle given the historical use of the wider site for a variety of motor sports. Whilst the track extension may provide increased disturbance to neighbouring properties this would be for only one weekend in the year for a specific event and therefore is not likely to be so detrimental to neighbours amenities to warrant refusal of the application. In addition, the proposed earth bund and associated substantial planting scheme will improve the character and appearance of the countryside and contribute to reducing noise pollution from the existing Motocross track. It will also provide enhanced habitat for wildlife. It is considered that balancing these issues, the scheme is acceptable.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as the proposal is in keeping with the existing uses of the site, will not be unduly detrimental to the amenities of the occupiers of neighbouring dwellings or the highway safety and will enhance the character and appearance of the countryside.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE5, NE12 and T5

- 1 The bund hereby permitted shall be completed in accordance with the details set out in the Noise Impact Assessment dated June 2008 and shown on drawing number 728/01 dated May 2008 before the next Motocross British Grand Prix event following the date of this decision.
- 2 The area of the Motocross track extension shown cross-hatched on the approved plan shall only be used for the Motocross British Grand Prix for one weekend annually and within one month of the completion of that event shall be reinstated to a land profile, to be agreed in writing by the Local Planning Authority, and re-seeded with grass. The existing Motocross track shall then be restricted to its current size and location.
- 3 Before any development is commenced on the site, including site works of any description, each of the trees (indicated by number on the Tree Survey and Landscaping plan) shall be securely fenced off by protective fencing on a scaffolding framework in accordance with B. S. 5837 erected in a circle round each tree at a radius from the bole of 3 metres or to coincide with the extremity of the canopy of the tree, whichever is the greater. Within the areas so fenced off, the existing ground level shall be neither raised or lowered, and no materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored thereon.
- 4 The approved landscaping scheme shall be implemented during the first planting season following the date of this decision in accordance with the details on the approved plan and landscaping specification. The 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 unless otherwise agreed in writing by the Local Planning Authority.
- 5 Notwithstanding the submitted details, prior to any development commencing on site, details of the type and location of bat boxes, bird boxes and log piles shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Reasons :-

- 1 To ensure the mitigation measures proposed to protect the amenities of neighbouring properties are provided before the next event to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 2 To ensure that the development hereby approved does not become detrimental to the amenities of the occupiers of nearby residential properties or to the visual amenities of the countryside to accord with policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 3 The trees on this site are subject to a Tree Preservation Order and this condition is necessary to ensure that proper steps are taken to safeguard the trees during the course of

development to accord with policies NE5 and NE12 of the adopted Hinckley and Bosworth Local Plan.

- 4 To enhance the appearance of the development and ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 5 To enhance the biodiversity of the site and provide additional wildlife habitat in accordance with Planning Policy Statement 9 (Biodiversity and Geological Conservation).

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
- 3 List of plans used in the determination of this application:- Plan Nos. 728/01 (Existing Ground Levels and Proposed Bunding), 08/00374A/FUL (Location Plan) and 08/00374B/FUL (Tree Survey and Landscaping).
- 4 The applicant's attention is drawn to the attached consultation responses from the Environment Agency in respect of the storage of oils, fuels and chemicals; Leicestershire County Council (Rights of Way Officer) in respect of public footpaths T76 and T85; and the Borough Council's Green Spaces Manager in respect of the landscaping scheme and landscaping maintenance schedule.
- 5 The applicant should consider whether a drainage ditch is required along the eastern toe of the bund to prevent ponding, discharging to any suitable existing ditch beyond the southern extremity of the proposed earthworks.

Contact Officer:- Richard Wright Ext 5894

Item: 02

Reference: 08/00573/FUL

Applicant: Mr A Shiraz

Location: Comfort Inn Hotel Comfort Inn 32 Wood Street Earl Shilton Leicester

Proposal: CHANGE OF USE TO RESIDENTIAL CARE HOME INCLUDING EXTENSION AND ALTERATIONS (REVISED SCHEME)

Introduction:-

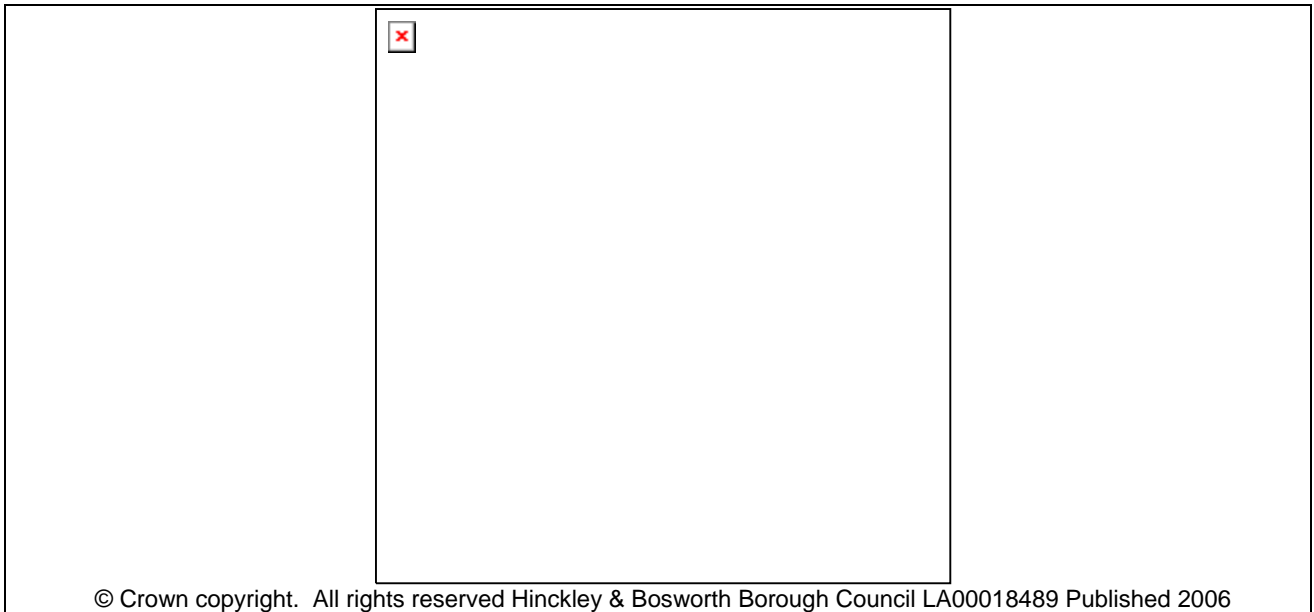
This application seeks full planning permission for the change of use of the existing hotel to a residential care home and extensions to the building which would involve the erection of an additional floor to the two storey, mid section of the building. It is proposed to render the portion of the property adjacent to Kings Walk to match the building to the front. The scheme will provide 43 bedrooms.

The application site is located in the centre of Earl Shilton to the north of Wood Street, (the main A47 through Earl Shilton). The site is surrounded by commercial properties to the east, south and west, some of which have flats above. To the north of the site is an Age Concern day centre located on the edge of a recreational park. To the west of the application site, behind the row of shops facing Wood Street is a public car park, with private parking and rear accesses for the units facing Wood Street. The land slopes from south to north with the ridge height of the existing building reflecting this change and giving the impression that the building rises away from Wood Street.

A design and access statement was submitted with the application which confirms that the building is retaining the existing footprint and the changes will reflect the materials of the area and therefore the design of the building is in keeping with the surrounding area.

