

Date: 8 December 2008

**To: All Members of the Planning Committee**

Mr R Mayne (Chairman)	Mr WJ Crooks	Mr K Nichols
Mr DW Inman (Vice-Chairman)	Mrs A Hall	Mr LJP O'Shea
Mrs M Aldridge	Mr P Hall	Mr BE Sutton
Mr JG Bannister	Mr CG Joyce	Mrs BM Witherford
Mr CW Boothby	Dr JR Moore	1 vacancy
Mr JC Bown	Mr K Morrell	

Copy to all other Members of the Council

(other recipients for information)

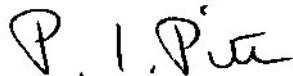
Dear Councillor

There will be a meeting of the **PLANNING COMMITTEE** in the Council Chamber, Council Offices, Hinckley on **TUESDAY, 16 DECEMBER 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**  
**16 DECEMBER 2008**  
**A G E N D A**

1. APOLOGIES AND SUBSTITUTIONS

RESOLVED

2. MINUTES

To confirm the minutes of the meeting held on 18 November 2008 attached marked 'P38'.

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.

6. DECISIONS DELEGATED AT PREVIOUS MEETING

Director of Community and Planning Services to report on any decisions delegated at the previous meeting which had now been issued.

RESOLVED

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

Schedule of planning applications attached marked 'P39' (pages 1 – 91).

RESOLVED

8. APPEALS LODGED AND DETERMINED

Report of the Director of Community and Planning Services attached marked 'P40' (pages 92 – 93).

RESOLVED

9. APPEALS PROGRESS

Report of the Director of Community and Planning Services attached marked 'P41' (pages 94 – 95).

RESOLVED

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

RESOLVED 11. MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

To consider the passing of a resolution under Section 100A(4) of the Local Government Act 1972, excluding the public from the undermentioned item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 2 and 10 of Part I of Schedule 12A of the Act.

RESOLVED 12. PLANNING ENFORCEMENT ACTION

Report of the Director of Community and Planning Services attached marked 'P42' (pages 96 – 118).

**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.**

**HINCKLEY AND BOSWORTH BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**18 NOVEMBER 2008 AT 6.30 PM**

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

Mrs M Aldridge, Mr JG Bannister, Mr CW Boothby, Mr JC Bown, Mr WJ Crooks, Mrs A Hall, Mr P Hall, Mr CG Joyce, Dr JR Moore, Mr K Morrell, Mr K Nichols, Mr LJP O'Shea, Mr BE Sutton and Mrs BM Witherford.

In accordance with Council Procedure Rule 4.4 Mr DC Bill, Ms WA Moore, Mr R Ward and Mr DO Wright also attended the meeting.

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

266 **MINUTES (P33)**

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

**RESOLVED** – the minutes of the meeting held on 21 October 2008 be confirmed and signed by the Chairman.

267 **DECLARATIONS OF INTEREST**

Mr Bannister declared a personal and prejudicial interest in application 08/00692/FUL and requested permission to speak on the item before leaving the Chamber.

Mrs A Hall and Mr P Hall declared a personal interest in application 08/00939/FUL.

268 **DECISIONS DELEGATED AT PREVIOUS MEETING**

The Director of Community and Planning Services reported that with regard to application 08/00349/FUL which had been considered at the previous meeting, the Section 106 agreement had now been signed and the decision for approval had been issued on 14 November.

269 **TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P34)**

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) 08/00692/FUL – Demolition of commercial units and erection of 7 one bedroom apartments with parking and amenity space, Land rear of 10 Ashby Road, Hinckley – Mr Goode

Mr Bannister spoke on this application then, having declared a prejudicial interest, left the meeting at 6.36pm.

It was requested that, should this application be approved, a condition be added removing the right to insert windows in the northern gable end of the two-storey section.

Some Members expressed concern with regard to the visual impact, parking problems, distances from neighbouring properties, drainage and access to the site for refuse and emergency vehicles of the proposed development. It was moved by Dr Moore and seconded by Mr Nichols that the application be refused on these grounds. Upon being put to the vote, the motion was LOST.

It was then

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

Mr Bannister returned to the meeting at 7.12pm.

Messrs Joyce and Dr Moore left the meeting at 7.12pm.

- (b) 08/00699/FUL – Demolition of existing factory and erection of 31 flats, 119 Factory Road, Hinckley – Apex (Hinckley) Ltd

Dr Moore and Mr Joyce returned to the meeting at 7.14pm and 7.15pm respectively.

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

RESOLVED – the application be refused for the reasons stated in the report and late items.

- (c) 08/00720/FUL – Construction of City Circuit and ancillary facilities including creation of pond and erection of mast and control centre with associated parking and access, Mira Ltd, Watling Street, Lindley, Higham on the Hill – InnovITS

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

Mr Ward left the meeting at 7.23pm.

- (d) 08/00780/FUL – Demolition of two dwellings and erection of ten dwellings with associated garages and access, 84 Leicester Road, Hinckley – Matthew Homes West Midlands Ltd

Mr Bown left the meeting at 7.31pm.

Whilst in support of the officer's recommendation that the application be refused, Mr Nichols wished to add reasons for refusal with regard to the density and proximity to the properties on Island Close and the detriment to the character of the area. After receiving officer advice, Mr Nichols, supported by Mr Bannister, amended his additional reasons for refusal to design and layout of the proposed development. Upon being put to the vote, the motion was LOST.

It was moved by Mr O'Shea, seconded by Mr Sutton and

RESOLVED – the application be refused for the reasons stated in the officer's report and late items.

Mr Bill, Ms Moore and Mr Wright left the meeting at 7.55pm.

- (e) 08/00835/FUL – Erection of 3 industrial units, Former EME site, Nutts Lane, Hinckley – AR Cartwright Ltd

RESOLVED – the application be approved subject to the conditions contained in the officer's report.

- (f) 08/00884/FUL – Residential development comprising 12 apartments and 8 dwellings with associated access, car parking and gardens, Mill Hill Business Centre, 5 Mill Hill Road, Hinckley – David Wilson Homes

Ms Moore returned at 8.04pm.

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 to provide financial contributions towards policing, libraries, civic amenity, health facilities, play and open space and the provision of affordable housing, the Director of Community and Planning Services be granted powers to issue Planning Permission subject to the conditions contained within the officer's report and late items.

- (g) 08/00922/FUL – Relocation and retention of storage containers, Land North of 7 Nailstone Road, Barton in the Beans – Mr William Dawson

Members felt that appropriate boundary treatment should be included, particularly a hedge instead of large trees. It was moved by Mr Crooks, seconded by Mr Bannister and

RESOLVED – the application be approved subject to the conditions in the officer's report.

- (h) 08/00937/FUL – Extension of existing acoustic fence and erection of new acoustic fence, Asda Stores Ltd, Barwell Lane, Hinckley – Asda Stores Ltd

RESOLVED – the application be approved subject to the conditions contained in the officer's report.

- (i) 08/00936/CONDIT – Variation of condition 8 of Planning Permission 91/0475/4, Asda Stores Ltd, Barwell Lane, Hinckley – Asda Stores Ltd

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

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

- (j) 08/00939/FUL – Erection of three dwellings, Land Adj 12 Flamville Road, Burbage – Mr B Kotak

It was moved by Mrs Witherford, seconded by Mr Sutton and

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

- (k) 08/00959/LBC – Alterations to roof and replace gutter pipe, Atkins Bros Ltd, Lower Bond Street, Hinckley – Hinckley & Bosworth Borough Council

RESOLVED – an application for consent to the proposed works be made to the Secretary of State in accordance with Regulation 11 of the Town and Country Planning General Regulations 1992 (1492) and that the Secretary of State be requested to agree the conditions contained within the officer's report.

- (l) 08/00963/FUL – Erection of 1 dwelling house, 21 Adrian Drive, Barwell – Mr Matthew Scott

Mr Sutton left the meeting at 8.47pm and returned at 8.50pm.

It was moved by Mr O'Shea, seconded by Mr Nichols and

RESOLVED – the application be refused for the reasons contained within the officer's report and late items.

- (m) 08/00978/FUL – Conversion of barns into 2 dwellings, Common Farm, Barton Road, Carlton – Mr G Wragg

It was moved by Mr Bannister, seconded by Mr Nichols and

RESOLVED – the application be refused for the reasons contained within the report and late items.

Messrs Boothby and O'Shea left at 9.20pm.

270 DEVELOPER CONTRIBUTIONS (P35)

Members received a report which drew attention to recent concerns and considerations in relation to S106 agreements and developer contributions.

RESOLVED –

- (i) officers be requested to discuss developer contributions with the agencies listed in the report and those discussions take place against the framework set out in the report;
- (ii) the report be noted.

271 APPEALS LODGED AND DETERMINED (P36)

A summary was submitted of appeals lodged and determined since the last meeting. It was noted that no appeals had been lodged, and three decisions had been received – two of which were dismissals, with one appeal being allowed.

Members were informed that in this case, costs had been awarded against the Council.

Having reached 9.29pm, Members agreed to extend the meeting for five minutes in order to complete the business.

Mr Bannister left the meeting at 9.29pm.

The meeting was then extended for a further 10 minutes.

On the motion of Mr Crooks, seconded by Mrs Hall, it was

RESOLVED – the report be noted.

272 APPEALS – PROGRESS (P37)

A schedule was submitted indicating the stages that various appeals against planning decisions had reached.