History:-

08/00340/FUL	Change of use to residential care home including extensions, alterations and car parking	Withdrawn	21.05.08
02/00227/FUL	Alterations to elevations of building	Withdrawn	23.09.02
94/00563/COU	Change of use of covered parking area to conference facilities	Approved	01.09.94
88/00743/4	Extensions to provide a total of 13 additional bedrooms and function room and managers flat.	Approved	14.03.89
79/00401/4M	Erection of Hotel, restaurant and conference Hall	Approved	30.05.79



Consultations:-

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

Earl Shilton Parish Council have objected on the grounds that the proposal would result in the loss of highly utilised disabled parking space, interferes with disabled access to community park, the loss of 13 public parking spaces and inappropriate use of public car parking by commercial organisation.

Site notice and press notice were displayed and neighbours notified.

One letter of objection has been received raising the following concerns:-

- a) side section to Kings Walk is intrusive and dominating on the road and the proposal would impact significantly and in a negative way on the local area.
- b) reduction in public car parking spaces will result in less people using the shops within Earl Shilton.
- c) concern about the location of the proposed home close to the main road resulting in residents suffering from traffic noise pollution.

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

Ramblers Association
Central Networks
Councils Estates and Assets Manager.

Policy:-

Central Government Guidance

Planning Policy Statement 1- Delivering Sustainable Development sets out the general principles of the planning system and promotes the delivery of development through sustainable means.

Planning Policy Statement 6 - Planning for town centres sets out the Governments aims to maintain town centres that are viable and lively through promoting sustainable town centres and principles of sustainable development.

Regional Policy

Draft East Midlands Regional Plan (2008) Policy 3 'Promoting better design' seeks the improvement of the layout, design and construction of development.

Policy 4 'Concentrating development in urban areas' requires uses and development to be located in urban centres.

Local Plan Policy

The site lies within the settlement boundary and local shopping centre of Earl Shilton as defined within the Adopted Hinckley and Bosworth Local Plan.

Policy BE1 considers the design and siting of development and seeks to ensure a high quality of design through amongst other things taking account of the character of the existing area, does not adversely affect the occupiers of neighbouring residents and there is adequate off street parking.

Policy CF8 considers new developments for extensions to existing buildings to provide residential care homes should have regard to the character of the surrounding area, in particular scale and materials, the premises being suitable in terms of size and type and ease of access to shops and other public services.

Policy Retail 7 defines the local shopping centre in Earl Shilton and provides guidance for new retail development.

Policy T5 considers new highway design and vehicle parking standards in accordance with latest parking requirements.

Supplementary Planning Guidance

Supplementary Planning Guidance 'Residential Care Homes' which seeks to provide care homes in suitable locations with sufficient levels of amenity space and parking.

Appraisal:-

The main considerations with regard to this application are the effect of the change of use on the local shopping centre, the amenities of neighbouring residents and the effect of the extension on the appearance of the property and the streetscene.

Effect on Local Shopping Centre

Policy Retail 7 seeks to define the retail centre of Earl Shilton and protect the shopping facilities within it. The application is for the change of use of a hotel, which falls within Class C1 of the Use Classes Order, to a residential care home, within Class C2 of the same Order. The application would not result in the loss of a shop unit but is a change of use between two classes within the same group of the Use Classes Order.

It is important to locate care homes close to services to give residents the chance to use them and still be part of a community. Owing to the location of this site in Earl Shilton Town Centre, it is considered that the opportunity for residents to use facilities and be part of the community will exist. The importance of location has to be balanced against the loss of a hotel facility that could

contribute to the vitality of the town centre through guests using services and on balance it is considered that the impact on the town centre vitality will be negligible and therefore the application cannot be refused for this reason.

Amenities of neighbouring residents

The proposed extension increases the height of the middle element of the existing building and increases the number of windows to the east and west. The proposal would overlook Kings Walk to the east, and the flank elevation of number 30 Wood Street which has no windows within it. To the west, windows would face the rear service yards and parking area to the shops of 36 to 52 Wood Street. It is therefore considered that the proposal would not result in loss of privacy to nearby properties and residents.

The proposed change of use from a hotel and restaurant to care home is considered to have less impact on the amenities of any neighbouring residents, by virtue of reduced activity at the location.

Parking and transportation

Following investigations it was established that the applicant does not have the specific right to any part of the car park and amended plans have been submitted removing the parking from the application.

Advice from the County Highways Officer suggests parking provision be made at 1 space per bedroom for hotels and 1 space for every 4 bedrooms for care homes. The existing hotel had 36 rooms and therefore would require 36 off street parking spaces. In comparison the care home requires 17 off street spaces to be provided. The proposal would significantly reduce the off street parking requirement and the level of trips to and from the premises and therefore there are no objections to the scheme in terms of highway safety.

The existence of a free 24 hour car park adjacent to the proposed residential care home would provide off street parking. Given this relationship it is considered that an objection on the grounds of lack of car parking could not be sustained.

Design

The application includes an extension to the building by an extra storey to the mid section of the existing hotel. This would raise the height of this section of the roof to 0.5m below that of the most northern element of the existing building and 3 metres above that of the two storey element facing Wood Street. The roof of the proposed section would be hipped sloping away from Wood Street. The increase in height from the front element is mitigated by the distance the proposed extension is set back and the relationship with the existing higher element. It is therefore considered that the proposed extension would not be incongruous within the street scene or have a detrimental impact on the appearance of the property.

Kings Walk is a narrow road leading from Wood Street to the north providing access to residential properties. The existing building is located on the back edge of the footpath. The extension would increase the height of the building. Narrow enclosed spaces are a characteristic of central part of Earl Shilton, where a higher density of development is considered acceptable; therefore it is considered that the proposal would not have an overbearing impact in the street scene.

Other issues

Objections have been received regarding the suitability of the building and location for a care home. The site is close to shops and other facilities, including a Senior Citizens Centre, and located on a bus route providing access into Hinckley or Leicester. The site is therefore located

close to services, including shops and transportation routes in accordance with Policy CF8, of the Local Plan, and with the Supplementary Planning Guidance. The proposal is considered to be in a sustainable location for development.

The proposal does not have any outside amenity area attached to it. However there is a large recreational ground located to the north of the car parking located 50 metres from the entrance into the care home. In this instance the lack of on site amenity space is not considered to warrant refusal of the application.

Conclusion

The proposal is considered to be located within a sustainable location with good access to facilities. The proposal would reduce traffic movements and requirement for off street parking. The proposal is therefore considered to be acceptable.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. The proposed care home is not considered to detrimentally effect the amenities of any neighbouring residential properties nor would create unacceptable levels of traffic movements or on street parking. The design of the extension would not detrimentally affect the character of Wood Street or Kings Walk and is therefore considered acceptable.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, CF8 RET7 and T5.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 This permission relates to the application as revised by amended plan 08-429 T1, 08-429 A1 and 08-429 A2 received by the Local Planning Authority on 05.08.08.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed extension 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.

Reasons:-

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

Notes to Applicant:-

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

and the local office of Natural England contacted for advice.

- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
- 4 List of plans used in the determination of this application:-
08-429 S1, 08-429 S2, 08-429 S3, 08-429 S4, 08-429 A1, 08-429 A2, 08-429 A3, 08-429 A5, and 08-429-T1.
- 5 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:- Sarah Humphries Ext 5680

Item: 03

Reference: 08/00672/FUL

Applicant: Mr Arek Kulakowski

Location: Broomhills Farm Desford Lane Peckleton Leicester Leicestershire

Proposal: REMOVAL OF ONE BARN AND CONVERSION OF EXISTING BARN INTO THREE DWELLINGS

Introduction:-

This application seeks full planning permission for the demolition of one agricultural barn and conversion of three other redundant agricultural barns to three dwellings, comprising of x 2 three bedroomed units and one single- bedroomed unit.