RESOLVED – the report be noted.

(The meeting closed at 9.39pm)



**PLANNING COMMITTEE AGENDA - 16 December 2008 - NUMERIC INDEX**

<b>REF. NO.</b>	<b>APPLICANT</b>	<b>SITE</b>	<b>ITEM</b>	<b>PAGE</b>
08/00815/FUL	Springbourne Homes	Foxcovert 83 Main Street Carlton	01	01
08/00824/FUL	Mr T.Clinton	Clinton Unit 3 Station Road Industrial Estate Station Road Market Bosworth	02	13
08/00965/FUL	David Wilson Homes East Midlands	Land Rear Of Oaklands Breach Lane Earl Shilton	03	18
08/00997/FUL	Mr J HAY	The Poultry Farm Desford Road Ratby	04	25
08/01013/FUL	Mrs Squires	Dalebrook Farm Leicester Road Earl Shilton	05	32
08/01022/FUL	Tesco Stores Ltd	59 High Street Barwell	06	38
08/01023/CON	Tesco Stores Ltd	59 High Street Barwell	07	51
08/01029/COU	Sachkhand Nanak Dham	Stretton House Watling Street Burbage	08	55
08/01035/GDOT	Vodafone Ltd	Boyslade Road Burbage	09	63
08/01039/FUL	Twycross Zoological Park	Twycross Zoological Park Burton Road Norton Juxta Twycross	10	67
08/01041/REM	Mr And Mrs Spencer	3 The Rookery Groby	11	75
08/01056/FUL	Sea And Land Power And Energy Ltd	Land Adj Stocks House Farm Desford Field Lane Peckleton	12	80
08/01064/FUL	Rodericks Ltd	105 - 107 Church Street Burbage	13	84
08/01079/FUL	Mrs Sue Hobbins	33 Merrylees Road Newbold Heath Newbold Verdon	14	88

**REPORT P39**

**PLANNING COMMITTEE**

**16 December 2008**

**RECOMMENDATIONS OF DIRECTOR OF COMMUNITY AND PLANNING  
SERVICES**

**ON APPLICATIONS FOR DETERMINATION BY**

**THE PLANNING COMMITTEE**

**BACKGROUND PAPERS**

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

**Item:** 01  
**Reference:** 08/00815/FUL  
**Applicant:** Springbourne Homes  
**Location:** Foxcovert 83 Main Street Carlton Nuneaton Leicestershire  
**Proposal:** DEMOLITION OF EXISTING GARAGE FILLING STATION AND BUNGALOW AND ERECTION OF 12NO DWELLINGS

**Introduction:-**

This application seeks full planning permission for the erection of 12 dwellings on a site comprising no.83 Main Street, the adjacent Orton's Service Station and part of the rear garden of no.91 Main Street. Orton's Service Station comprises a single storey, flat roof garage building with office and covered workshop area. To the rear there are a number of outbuildings and smaller garage/storage buildings. No.83 Main Street is a detached red brick bungalow set some way back from the road and will be demolished as part of the proposal.

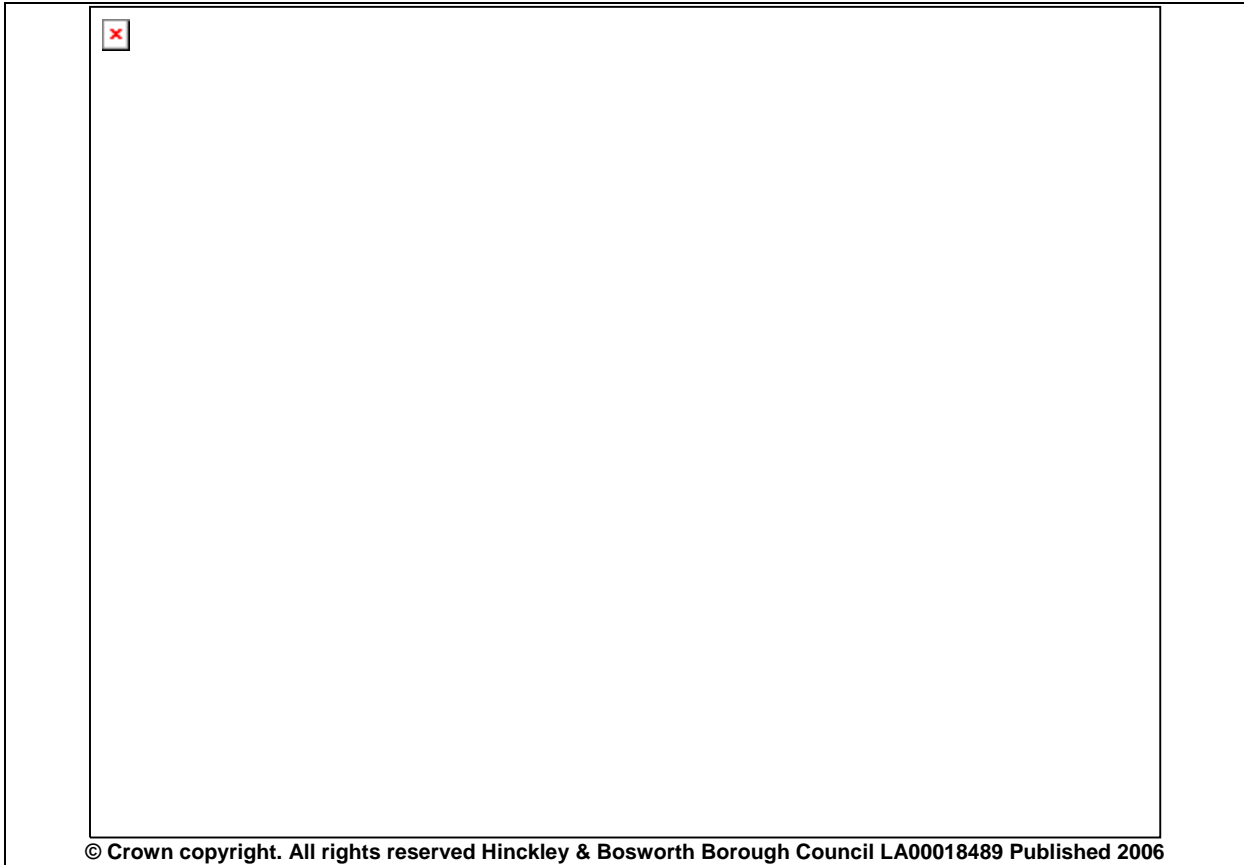
The dwellings proposed comprise 2, 3, 4 and 5 bed roomed units and are of a common design style. The smaller 2 and 3 bedroom units are proposed to Main Street frontage, with the larger units set to the rear accessed by two private driveways. The private drive to the single dwelling is also proposed to serve as an agricultural access to the land and barns beyond.

This application is a resubmission following the withdrawal of a similar scheme for the redevelopment of this site submitted earlier this year. The previous application was withdrawn following discussions between officers and the applicant in respect of the overall design, layout and the impact that the proposal would have on the protected oak tree on the site frontage but within the curtilage of no.81 Main Street.

The application was accompanied by a draft Section 106 agreement and a Design and Access Statement, which considers the physical and social context of the site. Additionally, a contaminated land survey which identifies possible pollution within the ground, an ecology report which confirms that there are no protected species on site or in any building, an arboricultural report in respect of the protected tree adjacent to the site and an affordable housing statement in support of the application, are submitted.

**History:-**

08/00293/FUL	Demolition of Bungalow and Filling station and the erection of 13 dwellings	Withdrawn	21.05.08
--------------	---	-----------	----------



**Consultations:-**

No objection has been received from:-

The Environment Agency  
The Borough Council's Housing and Enabling Officer.

No objection subject to conditions have been received from:-

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

As a result of the Developer Contributions consultation, Leicestershire County Council has the following comments:-

- a) Director of Children and Young People's Service (Education)- no contribution as there is a surplus capacity in local schools.
- b) Head of Commercial and Support Services (Libraries)- a contribution in line with the following formulae is sought towards the costs of an enhanced programmed of refurbishment and improvements to facilities including equipment and other library materials: £54,35 per 2 bedroomed house and £63.41 per 3/4/5 bedroomed house. Total £670.
- c) Director of Highways, Transportation and Waste Management (Civic Amenity) - a contribution of £34.48 per dwelling is requested towards a fund to extend and improve the Civic Amenity Site Infrastructure Works at Coalville. Total £379.

The Primary Care Trust requires financial contributions be sought in line with the following formulae: £583 per 1-2 bedrooed dwelling; £1167 per 3-4 bedrooed dwelling; £1750 per 5+ bedrooed dwelling to enhance healthcare facilities and services in the specific geographical area. The total contribution sought is £12,251.

The Leicestershire Constabulary Crime Reduction officer raises no objection but provides design advice about lighting, boundary treatments, landscaping and car parking. In addition, a financial contribution of £606 per residential living unit is requested to be used within the associated local policing unit totalling £6666.

Carlton Parish Council supports the provision of smaller units as part of this scheme but does not support the provision of affordable homes as part of this development. The Parish Council objects to the application on the following grounds:-

- a) The proposal encroaches into the public highway to the front of plots 4-7
- b) The highway boundary of 81 Main Street is shown incorrectly
- c) The proposed footway to the west side of the access road is inadequate
- d) There is a potential for overlooking between plots 7 and 8.

The Head of Corporate and Scrutiny Services (Green Spaces) objects to the application as Plot 7 is sited too close to the oak tree and will result in an unsatisfactory arrangement, necessitating branch removal and putting the tree at unnecessary risk. The proximity of the proposed dwelling to the tree is likely to give rise to pressure for further work to the tree in the future. Concern is also raised in respect of the proximity of Plot 8 to a birch tree within the rear garden of no.81 Main Street, however this tree is not subject to any formal degree of protection.

Site notice and Press notice were displayed and neighbours notified.

One neighbour letter has been received from the occupier of no.93 Main Street. The occupier objects on the following grounds:-

- a) Overlooking, resulting in a loss of privacy to rear elevation
- b) Loss of view of countryside
- c) Overshadowing of rear garden
- d) Access drive linking to field beyond result in a detriment to occupiers of no.93
- e) Presence of asbestos in existing buildings may result in health hazard
- f) Bathroom window in side elevation should be obscure glazed
- g) Sympathetic landscape screen should be encouraged.

At the time of writing the report comments have not been received from Severn Trent Water.

### **Policy:-**

#### Central Government Guidance

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Statement 3: Housing (PPS3) encourages the use of previously developed (brown field land) for residential development.

### Local Plan Policy

Policy IMP1 requires all new development to make a contribution towards the provision of the necessary on-site and off-site infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy BE1 considers the design and siting of the development, in terms of the effect on the character of the area, amenities of neighbours and highway safety.

Policy T5 seeks to ensure that all developments accord with Leicestershire County Council's current highway guidance, to ensure a satisfactory arrangement is achieved in terms of highway safety.

Policy NE2 seeks to ensure that all new developments do not cause or suffer harm through pollution of the air or soil.

Policy NE12 seeks to ensure that all new development takes account of its surrounding landscape and makes provision for further landscaping where appropriate.

Policy NE14 seeks to ensure that all new development takes account of foul sewage and surface water.

Policy NE17 seeks to ensure that all new development successfully takes account of ground contamination and provides mitigation measures where necessary.

Policy REC3 seeks to ensure that all new developments make satisfactory provision for outdoor play space for children, either through on or off site provision of a commuted sum toward the development and maintenance of existing facilities.

### Supplementary Policy Advice

The Council's Supplementary Planning Document on Play and Open Space provides further guidance on open space provisions for development.

The Council's Supplementary Planning Guidance on New Residential Development provides a series of design standards to ensure that a high quality residential development is achieved.

### **Appraisal:-**

The main considerations with regards to this application are: the principle of development, layout and design, trees and landscape, impact on neighbours, highways and parking, pollution and drainage, affordable housing and infrastructure improvements.

### Principle of Development

This site lies mainly within the settlement boundary for Carlton, however a small area on the sites north edge is beyond the defined settlement boundary and within the open countryside. Whilst the adopted local plan supports the development of the site within the settlement boundary subject to all other matters being successfully addressed, it fails to support the development of land beyond the boundary and within the countryside. Notwithstanding this fact, the overarching guidance contained within PPS3 encourages the use of sites that constitute previously developed land, over and above any development plan designation, and therefore a presumption in favour of the redevelopment of this small amount of land adjacent to the settlement boundary.

The current use of the site is uncontrolled by the planning system and even though the existing use of the site may be operated on a low key basis, there is a potential for a different operation which may cause an impact on residential amenity and therefore it is considered that this proposal will provide an improved environment for neighbours.

No.83 Main Street is an uncharacteristic red brick bungalow set some way back from the road. The property makes a limited contribution to the street scene and is not considered to be of any particular architectural merit to warrant consideration of its retention.

The application site includes a small amount of the rear garden of no.91 Main Street, however there are no issues arising from this element of the proposal. The remaining rear garden to no.91 remains of an appropriate size.

### Layout and Design

The proposed scheme features three distinct elements, a line of seven dwellings built close to Main Street, an access road leading to a row of four dwellings to the rear of the site and a shared access serving a single dwelling set towards the back of the site partially behind no.91 Main Street.

The design proposed maintains a good degree of built form close to Main Street, maintaining the linear characteristic of Carlton, whilst allowing access roads to the wider and well laid out development to the rear. The layout provides active elevations to the areas of landscaping and vehicle parking areas. In terms of visual appearance the scheme carefully respects the position of the adjacent dwellings. It should be noted that no.91 Main Street benefits from planning permission for an extension forward of the dwelling and this extension will be constructed at the same time as this development, by the developer.

The stand-alone dwelling to the rear of no.91 is appropriately sited, in accordance with the Supplementary Planning Guidance space standards, away from the rear elevation of no.91 to not be a detriment to residential amenity to nos.91 and 93 Main Street and its siting is such that it stands inline with the development proposed to the rear of the garage site. The principle of the layout is generally considered acceptable.

The layout of the site is such that the scheme generally accords with the Council's Supplementary Planning Guidance on New Residential Development and the scheme therefore provides ample space between dwellings, limits overlooking and provides necessary privacy to habitable rooms and private amenity spaces. All properties have their own gardens that are appropriate in size to the dwellings.

The design of all plots follows a common design principle of key feature glazed gables to both the active front elevations and also the rear elevations. The design takes account of the surrounding built character of Carlton, that being predominately large dwellings of prominent roof mass, glazing details, gabled projections and dormers on certain plots. Whilst Carlton generally is of mixed character the scheme reflects the character of the surrounding dwellings but also adds its own design style and identity to create an individual recognisable development.

### Trees and Landscape

The oak tree within the front garden of no.81 Main Street is subject to a Tree Preservation Order and significantly overhangs the boundary into the application site. The arboricultural report that accompanies the application suggests that the development as proposed can be successfully achieved in proximity to the tree. However, the Borough Council's Green

Spaces Officer disagrees with this recommendation and suggests that the proposed dwelling to Plot 7 should be set further away from the tree. Additionally concerns are raised about a birch tree within the rear garden of no.81.

To satisfy those requirements an amended plan has been received incorporating the separation distances required and setting Plot 7 further within the site. Consequently Plot 8 has also been set back marginally. Re-consultation within the occupiers of no.81 Main Street has taken place in respect of this revised siting and will be reported as a late item.

The revised siting does not materially affect the design and layout of the site and ensures that the development will not adversely affect the oak tree.

The birch tree within the rear garden of no.81 is not subject to any preservation order and therefore is beyond the specific control of the planning authority. Green Spaces agrees that the development of Plot 8 can proceed without adversely affecting the birch tree, but root protection measures should be put in place during the construction of the plot.

### Impact on Neighbours

Due to the linear nature of Carlton, there is limited opportunity for overlooking of existing dwellings. The position of the existing dwellings adjacent to the site, nos. 81 and 91 Main Street, are the only properties with any perceived affect from the development. Notwithstanding this point, the proposed scheme has been designed to accord with the space standards of the Council's Supplementary Planning Guidance and has been designed to ensure that windows do not overlook neighbouring gardens and elevations to habitable rooms.

The concerns raised by the occupier of no.93 Main Street have been considered however there is sufficient separation between the proposed dwelling and this property to maintain privacy and amenity. The proposed dwelling, being sited due north of no.93, will not result in a loss of daylight and will not therefore result in any overshadowing. The bathroom window to the side elevation of the proposed dwelling will be obscure glazed. The loss of a view of the countryside is not a planning consideration.

The proposed access drive that runs from the side of no.91 to serve the single detached dwelling and the agricultural land beyond is a replacement of an existing access that runs through the garage yard. The proposed route of this access is considered acceptable in terms of its relationship to the adjacent dwellings and appropriate landscaping will be requested to provide an element of screening of this site from the adjacent dwelling. The existing conifer hedge is likely to be retained as part of the development, which will further mitigate any perceived impact.

The scheme is considered compatible in terms of its relationship to existing dwellings and residential amenity.

### Highways and Parking

The issue surrounding the highway boundary has been resolved by way of an exchange of information and the Highway Authority has confirmed that the application site does not encroach into the public highway.

The proposal provides 2 off-road car parking spaces per dwelling and the access drive generally conforms to the Highway Authority's design standards. The pavement width, to which the Parish Council objects to, meets with the Highway Authority's design requirements.



The integral garages proposed to all plots are of 2.5 metres x 5 metres and fail to meet the size requirements of the Highway Authority's design guidance for usable parking spaces, being 3 metres x 6 metres. Whilst the Highway Authority do not object to this slight deficiency for the plots accessed off the access driveways as there is ample on road parking space to cater for deficiency, plots 1-3 which are accessed directly off Main Street, will result in only one usable driveway space and is likely to give rise to vehicles parking within the public highway.

To satisfy these requirements the siting of plots 1-3 have been altered by pushing the dwellings further into the site. The house types to plots 2 and 3 have been swapped to allow for greater driveway parking space and the garages have been increased to 5.5 metres in length. The Highway Authority is satisfied with this revision. Re-consultation has taken place on this basis and any responses will be reported as late items.

### Pollution and Drainage

The contaminated land survey identifies that there is evidence of potential ground contamination and recommends that an intrusive investigation be carried out to identify the presence, nature and extent of any contamination in the ground. It is proposed that the necessary investigation works and mitigation measures be carried out before any development commences and these can be suitably controlled by condition.