The site measures 0.3 hectares, situated midway between the villages of Peckleton to the south and Desford to the north in an isolated position within the countryside and is surrounded by open fields. The former farm complex consists of a rendered two-storey farmhouse with a residential curtilage to the west and north. In addition, there is a single storey range of brick and tile outbuildings, a larger two-storey brick and tile threshing barn and a very small 1^{1/2} storey brick barn with corrugated sheet roof arranged around a central courtyard. There is a much larger agricultural building of corrugated tin and cement roof sheet construction to be removed as part of the development. This building is attached to the smallest of the barns by a link of blockwork and cement sheet construction. The complex is screened from the east and partly from the north by a row of 6 metre high conifer trees, the remainder of the northern boundary and the western boundary is defined by a 2 metre high hedge. A post and rail timber fence defines the southern boundary of the site. Access to the complex is from Peckleton along Desford Lane and then via a private farm track.

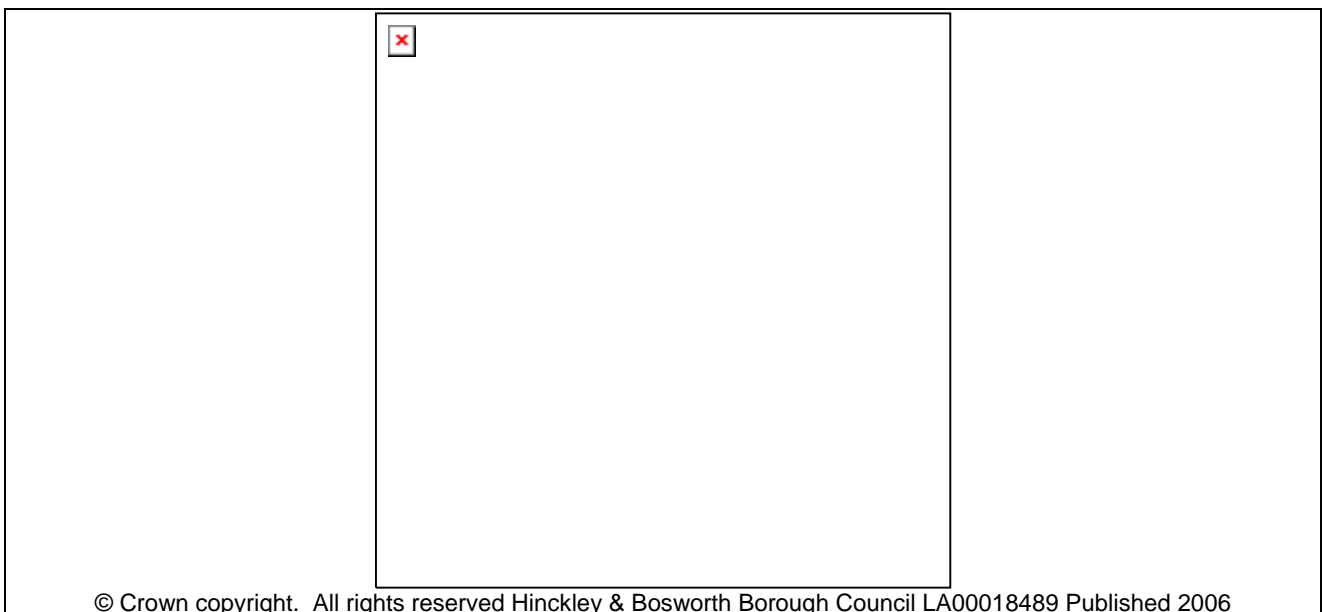
A Design and Access Statement, Structural Survey and Protected Species Report (December 2007) have been submitted in support of the application. The Design and Access Statement advises that the buildings are no longer required for agriculture and are inappropriate for modern agricultural use. The architectural and historic merits of the buildings, that have been part of the landscape from around the early 1780s, warrant their retention and restoration. An employment or commercial use is an unsustainable option due to the number of vehicle trips that would be likely to be generated and such use would be detrimental to the existing residential amenities of the farmhouse. Leisure, recreational, tourism and community uses are also inappropriate due to the location of the complex and scale of the buildings. A residential conversion is the most appropriate future use. The buildings are capable of being converted without significant alteration or new extension or loss of character. The existing strong boundary treatments limit any adverse effect on the openness or character of the countryside and the proposed orchard planting and removal of the unsympathetic barn will have a positive effect on the landscape. The scheme will cause no harm in highway terms. The statement also concludes that these buildings require a significant amount of money to be spent on their restoration and refurbishment and none of the other potential uses identified will provide the revenues required to secure the future of the buildings.

The Structural Survey (carried out in February 2008) identifies multiple structural faults in all of the units but concludes that having considered the overall condition of the existing units they can all be successfully converted/renovated without the need for undertaking substantial areas of rebuilding. It further concludes that should the structures be left unattended their condition will deteriorate to such an extent that large scale disruption will inevitably occur resulting in the need for large scale reconstruction. The report recommends that, for all units, specialist timber/damp surveys be undertaken, that foundations should be inspected and that all roof coverings will require removal, storage and replacement.

The Protected Species Report concludes that with evidence of use by any species of bat being limited to foraging and occasional feeding perches whilst foraging, the proposed development would have little negative impact on bats, and would provide an opportunity for bat bricks to be incorporated into the larger barn to provide future habitat. There was some evidence of ingress by birds for nesting but the redevelopment of the site would have little negative impact on nesting birds.

History:-

None.



Consultations:-

No objection has been received from Director of Highways, Transportation and Waste Management (Highways).

No objection subject to conditions have been received from:-

Director of Community Services (Archaeology)
Head of Community Services (Land Drainage)
Head of Community Services (Pollution).

Director of Community Services (Ecology) recommends an ecological survey to be conducted in relation to species protected by law.

Peckleton Parish Council objects to the application on the following grounds:-

- a) intrusion of development into open countryside
- b) new dwellings will be isolated
- c) impact on Desford Lane and rural character of the access
- d) farm buildings are in poor structural condition
- e) existing character of the buildings may be lost in the conversion
- f) unit 3 is mostly new build and will provide sub standard accommodation
- g) no garaging is included in the scheme and may lead to additional buildings later
- h) foul water drainage by septic tank will not be possible and not indicated on plans
- i) Desford Lane very narrow, additional vehicular traffic will create dangers to walkers, cyclists and horse riders.

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

Site notice
Neighbours.

Policy:-

Central Government Guidance

Planning Policy Statement 7 Sustainable Development in Rural Areas encourages the re-use of appropriately located and suitably constructed existing buildings within the countryside where this meets sustainable development objectives. In assessing such development consideration should be given to the potential impact on the countryside, landscape and wildlife; accessibility to settlements; the suitability of different types of building and of different scales for re-use; the need or desire to preserve buildings of historic interest or that contribute to local character.

Regional Policy

Regional Spatial Strategy for the East Midlands (RSS 8) in Policy 6 considers the priorities for development in rural areas. It states that development in such areas should maintain the distinctive character of rural communities. Policy 26 seeks to protect and enhance the Region's natural heritage and states that damage to natural assets or their settings should be avoided wherever and as far as possible, recognising that such assets are usually irreplaceable. Unavoidable damage must be minimised and clearly justified by a need for development in that location which outweighs the damage that would result.

Local Plan Policy

The site lies in the countryside as defined in the adopted Hinckley and Bosworth Local Plan.

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

Policy BE20 states that in the countryside planning permission will be granted for the re-use and adaptation of rural buildings unless: the proposed use has an adverse effect on the appearance or character of the landscape; the building is in a structurally unsound condition and is thus incapable of conversion without significant adaptation and rebuilding; the proposals are detrimental to the design, character, appearance and setting of the building; the conversion involves extensions that would significantly alter the form and general design of the building in a way which would detract from its existing character and appearance; the proposal would adversely affect highway safety or any protected wildlife habitat.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is for the change of use, re-use or extension of existing buildings and where it does not have an adverse effect on the appearance or character of the landscape; is in keeping with the scale and character of the existing buildings and general surroundings; will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy REC3 requires developments of between 1 and 20 dwellings to make provision towards informal open space.