All new residential development requires necessary measures to be put in place to control drainage, surface water runoff and the disposal of foul sewage. It is established practice that these matters are controlled by condition post decision unless statutory consultees raise specific objection to the scheme on any of these grounds. The Environment Agency raises no objection but recommends the inclusion of a sustainable urban drainage system to control surface water run off. Severn Trent's observations will be reported as a late item.

### Affordable Housing

The scheme proposed is one of a mix of house types and sizes, ranging from 2 to 5 bedroomed units. This mix has been driven by consultation with Carlton Parish Council who are keen to secure a number of open market smaller dwellings within the village to assist in re-addressing the balance of size of houses within the village as a whole.

The earlier application for the redevelopment of this site was submitted when the Council's Adopted Supplementary Planning Guidance (SPG) did not require the provision of any affordable housing on a development of this size. However during the processing and negotiations of this application, the SPG was replaced with the Council's Adopted Supplementary Planning Document (SPD) on Affordable Housing, which requires the provision of affordable housing on a development of this size.

Due to the introduction of the SPD part way through the negotiation and application process, and given that the Council's Housing and Planning Services have been involved for some time in negotiations with a Housing Association about bringing forward a rural exception site within Carlton for a wider Parish area, it was considered inappropriate to require this site to provide the affordable homes as part of this development. Should affordable housing be sort as part of the development it is likely to jeopardise the viability of the rural exception site, resulting in wider affordable housing issue in the surrounding parishes. Carlton Parish Council is in agreement with this approach.

## Infrastructure Improvements

The proposal attracts financial contributions towards infrastructure such as libraries, waste facilities, health facilities, local policing and open space. Financial contributions requested as detailed in the consultation section above have been requested. In addition, in line with Policy REC3 of the adopted Local Plan the site is located within 400 metres of the St Andrews Churchyard and Carlton Burial Ground and developer contributions are sought in respect of the ongoing improvement of these facilities, in line with the guidance of the Supplementary Planning Document on Play and Open Space and the requirements of policy REC3. This figure totals £1890.

The other informal local open spaces within Carlton fall outside of the 400-metre radius of the site and therefore developer contributions cannot be sought in respect of these.

The applicant has agreed heads of terms in respect of these figures.

## Conclusion

The application proposes the redevelopment of an existing garage use that is surrounded by residential dwellings. The scheme proposed represents a comprehensive redevelopment that will seek to create a locally distinctive development that maintains the overall character of the wider village and provides a mix of house sizes that is generally supported locally. It is felt that the scheme will improve the local environment in this part of the village.

**RECOMMENDATION: That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide financial contributions towards libraries (£670), civic amenity (£379), health facilities (£12,251), police provision (£6,666) and play and open space (£1,890), the Director of Community and Planning Services be granted powers to issue Planning Permission subject to the conditions below. Failure to complete the agreement by 11 January 2009 may result in the application being refused.**

## **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 and would not be to the detriment of the amenities experienced by the occupiers of neighbouring dwellings or the character of the street scene and the wider area.

Hinckley & Bosworth Borough Council Local Plan (2001) :- IMP1, BE1, T5, NE2, NE12, NE14, NE17, REC3

- 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 19H, 15G, 24B, 25 and 14D received by the Local Planning Authority on 27 November 2008.
- 3 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be

implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

- 4 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 5 No development approved by this permission shall be commenced until such a time as a scheme for the monitoring of landfill gas has been submitted to and agreed in writing by the Local Planning Authority. The development and monitoring of landfill gas shall be carried out in accordance with the agreed details.
- 6 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 7 Before any development commences, representative samples of the types and colours of materials to be used on the surfacing of the access, roadways, turning and parking areas and pedestrian ways 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.
- 8 Before the first occupation of any dwelling hereby permitted, the vehicular access, pedestrian and vehicle access points and all roadways, turning areas and parking spaces shall be laid out in accordance with the approved details and maintained thereafter.
- 9 No development shall commence until details of the boundary treatments to the site have been submitted to and agreed in writing by the local planning authority. The agreed boundary treatments shall then be fully implemented before the first occupation of any dwelling hereby permitted and shall be maintained thereafter.
- 10 No development shall take place until details of landscaping to the site, have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - i) planting plans
  - ii) written specifications
  - iii) schedules of plants and trees, noting species, plant sizes and proposed numbers/densities
  - iv) implementation programme
- 11 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 12 Before first occupation of any dwelling hereby permitted each access abutting the highway shall provide 2.0 metre by 2.0 metre pedestrian visibility splays on the

highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.

- 13 Notwithstanding the submitted details, no development shall commence until such a time a revised layout plan has been submitted to the Local Planning Authority showing the shared private drive having a minimum width of 4.8 metres for at least the first 5 metres behind the Highway boundary and have 6 metres kerbed radii at its junction with the adopted road carriageway. The development shall proceed only in accordance with the approved details.
- 14 No gates, barriers, chain or similar device to prevent vehicular or pedestrian access into the shared private drive shall be erected at any time.
- 15 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 16 No development shall commence until details of the proposed garage doors to all plots has been submitted to and agreed in writing by the local planning authority. The development shall then proceed in strict accordance with the approved details only and be maintained thereafter.
- 17 Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the Council, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 18 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting that Order) the dwellings hereby approved shall not be extended or altered without the grant of planning permission for such extensions or alterations by the local planning authority.
- 19 The bathroom windows to be inserted in the first floor elevations of Plots, 1 and 7 and the detached dwelling sited north of no.91 shall be obscure glazed and retained as such at all times thereafter.
- 20 No development shall commence until the Oak and Birch trees within the grounds of no.91 Main Street and adjacent to the sites west boundary, have been protected in a manner which has been previously agreed in writing by the local planning authority. The protection shall pay specific regard to both the tree and the ground surrounding the tree and should be in full accordance with British Standard BS 5837:2005. Each tree shall be protected in the agreed manner for the duration of all building works within the application site. Within the areas agreed to be protected, the existing ground level shall neither be raised or lowered and no materials or temporary building or plant of any kind shall be stored thereon.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 To define the permission.
- 3 & 4 To protect the environment of future occupiers of the site and the water environment in accordance with Policies BE1, NE2 and NE13 of the Hinckley and Bosworth Local Plan.
- 5 To protect the environment of future occupiers of the site in accordance with Policies BE1, NE2 and NE13 of the Hinckley and Bosworth Local Plan
- 6 & 7 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure vehicles can access the site, turn and park within the site, in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 10 In the interests of visual amenity to accord with Policy NE12 of the adopted Hinckley and Bosworth Local Plan.
- 11 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.
- 12 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 13 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway, in accordance with the requirements of Policy T5 of the Adopted Hinckley and Bosworth Local Plan.
- 14 To ensure the access remains open at all times for vehicular and pedestrian traffic, in the interest of highway safety and the requirements of Policy T5 of the Adopted Hinckley and Bosworth Local Plan, and to ensure that the site benefits from pedestrian circulation in the interest of sound urban design principles and the requirements of PPS 1 and Policy BE1 of the Adopted Hinckley and Bosworth Local Plan.
- 15&16 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 17 To ensure the site benefits from adequate drainage and not be to the detriment of the future occupiers of those surrounding occupiers, in accordance with Policy NE14 of the Adopted Hinckley and Bosworth Local Plan.
- 18 To ensure that extensions and alterations do not become a source of detriment to neighbouring occupiers amenity, due to the restricted plots size, in accordance with the requirements of Policy BE1 of the Adopted Hinckley and Bosworth Local Plan.
- 19 To prevent any unnecessary overlooking from of adjacent private garden areas, in accordance with the requirements of Policy BE1 of the Adopted Hinckley and Bosworth Local Plan.

- 20 The trees are important features in the area and this condition is imposed to safeguard the trees, inline with the requirements of Policy BE1 of the Adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 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 web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager - telephone 0116 3052202.
- 5 If the applicants do not wish to seek adoption of the roads, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see [www.leics.gov.uk/htd](http://www.leics.gov.uk/htd) or phone 0116 3056782.

- 6 The proposal is situated in excess of 45 metres from the Highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006.
- 7 The highway boundary will need to be clearly delineated across the sites frontage.
- 8 Plots 1, 2 and 3 will need to be fitted with no gain type garage doors to allow the garage door to open without being obstructed by a vehicle parked in the driveway parking space.
- 9 List of plans used in the determination of this application:- 19H, 10A, 13G, 18A, 22A, 16A, 25, 14D, 15G, 24B.
- 10 This application is subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide financial contributions towards libraries, civic amenity, health facilities, police provision and play and open space.

**Contact Officer:-** James Hicks Ext 5762

**Item:** 02

**Reference:** 08/00824/FUL

**Applicant:** Mr T.Clinton

**Location:** Clinton Unit 3 Station Road Industrial Estate Station Road Market Bosworth

**Proposal:** DEMOLITION OF EXISTING BUILDING AND ERECTION OF 3 NO. LIGHT INDUSTRIAL UNITS

**Introduction:-**

This is a full application for the erection of three replacement industrial units on Unit 3, Station Road Industrial Estate, Market Bosworth.

The site is located within an established employment area for B1, B2 or B8 uses, although there are residential properties to the east of the site which front onto Station Road.