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

Supplementary Planning Guidance

The Council's Supplementary Planning Guidance (SPG) on the Conversion of Rural Buildings states that the re-use and adaptation of existing rural buildings has an important role to play in meeting the needs of rural areas for commercial and industrial purposes: reducing the need for new buildings; avoiding vacant buildings becoming prone to vandalism and dereliction; and providing employment. It states that residential re-use may not be considered favourably unless: the applicant has made every reasonable attempt to secure suitable business re-use and a statement of the efforts that have been made is provided; such conversions do not result in the creation of a residential curtilage which would have a harmful effect on the character of the countryside; or there are significant overriding material planning considerations that would make business uses undesirable. Where demolition and rebuilding of walls would be required to secure the structural integrity of the building, planning permission will not be forthcoming as the result would be a new building in the countryside which in itself is contrary to policy. Generally, significant extensions to a barn as part of an overall conversion will be unacceptable. Garages should be provided within the initial scheme as the Council will strongly resist the provision of garages after the conversion has taken place. The sustainability of a development proposal will be a key factor in its determination. The guidance gives further detailed advice regarding external and internal building design features, the setting of the buildings, habitat preservation and creation and landscaping.

Adopted Supplementary Planning Guidance: Play and Open Space requires contributions towards informal open space that is within 400 metres of the application site.

Appraisal:-

The main considerations with regard to this application are; the principle of development; the structural condition of the buildings and their suitability for residential conversion; the impact of the development on the character and appearance of the countryside; the accessibility of the development and its impact on highway safety.

The Principle of Development

Whilst the re-use of existing redundant agricultural buildings in the countryside for residential purposes can be acceptable in principle, this is subject to a number of stringent criteria being satisfied first. The Council's Supplementary Planning Guidance on the Conversion of Rural Buildings states that the Council will normally seek to encourage conversion to a commercial, industrial or recreational use in the first instance, this is due to 2 reasons: 1) such uses involve fewer alterations than residential conversions, and 2) such uses would help to maintain a viable rural economy in encouraging new enterprise in the countryside. In addition it requires the applicant to demonstrate that every reasonable attempt to secure suitable business re-use has been made and that the application be supported by a statement of the efforts that have been made to secure such uses.

The Design and Access Statement submitted attempts to address some of the issues within the Supplementary Planning Guidance. However, it is considered that it fails to adequately demonstrate that every reasonable attempt to secure suitable business re-use has been made, therefore the proposal is considered to be contrary to policy.

Structural Condition and Suitability for Conversion

The Structural Survey submitted was carried out in February 2008. Unfortunately the survey identifies the various buildings by different unit numbers to those on the submitted plans. For the purposes of this report the units will be referred to in accordance with the submitted plans with the structural survey references in brackets.

Unit 1 (Unit 2) is a large detached barn of two-storey height although there is no internal first floor. The survey identifies this unit as being in a poorer state of repair than other units on the site and acknowledges that there is evidence of recent reconstruction to the (entire) southern gable end. In addition, it states that there is evidence of further disruption/stressing to the main external fabric, which, will need to be addressed together with localised foundation settlement.

Unit 2 (Units 3 and 4) is a single storey range attached to the farmhouse. At the time of the survey, the eastern section of this range (Unit 3) was identified as being in a poor structural condition with the main structural envelope containing evidence of localised stressing and disruption. Since the survey was carried out, this entire section apart from a lower portion of the rear (north) wall appears to have been completely rebuilt. The western section (Unit 4) was considered to be generally in sound condition except for the roof that would require stripping and upgrading with new roof members. However, this unit would still require reconstruction of localised areas of brickwork due to disruption and fracture and replacement of lintels.

Whilst a structural survey has been submitted with the application, it contains insufficient information and detail to enable an accurate assessment to be made of the extent to which the existing structures of Units 1 and 2 would be retained as opposed to being rebuilt. Significant

sections of both Units 1 (Unit 2) and Unit 2 (Units 3 and 4) have already been subject to reconstruction prior to the application being submitted and it is clear from the survey submitted that further reconstruction, repair and replacement of various parts of the buildings would be required for a successful residential conversion to be carried out on these units. The proposed conversion utilises existing openings where possible but introduces a number of new openings to provide improved amenity for any future occupiers of Units 1 and 2.

Unit 3 (Unit 1) was considered to be in a generally sound condition although there were areas of local stressing and disruption with sizeable fractures requiring reconstruction/repair. This unit would require a new roof, being of only metal sheet construction. This barn is so small that it is incapable of being converted to a separate residential unit without significant extensions and alterations as indicated on the proposed plans. Notwithstanding its structural condition, the proposed conversion of this barn to a separate dwelling is unacceptable in policy terms as it is tantamount to a new dwelling in the countryside.

The Borough Council's Building Control Section comments that the walls are in poor condition and if they are to remain without being rebuilt they will need to be provided with support to prevent further movement. This may be by building new internal buttressing walls or by providing steel frames or columns. Further details will need to be provided for the proposal to be properly assessed. Similarly the roofs are in a poor state of repair and substantial infestation is evident. Without a report by a specialist contractor detailing the extent of the infestation it is not possible to determine if the roofs will need to be replaced or if they can be repaired to an acceptable standard.

Impact on the Character and Appearance of the Countryside

The former farm complex occupies an isolated location and is surrounded by open agricultural fields. The complex is currently well screened from the surrounding countryside by existing mature trees and hedgerows. The conversion of the barns and the creation of residential curtilages to Units 1 and 2 would therefore have a limited impact on the rural character and appearance of the surrounding countryside unless the existing screening was removed or significantly reduced by any future occupiers of the site. In respect of Unit 3, the creation of a residential curtilage to the southern boundary of the site would have a greater impact on the rural character and appearance of the surrounding countryside as this area is not so well screened. It is from the east that public views are most readily available from Desford Lane. However the proposal seeks to mitigate this impact and proposes to remove the existing large agricultural barn constructed of metal sheet construction which is in a poor state of repair. This would improve the overall appearance of the site as would the proposed native tree planting scheme to the southern boundary. The proposed orchard planting would introduce an uncharacteristic element to the complex and would not be recommended.

Accessibility and Highway Issues

The complex is in a remote location midway between the villages of Peckleton and Desford. Vehicular access is gained from Peckleton, along a narrow winding rural lane that is closed to through traffic but is used by walkers, cyclists and horse riders. The farm track leaves this lane at the point that it is closed to traffic. The potential increase in vehicular traffic along this lane by the creation of three additional isolated residential units has the potential to create highway safety issues. However, despite the nature of the lane and its lack of width and visibility in places, given the previous use of the site as a working farm which had the potential to generate a similar number of vehicle movements to that proposed, the Director of Highways, Transportation and Waste Management (Highways) comments that it would be difficult to sustain an objection to the development based on such highway safety issues.

Other issues

At the time of writing this report, the comments of the Head of Community Services (Pollution) had not been received, but in view of the former agricultural use of the complex for livestock, and the proposed creation of residential curtilages around the buildings, it is likely that a contaminated land investigation and report together with any necessary remediation measures would be required prior to any development commencing in the event that planning permission was approved.

The Director of Community Services (Archaeology) has commented that the structures appear to be illustrated on Ordnance Survey drawings of the early 19th Century and whilst some have been lost, those that remain are of historic interest. As such a condition requiring a historic building recording to be carried out prior to any development commencing is recommended in the event that planning permission is approved.