The rectangular shaped building is to be constructed in facing brickwork, with cladding panels and on a similar footprint to the existing building. The existing brick building has a ridge roof of corrugated sheeting with a 6.7 metres maximum height to the ridge. The roof of the proposal building has a shallow ridge roof at the same maximum height as the existing building. Amended plans have been received which provide the altered roof shape mentioned above with eaves to the eastern and western elevations, together with plans which show wider accesses into the site and low planting to protect visibility and general highway safety.

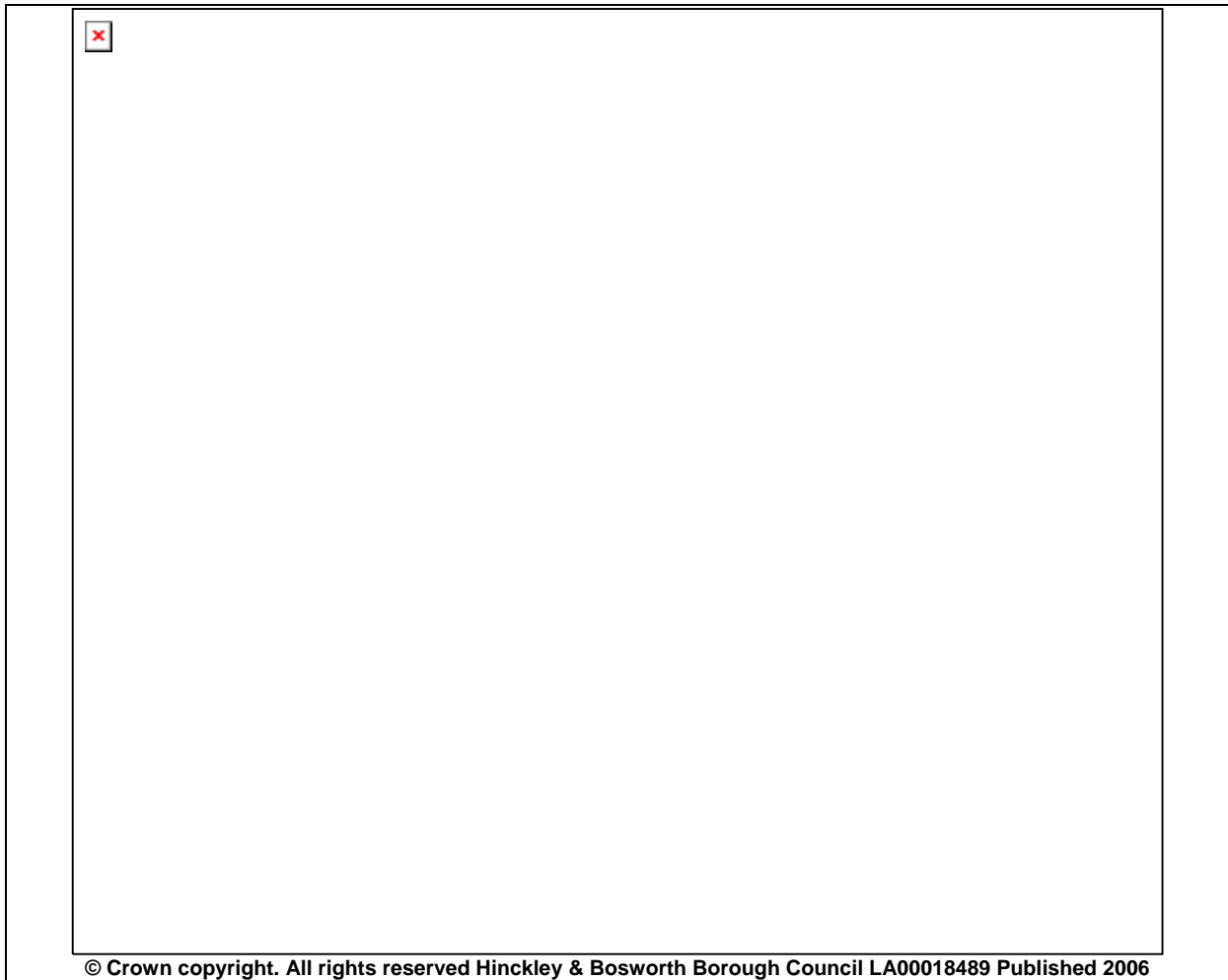
The height of the existing eaves is 3 metres to the eastern elevation and 4.6 metres to the western elevation, the proposed new building has uniform eaves of 6 metres in height.

The Design and Access Statement submitted with the application states that the existing building, due to its age and construction, is becoming unsustainable, having poor insulation resulting in a high carbon index and is difficult and costly to improve. The size of the existing building is restrictive for the expanding business necessitating relocation to larger, more suitable premises. The replacement of the building with a more modern, sustainable development would make better use of the existing site. In order to maintain the separation distances to the neighbouring dwellings, and provide the necessary servicing and parking provision, the new building has been designed to follow the footprint of the existing building and be the same maximum overall height.

A protected species survey has been conducted and submitted with the application.

**History :-**

None relevant.



**Consultations:-**

No objections subject to conditions received from:-

Director of Highways Transportation and Waste Management (Highways)  
Market Bosworth Parish Council  
Head of Community Services (Land Drainage)  
Head of Community Services (Pollution).

**Policy:-**

Local Plan Policy

The site is located within the settlement boundary and existing employment site within Market Bosworth as identified in the adopted Hinckley and Bosworth Local Plan.

Policy EMP1 considers existing employment sites. The designation of the industrial estate in the local plan was originally EMP1 (b), which aims to retain acceptable sites for employment purposes, while judging proposals for other employment activities or alternative uses on their merits. The Borough Council commissioned a consultancy group to undertake an employment land and premises study. The outcome of the study recommended that Station Road Industrial Estate should be moved to EMP1 (a) classification within the Local Plan. This class seeks to retain the site for employment purposes.



Policy BE1 seeks to ensure that new development complements and enhances the surrounding area and not adversely affect adjacent premises/occupiers.

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

Policy T9 requires developments to make provision for cycling.

### **Appraisal:-**

The main considerations in relation to the proposal are the principle, layout, design and impact on the neighbouring dwelling.

#### Principle of Development

The proposed development lies within an established employment site and therefore accords with local plan policies.

#### Layout and Design

The layout consists of a single rectangular block of three attached units similar in footprint to the existing building. The windows, doors and roller shutters to the units are all located on the western elevation of the building, which faces the service road. The flat roofed design is of the same maximum height as the ridge of the existing building on site. The amended plans provide a slightly more rounded roof shape, this will help to provide a more interesting elevation within the street scene without being particularly prominent as it is set back from the highway by approximately 23 metres. The applicant proposes that the cladding will be coloured grey.

#### Impact on Neighbouring Dwelling

The layout and footprint of the proposal is similar to the existing layout. The side elevation of the nearest dwelling (No 275 Station Road) is some 8 metres away from the eastern elevation of the proposal. One first floor window is located on the side elevation facing the site however this does not appear to serve a habitable room. There are no openings proposed on the eastern elevation.

The proposed building will extend along the rear garden of No. 275, on the same footprint as the existing building. The boundary treatment currently consists of a 2.4 metre high chain link fence.

The eaves height on the existing eastern elevation is 3 metres, the proposal increases the eaves height to 6 metres. Whilst having significantly higher eaves, the proposal is not considered to be over-bearing due to the separation distance between the neighbouring dwelling and the development.

#### Other Issues

The ecology survey found no evidence of bats inhabiting the roof space of the existing building.

The Highway Authority has commented that the service road is not a highway and therefore usual highway conditions have not been recommended. However, in the interests of public safety it is recommended that the gates to each unit be widened in order to allow two vehicles to pass. In addition, the proposed hedge / planting across the sites frontage to the

service road should be omitted as it will totally obscure visibility to and from emerging vehicles. These matters can be dealt with by way of conditions.

The existing junction / access onto Station Road is poor in terms of its failing construction in places and obvious overriding of verges by heavy vehicles. As this is not indicated as being within the applicants control however and as the Highway Authority are not in a position to demonstrate the redevelopment of the site will generate a material increase in traffic visiting the site, it considers that improvements to the junction are not achievable / justifiable in this instance.

### Conclusion

It is considered that the proposal does not create a detrimental impact on the amenities of that dwelling in terms of overshadowing. Landscaping can be provided along the eastern boundary to mitigate the impact of the development further. Subject to conditions, 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 representations received and the 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 by virtue of its siting, location and design would be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, EMP1, T5 and T9.

- 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 Job 108 Drawing 3C received by the Local Planning Authority on 27th November 2008.
- 3 Before any works commence, representative samples of the types and colours of the materials to be used on the external elevations of the proposed buildings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved material.
- 4 Notwithstanding the submitted plans, no development shall take place until full details of both hard and soft landscaping works, including implementation timetables, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs, which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 6 There shall be no storage of any description on the open areas of the site
- 7 Before the development hereby permitted is first used, cycle parking provision and off-street parking shall be provided within the application site as shown on the

submitted details. The areas shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.

- 8 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 9 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 10 Surface water runoff from access roads, parking turning loading and fuelling areas shall be routed through suitably sited fuel/oil separators before discharging to receiving waters.
- 11 Notwithstanding the submitted plans, a scheme for the provision of the accesses and gates shall be submitted to and approved in writing by the Local Planning Authority and the scheme shall be implemented in accordance with the approved details prior to first use of the proposed development.

**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 & 4 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure the site does not deteriorate into an untidy condition to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 7 In the interests of road safety to accord with policy T9 of the adopted Hinckley and Bosworth Local Plan.
- 8-10 To ensure the site can be safely developed to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 11 To ensure that adequate accesses in terms of width and visibility are available, in the interests of road safety to accord with policy T5 of the Hinckley and Bosworth Local Plan.

## Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 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 web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 In relation to condition advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
- 5 List of plans used in the determination of this application:-  
Job No 108, Drawing 1B, 3B and 3C
- 6 On the basis of the submitted plans, it would appear that the site does not have a common boundary with the adopted highway on Station Road. The Applicant should demonstrate that a right of access into the site exists.

**Contact Officer:-** Louise Forman Ext 5682

**Item:** 03

**Reference:** 08/00965/FUL

**Applicant:** David Wilson Homes East Midlands

**Location:** Land Rear Of Oaklands Breach Lane Earl Shilton Leicestershire

**Proposal:** SUBSTITUTION OF HOUSE TYPES TO PLOTS 16-23, 40-50 AND 57-61 INCLUSIVE AND ASSOCIATED WORKS

This application seeks full planning permission for the substitution of house types and minor amendments to the layout of 24 plots within an approved residential development currently under construction. The application involves the replacement of some 3 storey house types around the public open space with 2 and 2½ storey dwellings and relocation of more of the affordable housing units around this urban green. The overall layout of the site remains as previously approved.

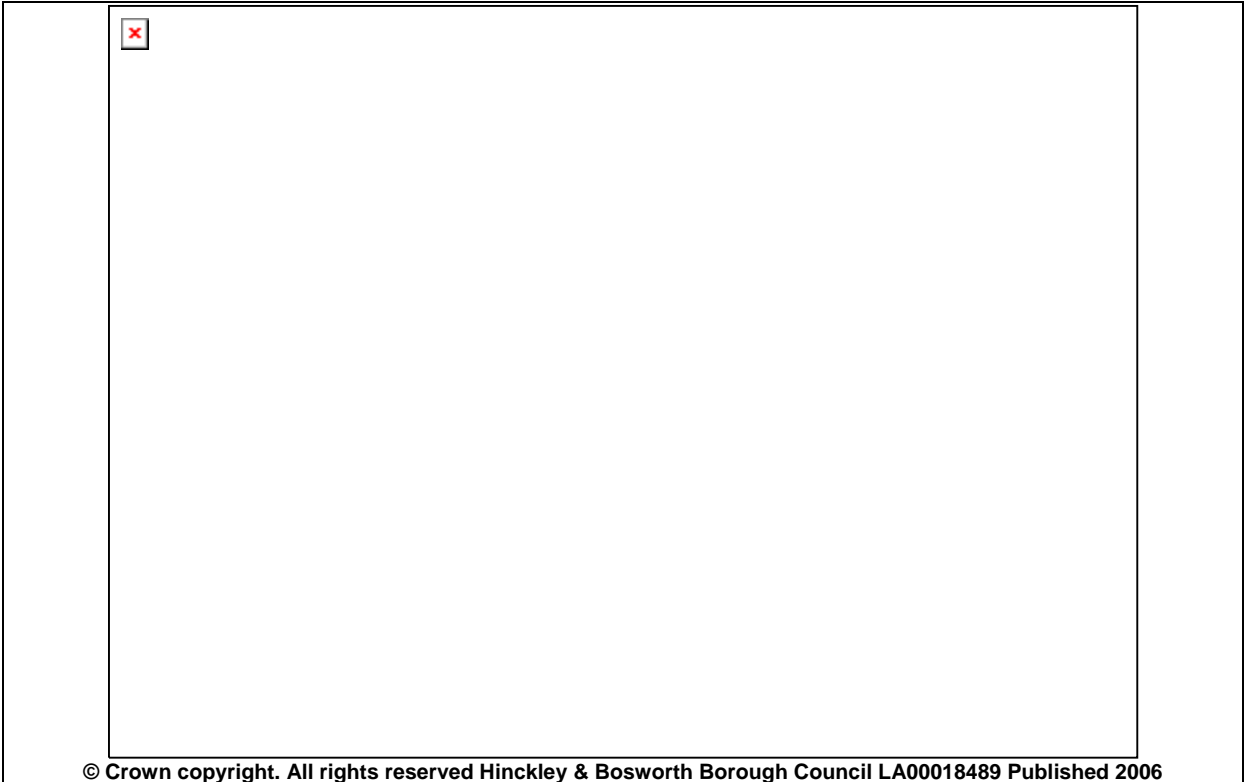
The site is located on the south east edge of Earl Shilton to the south of Breach Lane with access off the Earl Shilton By-Pass. There are allotment gardens immediately to the west of the application site but the surrounding plots within the development to the north, south and east have yet to be constructed. This application relates to 0.43 hectares of the total development of 4.8 hectares.

A Design and Access Statement has been submitted in support of the application and states that the underlying purpose is to achieve a visually cohesive built form with continuous and

interesting street facades. The proposals provide a well integrated street scene with visual interest provided by the use of buildings of differing heights and elevational treatments. An urban green provides a visual focus and an area for equipped play. Parking is generally located at the side or rear of the dwellings to enhance the appearance of the development and parking courts are provided with natural surveillance through the design and layout of the dwellings. A materials schedule that utilises already approved materials on the site has been submitted to address amendments to the previously approved scheme.

**History:-**

08/00454/FUL	Erection of 6 New Dwellings (Amended Scheme)	Approved	01.07.08
08/00252/FUL	Substitution of 18No. House Types And Amendments to Layout	Approved	04.06.08
07/00673/REM	Residential Development of 150 Dwellings with Associated Infrastructure and Landscaping	Approved	24.10.07
03/00295/OUT	Residential and Ancillary Development Including Part of Earl Shilton Bypass With Interim Access Arrangements and Associated Works Relocation of Existing Buildings and Private Access Arrangements	Approved	26.01.07
01/00621/OUT	Residential Development, New Access Road, Replacement Allotments, Re-siting of Agricultural Buildings and Provision of Open Space.	Refused	10.10.01



## **Consultations:-**

No objection has been received from:-

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

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

Leicestershire Constabulary Crime Reduction Officer  
Environment Agency  
Severn Trent Water.

Director of Community Services (Ecology) refers to Trigger Note 8 as the development is within 500 metres of a pond and has the potential presence of Great Crested Newts and bats.

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

Director of Community Services (Archaeology)  
Press notice  
Site notice  
Neighbours.

## **Policy:-**

### Central Government Guidance

Planning Policy Statement 1 (Delivering Sustainable Development) sets out the Government's objectives for the planning system. This includes guidance on design which states that high quality and inclusive design should be the aim of all those involved in the development process.

Planning Policy Statement 3 (Housing) sets out the national planning policy framework for delivering the Government's housing objectives. This document states at paragraph 12 that good design is fundamental to the development of high quality new housing. Paragraph 16 lists matters to be considered when assessing design quality, this includes assessing the extent to which the proposed development is well integrated with and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

### Local Plan Policies

The site is allocated for residential development in the adopted Hinckley and Bosworth Local Plan. Policy RES1(j) states that residential development will be granted provided that full details of a comprehensive layout of the whole site are submitted prior to detailed planning permission being given. These details should show a range of house types and densities, the layout and design of which should be sympathetic with its urban fringe location. The primary access to the site shall be directly from a new junction on the Earl Shilton Bypass.

Policy BE1 seeks to secure attractive development and to safeguard and enhance the existing environment. Planning permission will be granted where the development complements or enhances the character of the surrounding area with regard to scale, layout,

density, mass, design, materials and architectural features; has regard to the safety and security of individuals and property; incorporates landscaping to a high standard; ensures adequate highway visibility for road users and adequate provision for off street parking for residents and visitors together with turning facilities; does not adversely affect the occupiers of neighbouring properties.

Policy NE14 seeks to prevent pollution to the water environment and secure satisfactory arrangements for foul and surface water disposal.

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.

Policy IMP1 requires all new development to make a contribution towards the provision of the necessary on-site and off-site infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policies REC2 and REC3 require the provision of an appropriate level of formal open space and outdoor informal space for children's play as well as more formalised play areas within the site or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area. Policy IMP1 seeks to ensure that adequate contributions towards the provision of necessary on-site and off-site infrastructure and facilities are made.

Further guidance is contained in the Borough Council's adopted Supplementary Planning Guidance on New Residential Development, the Supplementary Planning Document on Affordable Housing (April 2008) and on Play and Open Space (September 2008) and the Leicestershire County Council's highway design guidance, 'Highways, Transportation and Development'.

### **Appraisal:-**

The main considerations with regards to this application are the siting, layout and design of the proposed house types and the impact of the amendments on the overall residential development.

#### Layout and Design

The overall layout remains very similar to that previously approved and is successful in reducing the visual impact of cars in the street scene by generally locating parking facilities at the side or rear of the dwellings they serve to provide more attractive street scenes or by breaking parking areas with landscaping where they are to the fore. In general the proposed development provides adequate separation distances between dwellings and avoids potential overlooking. Amended plans have been received to address concerns regarding the designs of individual house types, to increase the separation distance from the rear elevation of plot 25 to the side elevation of plot 21 and remove overlooking to rear gardens from plot 47 by the use of obscure glazing to the windows on the side elevation. Amended plans have also been received to address urban design issues in respect of the scale of the proposed two storey terraced house types on plots 57-61 that frame the public open space and their relationship to plots 40-47.