The site is located more than 400 metres from the nearest informal open space therefore there is no requirement for contributions towards upkeep and maintenance of the public open space.

Conclusion

In summary the conversion of existing redundant agricultural buildings in the countryside to residential use can be acceptable in principle subject to the applicant demonstrating that every reasonable attempt to secure suitable business re-use has been made. This application lacks sufficient evidence to robustly demonstrate this and without such information the proposal would create unjustified residential development in the countryside. In addition, the structural survey submitted in support of this application identifies significant structural defects in all of the buildings to be converted and whilst it makes recommendations for reconstruction and repair (which already appear to be extensive) these recommendations are subject to further surveys being carried out (e.g. on existing timbers and foundations etc) to ensure that additional works are not required. Overall it is considered that insufficient detailed information has been submitted to enable an accurate assessment to be made of the extent to which the original buildings would be retained and converted as opposed to being replaced by new build construction. Large sections of Units 1 (Unit 2) and Unit 2 (Unit 3) have already been rebuilt prior to the application being submitted. Unit 3 (Unit 1) involves significant new build extensions and alterations in order to make it convertible for residential use. It is therefore considered that the proposal is contrary to policy.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, insufficient evidence has been submitted by the applicant to demonstrate that the existing agricultural buildings are capable of being successfully converted into residential units without a significant degree of reconstruction, replacement, repair and new build extensions that would be tantamount to the building of new dwellings in the countryside. The proposed development is therefore contrary to government guidance in Planning Policy Statement 7 (Sustainable Development in Rural Areas), the Regional Spatial Strategy for the East Midlands (RSS8), Policies BE1, BE20 and NE5 of the adopted Hinckley and Bosworth Local Plan and the Borough Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings.
- 2 In the opinion of the Local Planning Authority, the applicant has failed to adequately demonstrate that every reasonable attempt to secure suitable commercial, industrial or recreational re-use has been made. The proposal without such evidence would create unjustified residential development in the countryside, and is therefore contrary to Planning Policy Statement 7: Sustainable Development in Rural Areas; Policies BE20 and NE5 of the adopted Hinckley and Bosworth Local Plan and adopted Supplementary Planning Guidance: Conversion of Rural Buildings.

Contact Officer:- Richard Wright Ext 5894

Item: 04
Reference: 08/00708/FUL
Applicant: Mr R Allcoat
Location: Hall Farm Hinckley Lane Higham On The Hill Nuneaton Leicestershire
Proposal: CONVERSION OF FARM BUILDINGS INTO 2NO. DWELLINGS

Introduction:-

This application seeks full planning permission for the conversion of redundant 19th Century farm buildings into 2 dwellings. The buildings subject to the conversion are the oldest and most attractive of the buildings on the farm, with the remaining buildings being dutch barns or modern steel portal frame buildings. The buildings are predominately of two-storey design however various single storey buildings are included in the proposal. There is no new build as part of this proposal.

The application site occupies a prominent position on a gently falling hill side to the east of the village centre and is located beyond the village of Higham on the Hill. The site is relatively isolated other than being adjacent to the existing farmhouse (to be retained) and Fishers Acre, a detached property accessed from the existing farmyard and private drive.

The application is accompanied by a design and access statement, structural appraisal, protected species report and a statement by the applicant's land agent explaining the background that has led to the demise of farming activity and the proposal under consideration.

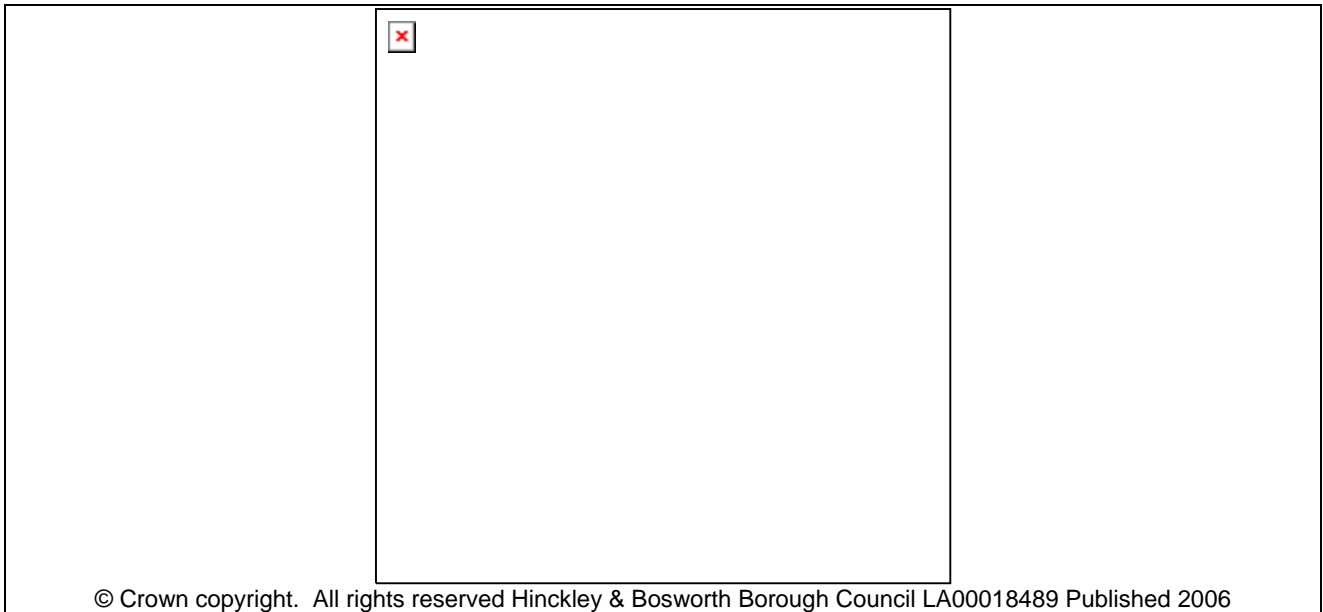
The design and access statement identifies the buildings to remain are of a cellular form, they are adequate in size and height with existing openings that will enable comfortable conversion to residential without requiring significant alteration to their form or fabric.

The structural survey identifies the current condition of the buildings as being of solid masonry construction and in either a sound or reasonable structural condition. The report does highlight that some remedial work will be required.

The Protected Species report identifies that a bat roost is present within the building and subject to the granting of a licence by English Nature, proposes mitigation measures to relocate the roost.

History:-

None.



Consultations:-

No objection has been received from the Head of Community Services (Land Drainage).

No objection subject to conditions have been received from:-

Director of Highways, Transportation and Waste Management (Highways)
Head of Community Services (Land Drainage).

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

Severn Trent
Parish Council
Head of Community Services (Pollution)
Site Notice
Press Notice.

Policy:-

Central Government Guidance

Planning Policy Statement 7 Sustainable Development in Rural Areas encourages the re-use of appropriately located and suitably constructed existing buildings within the countryside where this meets sustainable development objectives. In assessing such development consideration should be given to the potential impact on the countryside, landscape and wildlife; accessibility to settlements; the suitability of different types of building and of different scales for re-use; the need or desire to preserve buildings of historic interest or that contribute to local character.

Regional Policy

Regional Spatial Strategy for the East Midlands (RSS 8) in Policy 6 considers the priorities for development in rural areas. It states that development in such areas should maintain the distinctive character of rural communities. Policy 26 seeks to protect and enhance the regions natural heritage and states that damage to natural assets or their settings should be avoided wherever and as far as possible, recognising that such assets are usually irreplaceable. Unavoidable damage

must be minimised and clearly justified by a need for development in that location which outweighs the damage that would result.

Local Plan Policy

The site lies in the countryside as defined in the adopted Hinckley and Bosworth Local Plan.

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

Policy BE20 is the primary policy under which a proposal of this type should be considered. The policy encourages the reuse and adaptation of rural buildings providing they are structurally sound, the proposal will not adversely effect the character and appearance of the countryside and the adaptation will not significantly alter the general design of the buildings.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is for the change of use, re-use or extension of existing buildings and where it does not have an adverse effect on the appearance or character of the landscape; is in keeping with the scale and character of the existing buildings and general surroundings; will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy REC3 requires developments of between 1 and 20 dwellings to make provision towards informal open space.

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

Supplementary Planning Guidance

The Council's Supplementary Planning Guidance (SPG) on the Conversion of Rural Buildings states that the re-use and adaptation of existing rural buildings has an important role to play in meeting the needs of rural areas for commercial and industrial purposes: reducing the need for new buildings; avoiding vacant buildings becoming prone to vandalism and dereliction; and providing employment. It states that residential re-use may not be considered favourably unless: the applicant has made every reasonable attempt to secure suitable business re-use and a statement of the efforts that have been made is provided; such conversions do not result in the creation of a residential curtilage which would have a harmful effect on the character of the countryside; or there are significant overriding material planning considerations that would make business uses undesirable. Where demolition and rebuilding of walls would be required to secure the structural integrity of the building, planning permission will not be forthcoming as the result would be a new building in the countryside which in itself is contrary to policy. Generally, significant extensions to a barn as part of an overall conversion will be unacceptable. Garages should be provided within the initial scheme as the Council will strongly resist the provision of garages after the conversion has taken place. The sustainability of a development proposal will be a key factor in its determination. The guidance gives further detailed advice regarding external and internal building design features, the setting of the buildings, habitat preservation and creation and landscaping.

Adopted Supplementary Planning Guidance on Play and Open Space required contributions towards informal open space that is within 400 metres of the application site.

Appraisal:-

The main considerations with regards to this application are whether the proposal is acceptable in principle, whether the design and layout is acceptable in terms of the impact each unit has on each other and the adjacent dwelling Fishers Acre and whether the proposal is acceptable in terms of highway safety.

The Principle

The accompanying statement provided by the applicant's land agent makes reference to the retirement of the current farmer from farming practice. The statement seeks to justify a residential conversion due to the sites close proximity to Fishers Acre and the existing farmhouse and also the restricted highway visibility that exists at the junction of the access and Hinckley Lane. Furthermore, a residential conversion would require minimal adaptation of the existing buildings thus maintaining the rural character of the site and the buildings. The report states that commercial uses have been considered however the physical arrangements on site and the current market situation would dictate that such uses would not maintain the privacy that the site currently affords and would therefore be unacceptable.

The Council's Supplementary Planning Guidance on the Conversion of Rural Buildings states that the Council will normally seek to encourage conversion to a commercial, industrial or recreational use in the first instance, this is due to 2 reasons: 1) such uses involve fewer alterations than residential conversions, and 2) such uses would help to maintain a viable rural economy in encouraging new enterprise in the countryside. In addition it requires the applicant to demonstrate that every reasonable attempt to secure suitable business re-use has been made and that the application be supported by a statement of the efforts that have been made to secure such uses.

The justification report submitted with the application attempts to address some of the issues within the Supplementary Planning Guidance and the overarching guidance contained within Planning Policy Statement 7 however it is considered that it fails to adequately demonstrate that every reasonable attempt to secure suitable business re-use has been made, therefore the proposal is considered to be contrary to policy.

Notwithstanding the justification report, the buildings subject to the application are of attractive red brick construction with a combination of tile and slate roofs of nineteenth century origin. The buildings have prominent and detailed openings and a number of them have characteristic ventilation stacks to the ridge. The buildings at present are surrounded by later steel clad agricultural buildings that somewhat detract from the original character of the nineteenth century farm. The proposal seeks to retain the nineteenth century buildings and remove the steel farm buildings to open up the views of the surrounding countryside. In this respect the proposal has a two fold advantage, it not only provides an attractive setting for future occupiers of the units but also allows the original red brick buildings to regain their presence within the rural landscape, to the benefit of character of the countryside and the setting of the village beyond.

The structural report that accompanies the application demonstrates that the buildings are all generally in sound condition and worthy of retention and conversion. No significant structural defects have been identified. There is no new build element to the scheme and it is evident that sound conservation principles have been used in the design of the proposal, which will help to maintain the sites previous character and rural association.

The Design and Layout

The design of the proposal is such that the external fabric of the original buildings remains unaltered, other than by fenestration changes to facilitate a residential conversion. This minimal intrusion and alteration of the fabric of the buildings is commendable and in line with national and local planning policy and good conservation principles. Following concerns raised by officers in respect of the loss of a series of roof ventilators from the existing single storey building, the applicant has agreed to retain these features in perpetuity and an amended plan has been received showing the features to be retained.

The layout of the site is dictated by the position of the existing buildings and in such circumstances the Council's normal separation distances are not normally rigorously applied due to the natural conflict they will have with the siting of existing buildings and future occupiers generally expect these type of arrangements. In this case the orientation of the buildings is such that limited overlooking of each unit exists. There is no overlooking of Fishers Acre next to the site.

The units proposed will have their own private garden areas to the north. These gardens are proportionate to the size of the residential units and are in a position that is currently occupied by a steel clad agricultural building. The position of these gardens is such that they are adjacent to the garden of Fishers Acre and are close to the natural edge of the village. They do not therefore present uncharacteristic development within the countryside.

Highway Safety

The Highway Authority has raised no objection to the application as the proposed vehicular access to the site is located with a 30 mph speed restricted section of an un-classified county road. The existing access drive is considered to have adequate width, surfacing and visibility, therefore the Highway Authority would not be in a position to demonstrate that any small increase in traffic that could be generated by this proposal would have a detrimental impact on highway safety.

Other Issues

The protected species survey that accompanies the application has identified the presence of a bat roost within the building and a custom made replacement roost is proposed on the east gable end of the two storey building. In design terms this replacement roost is acceptable however a formal consent will be required from Natural England for the existing roost to be removed.

The site is located approximately 550 metres from the village play area and therefore there is no requirement for contributions towards upkeep and maintenance of the public open space.

Conclusion

In summary whilst the proposal represents an effective reuse of these attractive rural buildings without the need for significant alteration or addition, the applicant has not adequately demonstrated that every reasonable attempt to secure suitable business re-use has been made in line with the requirements of the Council's Adopted Supplementary Planning Guidance on the Conversion of Rural Buildings, therefore the proposal as presented would be contrary to policy.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, the applicant has failed to adequately demonstrate that every reasonable attempt to secure suitable commercial, industrial or recreational re-use has been made. The proposal without such evidence would create unjustified residential development in the countryside, and is therefore contrary to Planning Policy Statement 7: Sustainable Development in Rural Areas; Policies BE20 and NE5 of the adopted Hinckley and Bosworth Local Plan and adopted Supplementary Planning Guidance: Conversion of Rural Buildings.

Contact Officer:- James Hicks Ext 5762

PLANNING COMMITTEE – 26 AUGUST 2008

REPORT OF THE DEPUTY CHIEF EXECUTIVE
RE: COMMUNITY INFRASTRUCTURE LEVY

1. **PURPOSE OF REPORT**

The purpose of the report is to apprise the Committee of proposals for the introduction of a Community Infrastructure Levy (CIL).

2. **RECOMMENDATION**

- (i) That the Committee notes the proposals to introduce a Community Infrastructure Levy;
- (ii) That further reports be brought before the appropriate committee setting out an assessment of the readiness of the Council to implement CIL and the resource implications.