The proposed replacement house types on plots 57-61 are two storeys in height, being two bedroom affordable housing to meet locally identified need. If the application is approved, the affordable housing will be provided sooner rather than later during the build programme for the site.

## Other Issues

A Section 106 agreement was completed at the outline stage requiring developer contributions towards the provision and maintenance of various infrastructure items including highway works, affordable housing, on and off site public play and open space, library facilities, civic amenity, and travel passes etc. If the application is approved a supplemental legal agreement to link this application to the previous planning permission/legal agreement to secure developer contributions will be required.

Ecological issues relating to great crested newts and bats have been considered prior to the issue of previous planning permissions. The site is under construction and the area to which this application relates is now disturbed ground.

## Conclusion

The overall layout of the site remains similar to that previously approved and amended plans have been received to address concerns regarding the design of individual house types, separation distances, overlooking and urban design principles in respect of the scale and finished floor levels of the plots framing the public open space. The applicant has agreed to submit a supplemental legal agreement to secure developer contributions. The application is therefore recommended for approval.

**RECOMMENDATION: That subject to the execution of an appropriate supplementary legal agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 before 7th January 2009 to secure developer contributions in accordance with the existing Section 106 agreement for the overall site, the Director of Community and Planning Services be granted powers to issue Planning Permission subject to the conditions below. Failure to execute a legal agreement by 7th January 2009 may result in the application being refused.**

## **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 layout, design and scale of the dwellings are acceptable in terms of urban design principles and a supplemental legal agreement will secure developer contributions towards the provision and maintenance of various infrastructure items.

Hinckley & Bosworth Borough Council Local Plan (2001) :- RES1(j), BE1, NE14, T5, IMP1, REC2 and REC3

- 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 Nos. S2236/100/02 Revision A; S2236/100/03 Revision G; S2236/100/FL/01 Revision G; S2236/500/02; amended house type plans SH21AN-4.01 - 04; SH21 ANA.01 - 04; SH34.01 - 04; T334.01 - 04; SB19.01 - 03 received by the Local Planning Authority on 8th December 2008.
- 3 The dwellings, garages and bin/cycle store hereby approved shall be constructed in accordance with the external materials schedule plan No. S2236/100/03 Revision G



received by the Local Planning Authority on 8th December 2008 unless otherwise agreed in writing by the Local Planning Authority.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1; Classes A to E inclusive; shall not be carried out on Plots 57 - 61 inclusive unless planning permission for such development has first been granted by the Local Planning Authority.
- 5 Before first occupation of the dwellings hereby approved, the boundary treatment for each plot shall be completed in accordance with the boundary treatment plan No. S2236/100/FL/01Revision G received by the Local Planning Authority on 8th December 2008 and plan Nos. SD/600/02 and SD/600/13 unless otherwise agreed in writing by the Local Planning Authority.
- 6 Before first occupation of any of the dwellings hereby approved, the access drives, car parking spaces and turning areas shown on layout plan No. S2236/100/02 Revision A received by the Local Planning Authority on 8th December 2008 shall be provided and thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.
- 7 Before first occupation of any of the dwellings hereby permitted, the access drives and parking and turning spaces shall be surfaced with hard bound porous material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times thereafter.
- 8 No gates, barriers or other obstructions shall be erected on the vehicular accesses.
- 9 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 To retain adequate private amenity space for each plot, to safeguard the amenities of neighbouring properties and in the interests of visual amenity to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To protect the privacy and amenity of the future occupiers of the dwellings hereby approved and in the interests of visual amenity to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure off-street parking and turning facilities are available to serve the dwellings hereby approved to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- 7 To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway causing danger to road users to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 8 To enable a vehicle to stand clear of the highway and in the interests of road safety to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 9 To prevent pollution of the water environment to accord with policy NE14 of the adopted Hinckley and Bosworth Local Plan

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 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 web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 The applicant is reminded that this permission should be read in conjunction with planning permission (reference number 03/00295/OUT), a copy of which is attached, and any conditions on that permission must also be complied with, together with the completed section 106 agreement for financial contributions and the supplemental legal agreement submitted with this application unless otherwise agreed in writing by the Local Planning Authority.
- 5 List of Plans used in the determination of this application:- Amended Plan Nos. S2236/100/02 Revision A; S2236/100/03 Revision G; S2236/100/FL/100 Revision G; S2236/500/02; Amended House Type Plan Nos. SH21 AN-.01 - 04; SH21 ANA.01 - 04; SH34.01 - 04; T334.01 - 04; SB19.01 - 03 received by the Local Planning Authority on 8th December 2008 and House Type Plan Nos. P406.01, P406.02, P408.03, P408.04, H411.01 - P411.04, Garage Plan No. E02, Wall Plan No. SD/600/02 and Fence Plan No. SD600/13 received by the Local Planning Authority on 6th October 2008.

**Contact Officer:-** Richard Wright Ext 5894

**Item:** 04

**Reference:** 08/00997/FUL

**Applicant:** Mr J HAY

**Location:** The Poultry Farm Desford Road Ratby Leicester Leicestershire

**Proposal:** ERECTION OF PERMANENT FARM MANAGERS DWELLING

**Introduction:-**

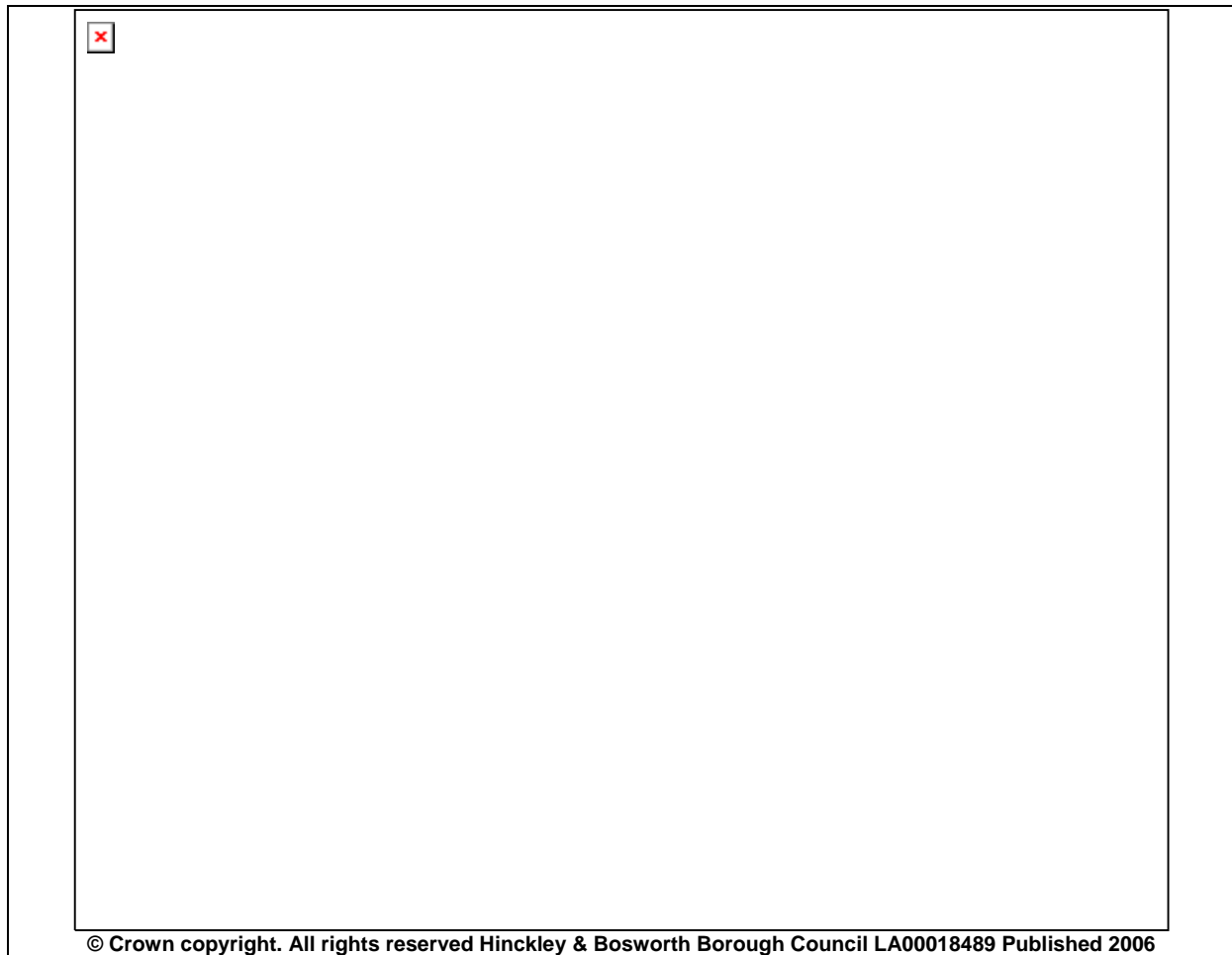
This is a full application for the erection of a permanent farm managers dwelling at the Poultry Farm, Desford Road, Ratby. The proposed dwelling is a dormer bungalow with lounge, kitchen/diner, utility, two bedrooms, study and bathroom to the ground floor and two further bedrooms and a bathroom within the roof space. It will occupy a footprint of 15.2 metres by 8 metres with a ridge height of 6.5 metres. It will be located within a small residential curtilage bounded by new beech hedging in the south east corner of the site adjacent to Desford Road.