3. **BACKGROUND TO THE REPORT**

- 3.1 CIL will be a new charge which local authorities in England and Wales will be empowered, but not required, to charge on most types of new development in their area.
- 3.2 CIL charges will be based on simple formulae which relate the size of the charge to the size and character of the development paying it.
- 3.3 It is intended that the proceeds of the levy will be spent on local and sub-regional infrastructure to support the development of the area.
- 3.4 The government's view is that CIL will improve predictability and certainty for developers as to what they will be asked to contribute.
- 3.5 The Planning Bill, which is currently passing through the parliamentary process, will provide for the CIL. When enacted, the Bill will enable the Secretary of State to lay regulations before Parliament.
- 3.6 It is anticipated that CIL will provide resources to support housing growth and economic development. How much will be raised, will be heavily dependent on the number of local authorities which elect to charge CIL and the rates charged.
- 3.7 The provisions of the Planning Bill make it clear that CIL may only be spent on infrastructure.

- 3.8 The government is proposing that the definition of infrastructure in this context should be wide enough to enable local authorities to decide what infrastructure is appropriate for their local areas.
- 3.9 Examples are transport, schools, health centres, flood defences, play areas, parks and green spaces, although affordable housing provision would continue to be provided through the existing system of negotiated planning obligations not through CIL.

Setting CIL

- 3.9 Those authorities which prepare development plans will be CIL charging authorities, including;
- district and unitary authorities.
 - London boroughs
- 3.10 There will be provision that there should be an up-to-date development plan for an area before CIL could be charged. The government has recently updated PPS 12: Local Spatial Planning, and this indicates that the development plan should be supported by an infrastructure planning process to identify what infrastructure would be needed to develop the plan.
- 3.11 The process of setting CIL should start with the development vision for the area set out in the development plan, and infrastructure planning should identify the likely cost of infrastructure coming forward.
- 3.12 The Council would then need to identify gaps in funding to arrive at a proposed amount to be raised from CIL.
- 3.13 The Council would be required to prepare a draft charging schedule, which is likely to be a new type of document within the Local Development Framework.
- 3.14 The proposed schedule will be subject to rigorous testing, including a public inquiry before an independent person (likely to be drawn from the Planning Inspectorate) whose report would be binding on the Council.
- 3.15 The charging schedule should allocate the proposed amount to be raised from CIL to each main class of development envisaged by the development plan.
- 3.16 There will be a mechanism defining how the levy is to be calculated.
- 3.17 It is proposed that CIL will be levied on most developments including residential and commercial developments. The amount of CIL due will be calculated with reference to the charging schedule when a Planning Permission is granted.
- 3.18 The planning permission will determine the number of chargeable units and the charging schedule will determine the rate per unit. Payment would not be due until commencement.

- 3.19 Payment would be required within a fixed time from commencement and the government is minded to proposed a 28-day 'payment window', although it is also considering payment by instalments.
- 3.20 Enforcement measures would be put in place to ensure that CIL legislation is followed, and a key tool will be the potential to register CIL liability as a local land charge.
- 3.21 Interest and surcharges to CIL could be added by the Council in the event of late payment.

Planning Obligations

- 3.22 It will still be possible to enter into agreements under S106 of the TCPA 1990 to secure planning obligations because such agreements can be useful tools to ensure that the specific impacts of a development can be mitigated.
- 3.23 Planning obligations should also continue to be used to secure affordable housing. The government's policy here is that, in order to secure mixed communities, affordable housing should, where possible, be provided in kind and on the development site.
- 3.24 The Government is, however, considering whether restrictions should be placed on the use of planning obligations once the CIL is introduced.

Implementation

- 3.25 The government does not expect the Regulations which will underpin CIL to come into force before spring 2009.
- 3.26 The government envisages that the discretionary nature of CIL will enable local authorities to consider whether the circumstances in their local areas, including the status of their development plan, are suitable for implementing CIL.
- 3.27 The government advises that it will be important that the implementation of CIL is manageable for all parties and it will keep under review the impact of the new arrangements, particularly in relation to any impact on the ability of the Planning Inspectorate to sustain its commitment to the examination of development plan documents.
- 3.28 To minimise risks of overloading the new system, the Government will consider prioritising CIL examinations for those authorities preparing, or with adopted, development plans proposing significant growth or change, and those with existing tariff arrangements in place.
- 3.29 CIL cannot be levied where no charging schedule is in force, and cannot be levied on any planning application which was validated prior to the charging schedule coming into force.

- 3.30 The government suggests that there is a range of actions which local authorities could take now to get themselves into a position where they can implement CIL, eg, work on infrastructure planning to underpin their development plans which would assist in the timely delivery of their development strategy, and an assessment of development viability in their area will assist in the understanding of economic circumstances and the practical impacts of going forward with CIL.
- 3.31 The government acknowledges that the introduction of CIL may require local authorities, developers and others to develop new skills.
- 3.32 Skills in planning for infrastructure will play an increasingly important role in spatial planning.
- 3.33 The introduction of CIL also highlights the importance of skills needed to assess economic viability, and the ability of local authorities to set levels of CIL at a rate that generates income for infrastructure, whilst not rendering development unviable.
- 3.34 The government states that there will be increased funds available for developing skills and capacity in local planning authorities.
- 3.35 The Council needs to consider its state of readiness to implement the CIL, if it decides to do so, the work which needs to be done to develop and implement a charging schedule, and the training requirements for its staff.

4. **FINANCIAL IMPLICATIONS**

To be reported at the meeting.

5. **LEGAL IMPLICATIONS [MR]**

The power to implement CIL is discretionary. However, if the Council resolves to implement CIL, then there will be a need to follow the 'testing' procedures before it introduces the levy.

6. **CORPORATE PLAN IMPLICATIONS**

The implementation of the CIL proposals would effect the following strategic aims of the Council:

- 2. Thriving Economy
- 5. Decent, well managed and affordable housing

7. **CONSULTATION**

None necessary at present

8. **RISK IMPLICATIONS**

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision/project have been identified, assessed and that controls are in place to manage them effectively.

There are no significant risks associated with this report as at present it is for the information of the committee only

9. **RURAL IMPLICATIONS**

The proposed CIL will if implemented effect the whole of the borough both urban and rural equally and should be approached in this regard.

10. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- Community Safety Implications None arising directly from this report
- Environmental Implications None arising directly from this report
- ICT Implications None arising directly from this report
- Asset Management Implications None arising directly from this report
- Human Resources Implications None arising directly from this report

Background papers: "The Community Infrastructure Levy" - issued by Communities and Local Government August 2008.

Contact Officer: Mike Rice, Locum Solicitor, ext 5831

PLANNING COMMITTEE - 26 August 2008

REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES
RE: APPEALS LODGED AND DETERMINED

1. **PURPOSE OF REPORT**

To inform Members of appeals lodged and determined since the last report.

2. **RECOMMENDATION**

That the report be noted.

3. **BACKGROUND TO THE REPORT**

3.1 Appeals Lodged

3.1.1 Appeal lodged by Sycamore developments against the refusal of planning permission (08/00221/FUL) for demolition of existing dwelling and erection of 14 no. apartments with associated works (revised scheme) at 3 Cleveland Road, Hinckley (informal hearing).

3.2 Appeals Determined

3.2.1 **Appeal by Roy Knowles against the refusal of planning permission (07/00386/FUL) for the retention of balcony, metal flues and windows at Haywain Barn, Insleys Lane, Shackerstone.**

3.2.2 The issues that were considered as part of the appeal were the impact of the two flues on the appearance of the converted buildings to a dwelling and the residential amenities of neighbouring properties, the degree of overlooking from two windows, and the affect of a balcony on the character of the property.

3.2.3 One of the flues was not contested by this Authority. The Inspector considered that the appearance of the other, located on the rear roof slope of the building, was not visible from many public vantage points. The Inspector considered that the flue was characteristic of the type of property, and the area. When considering the effect on the living conditions of neighbouring residents, the flue was considered to be of sufficient height to get a successful draw and ensure that fumes should not harm the amenity of neighbouring residents. This results in a relationship with the neighbouring property not uncommon within a village setting and therefore would not harm the amenities of neighbours. The Inspector considered that the flue was acceptable and complied with Policy BE1.

3.2.4 The two windows to be re-instated in the rear elevation would result in some overlooking of the garden of the next-door property. The Inspector took into account the character of village setting and the historical development of the property. It was considered that the relationship would not be unusual in a village setting, nor result in harm to the amenities of the neighbours.

3.2.5 In considering the balcony the Inspector again made reference to the historical development of the building. A functional balcony existed during a previous use of the building, however, the proposed balcony is larger and omits the steps of the original structure. In the Inspectors opinion the proposed balcony is a discordant element harmful to the character of the original building.

3.2.6 INSPECTORS DECISION

SPLIT DECISION. THE APPEAL WAS ALLOWED IN RESPECT OF THE RETENTION OF THE FLUES AND WINDOW AND DISMISSED IN RESPECT OF THE BALCONY. (OFFICER RECOMMENDATION)

3.2.7 Appeal by Mr and Mrs J Farrell against the refusal of planning permission (07/00968/FUL) for alterations and extensions to dwelling at 54 Sapcote Road, Burbage.

3.2.8 The appeal concerned a proposed loft conversion to a semi-detached property, which involved changing the roof shape from a hipped arrangement to a side facing gable with a hipped corner. The Inspector considered that the main issue was the impact of the proposed conversion of the character and appearance of the existing dwelling in the general street scene.

3.2.9 The Inspector noted the symmetry between the two semi-detached properties created by both properties having hipped roofs and a shared central chimney. The Inspector considered that the alterations proposed would unbalance the visual symmetry, failing to respect the character, form and appearance of these properties and the street scene. The Inspector noted other roof extensions on nearby properties and other styles of properties, but it was considered that the other properties did not present the current symmetrical form present on the appeal property and it's adjoining neighbour. The Inspector concluded by allowing the appeal it would be more difficult for the Local Authority to resist similar proposals, which would further erode the character of this part of Sapcote Road.

3.2.10 INSPECTORS DECISION

APPEAL DISMISSED. (OFFICER RECOMMENDATION)

3.2.11 Appeal by Mr C Upton against the refusal for works to a protected tree (07/00836/TPO) to permit topping and crowning by 15-20' or fell one horse chestnut tree standing on land at 20 Kingsfield Road, Burbage.

3.2.12 The Inspector considered the health and condition of the tree, the surrounding vegetation and location of the tree in relation to the surrounding properties. The Inspector considered that the tree due to its size and presence within the urban landscape, has significant public amenity value in that area of Barwell. The Inspector considered that the proposed pruning was excessive when considering how much the horse chestnut tree overhangs the boundary between number 20 Kingsfield Road and No 39 Greenhill Drive. Although the Inspector recorded disturbance caused by roots to the nearby patio it was considered that this could be mitigated against, and was not a significant enough reason to fell the tree. There was no other information submitted to support the felling of the tree on structural grounds.

3.2.13 The Inspector did inspect some evidence of stressing to the upper stems, however this was not considered sufficient to require the degree of topping and crowning proposed.

3.2.14 It was concluded that the horse chestnut tree is a healthy and mature tree which provides significant amenity to the eastern part of Barwell. Whilst the tree significantly dominates the rear of No 39 Greenhill Drive the proposed pruning and felling is considered excessive.

3.2.15 INSPECTORS DECISION

APPEAL DISMISSED (OFFICER RECOMMENDATION)

4. **FINANCIAL IMPLICATIONS (AB)**

4.1 All costs incurred and costs recovered will be met from existing 2008/2009 Revenue Budgets.

5. **LEGAL IMPLICATIONS (MR)**

5.1 None

6. **CORPORATE PLAN IMPLICATIONS**

This document contributes to Strategic Aim 3 of the Corporate Plan.

- Safer and Healthier Borough.

7. **CONSULTATION**

None

8. **RISK IMPLICATIONS**

None

9. **RURAL IMPLICATIONS**

None

10. **CORPORATE IMPLICATIONS**

by submitting this report the report author has taken the following into account:

- Community Safety Implications None relating to this report
- Environmental Implications None relating to this report
- ICT Implications None relating to this report
- Asset Management Implications None relating to this report
- Human Resources Implications None relating to this report

PLANNING COMMITTEE - 26 AUGUST 2008

REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES

RE: APPEALS PROGRESS

1. PURPOSE OF REPORT

- 1.1 To inform Members of the progress on appeals - details of which are attached.

2. RECOMMENDATION

- 2.1 The report be noted.

3. FINANCIAL IMPLICATIONS

- 3.1 None

Background Papers:

Contact Officer: Tracy Darke, extension 5692

PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 15.08.08

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
08/00016/PP	PM	08/00221/FUL	IH	Sycamore Developments	3 Cleveland Road Hinckley	Start Date Statement Comments Hearing Date	15.07.08 26.08.08 16.09.08 07.10.08(tbc)
08/00015/PP	JH	07/00157/COU	IH	Ms Lynn Bailey	Amblyn Stud Farm Hinckley Road Cadeby	Start Date Statement Comments	26.06.08 29.08.08 19.09.08
08/00014/PP	JH	07/01296/FUL	WR	Davenport Knitwear Plc	1 John Street Hinckley	Start Date Comments	19.06.08 21.08.08
08/00013/PP	RW	08/00201/FUL	WR	Mr and Mrs Bown	104 Shilton Road Barwell	Start Date	12.06.08
08/00012/PP	LF	08/00109/FUL	WR	Mr D Rayne	73 Southfield Road Hinckley	Start Date Awaiting Decision	27.05.08
08/00011/PP	TM	07/01155/FUL	IH	Cotswold Estates Ltd	Dennis House 4 Hawley Road Hinckley	Start Date Hearing Date	21.05.08 27.08.08
08/00004/ENF	JC	07/00031/BOC	PI	Patrick Godden	Tomlinsons Boarding Kennels & Canine Centre Upper Grange Farm Ratby Lane Markfield	Start Date Awaiting Decision	31.01.08
07/00046/PP	TM	07/00529/FUL	PI	Tungsten Properties Ltd	Land Adjacent to 391 Coventry Road Hinckley	Start Date Awaiting Decision	12.11.07
07/00048/ENF 07/00049/ENF 07/00050/ENF	JC	07/00095/ UNAUTH	PI	Mr Vero	Land at Orchard Farm Ashby Road Cadeby Hinckley	Start Date Awaiting Decision	09.11.07

PLEASE NOTE: ALL LOCAL INQUIRIES MUST BE ARRANGED WITH DOE THROUGH THIS OFFICE

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
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DECISIONS RECEIVED FOR THE FOLLOWING APPEALS

08/00008/PP	LF	07/00386/FUL	WR	Roy Knowles	Haywain Barn Insleys Lane Shackerstone	SPLIT	25.07.08
07/00045/TREE	DB	07/00836/TPO	WR	Craig Upton	20 Kingsfield Road Barwell	DISMISSED	25.07.08
08/00010/PP	ES	07/00968/FUL	WR	Mr and Mrs J Farrell	54 Sapcote Road Burbage	DISMISSED	04.08.08
08/00009/PP	SH	07/01066/FUL	IH	Adept Care Group	Moat House Retirement Home New Road Burbage	WITHDRAWN	05.08.08

Rolling April - August 2008/09

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision	Councillor Decision
10	1	7	1	1	10	0