The unit covers an area of approximately 1.5 hectares and is located in the countryside to the south west of Ratby and on the north side of Desford Road. There are open fields around the site and an isolated dwelling to the south. There is a substantial industrial complex (formerly Timken) to the south west. The unit comprises of four large broiler houses that cover a majority of the site for the keeping and rearing of poultry together with a small store. The unit has had the benefit of planning permission for a temporary mobile home since 1979. The site is well screened from Desford Road by mature mixed hedgerows and conifer screens.

A Design and Access Statement has been submitted to support the application along with further financial information relating to the operation and viability of the agricultural holding. The Design and Access Statement states that the applicant company has several poultry units of a similar size and format and find that to provide proper supervision and security for the units it has proved essential that living accommodation is provided on site and that it should be suitable for occupation by a family. The current mobile home fails to provide adequate accommodation. The design is of a simple rectangular dormer bungalow built in local sourced materials in keeping with the locality. It has been positioned to provide supervision and security of the holding and its access and provided with a small private garden area not dominated by the agricultural buildings. The existing mobile home would be removed from the site on completion of the proposed permanent dwelling.

**History:-**

93/00820/4	Retention of Mobile Home	Approved	09.12.93
90/01010/4	Extension to Broiler House	Approved	31.10.90
87/00556/4	Retention of Mobile Home	Approved	23.07.87
86/00496/4	Demolition of Existing Broiler Houses and Erection of Two New Broiler Houses	Approved	01.07.86
79/01143/4	Retention of Mobile Home	Approved	25.09.79

**Consultations:-**

No objection has been received from:-

Director of Highways, Transportation and Waste Management (Highways)  
Director of Community Services (Archaeology)  
Director of Community Services (Ecology).

No objection subject to conditions have been received from:-

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

Borough Council's Agricultural Appraisal Consultant advises that the application meets the functional and financial tests of Annex A to Planning Policy Statement 7. There is agricultural support for the proposed replacement of the existing mobile home with a permanent agricultural dwelling which should have an external floor area of not more than 185 square metres.

Ratby Parish Council raise concerns that use of the dwelling will be for the farm manager only.

No response has been received at the time of writing this report from the site notice or neighbours.

## **Policy:-**

### Central Government Guidance

Planning Policy Statement 7: Sustainable Development in Rural Areas sets out the Government's planning policies for rural areas. Paragraph 10 of PPS7 makes it clear that isolated new houses in the countryside require special justification for planning permission to be granted. Annex A to PPS7 provides further advice and outlines the need for a functional and financial test to be applied to applications for dwellings in the countryside to ensure that the dwelling is required on site and cannot be provided in a nearby settlement and that any proposed enterprise has a sound financial basis to support the dwelling and its occupants. The agricultural dwelling should be of a size commensurate with the established functional requirement and be well related to existing farm buildings.

### Local Plan Policy

Policy BE1 seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development:- complements or enhances the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features; has regard to the safety and security of individuals and property; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties and incorporates landscaping to a high standard.

Policy RES12 states that in assessing planning applications for dwellings required to accommodate a person employed in agriculture, consideration will be given to: the nature of the holding and the necessity for the person to live on site, having regard to the security and efficient operation of the holding; the viability of the holding to sustain the worker in full time employment; the availability of suitable alternative accommodation in the local housing market.

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 important to the local economy and cannot be provided within or adjacent to an existing settlement and only where it does not have an adverse 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 NE14 requires satisfactory arrangements to be made for the disposal of foul sewage, trade effluent and surface water.

## **Appraisal:-**

The main considerations with regards to this application are the principle of development in this countryside location, the siting, layout and design of the dwelling and its impact upon the character and appearance of the area.

### Principle of Development

The agricultural holding involves the keeping and rearing of poultry and the applicant stresses that full time attendance is required for the proper operation of the unit due to the nature of the activities and for security purposes in respect of the buildings and livestock. The applicant has provided information regarding livestock levels and sales etc to enable a proper assessment to be made of the operation and financial viability of the holding in sustaining an agricultural workers dwelling. The Borough Council's Agricultural Appraisal Consultant has carried out a desk top appraisal of the information provided and advises that the application passes the functional and financial tests of Annex A of PPS7 and there is agricultural support for the proposed replacement of the existing mobile home with a permanent agricultural dwelling of an external floor area of up to 185 square metres.

The concern raised by Ratby Parish Council regarding occupation of the dwelling can be controlled by an appropriately worded condition.

### Layout and Design

The proposed new dwelling is well related to the existing broiler house buildings that are of greater scale and mass than the proposed dwelling. The siting of the dwelling has had regard to the need to provide a satisfactory residential amenity whilst also providing adequate security of the unit by providing surveillance of the access road. The proposed dwelling has a simple design on a rectangular footprint consisting of low eaves and 45 degree pitched roof including brick dentil courses and corbelling which enhance its overall design and appearance. It has been designed with family accommodation and whilst it provides four bedrooms, these are all relatively small in size and the two within the roof space have restricted headroom. The footprint of the dwelling is 124 square metres with an internal floor area of 171 square metres.

It is intended to use a sealed tank cess pit for the disposal of foul water drainage which, is to be provided within the site close to the site entrance where adequate access and turning is available for a tanker vehicle. The agent has confirmed that no mains drainage is available to serve the proposed dwelling and the residential properties nearby have their own disposal systems.

### Impact on the Character and Appearance of the Area

In order to minimise the visual impact on the appearance and character of the landscape it is single storey with rooms in the roof space and a single dormer window to the western elevation facing the access road. It is intended to plant a beech hedge around the small residential curtilage to reflect the rural location, additional landscaping is not considered to be necessary in this case as the site is already well screened by an existing mature mixed species hedgerow to the south fronting Desford Road and also to the east together with a mature conifer screen to the west. An amended plan has been requested to clarify and define the extent of the residential curtilage within the overall site. The site occupies an elevated position in relation to Desford Road to the south and therefore a condition requiring the submission of ground and finished floor levels has been recommended should planning permission be approved.

The proposed dwelling will not lead to an increase in the use of the existing access or generate traffic to adversely affect the rural character of the area and the Highway Authority has no objection to the proposal. There is adequate private amenity space and parking provision within the site.

## Conclusion

A satisfactory agricultural appraisal has been received and the application passes the functional and financial tests of Annex A of PPS7. The siting, layout and design of the proposed farm managers dwelling is acceptable. The dwelling will be well related to existing buildings, will not have an adverse impact on the character or appearance of the landscape, is well screened by existing and proposed landscaping and will not be detrimental to highway safety.

## **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 it would provide essential accommodation for a person employed in the locality in agriculture, would be well related to the existing buildings and due to its siting and design would not have an adverse impact on the character and appearance of the surrounding landscape.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE5, NE14 and RES12

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry or a widow or widower of such a person, and to any resident dependants.
- 3 The materials to be used on the external elevations of the proposed dwelling shall be Ibstock Arden Weathered Red facing bricks and Redland Duo (Rustic Brown) roof tiles unless otherwise agreed in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 5 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.
- 6 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 7 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme

for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

- 8 Notification of the commencement of development should be given in writing not less than 14 days before development commences.
- 9 Prior to first occupation of the dwelling hereby approved the temporary mobile home shall be permanently removed from the site.
- 10 The new beech hedges indicated on amended plan No. 3726:1A and shall be planted during the first appropriate planting season following the date when the dwelling is first ready for occupation. The scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs that 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.
- 11 The residential curtilage of the dwelling hereby approved shall be limited to the area enclosed by a red edge and new beech hedges as indicated on amended plan No. 3726:1A received by the Local Planning Authority on 5th December 2008.
- 12 The car parking and turning facilities shown on the approved plan shall be provided before first occupation of the dwelling hereby permitted and once provided shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1, Classes A - E inclusive shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The site lies within an area of open countryside where the Local Planning Authority would not normally grant permission for residential development and to accord with policy RES12 of the adopted Hinckley and Bosworth Local Plan.
- 3 & 4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 & 8 To ensure the safe development of the site and protect future residents from potential land contamination due to the use of the site as a farm to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 9 To define the permission and to ensure that the temporary mobile home is removed from the site to protect the character and appearance of the countryside and to accord with policies RES12 and NE5 of the adopted Hinckley and Bosworth Local Plan.



- 10 To define the residential curtilage, to enhance the appearance of the development and to ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 11 To define the residential curtilage and for the avoidance of doubt to accord with policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 12 To ensure that adequate car parking and turning facilities are provided within the curtilage of the dwelling to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 13 To safeguard the visual amenities and the rural character of the area to accord with policy BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 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 web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 List of Plans used in the determination of this application:- Plan Nos 3726:1A; 3726:2; 3726:3 and 3726:4.
- 5 A cess pit is a holding tank for sewage; not a treatment plant. It must not have an overflow pipe or weir, or any other facility enabling it to discharge to a ditch or watercourse, only a suction nozzle for the transfer of its contents to a road tanker. Access and turning for a tanker vehicle must be provided and maintained within the site.

**Contact Officer:-** Richard Wright Ext 5894

**Item:** 05

**Reference:** 08/01013/FUL

**Applicant:** Mrs Squires

**Location:** Dalebrook Farm Leicester Road Earl Shilton Leicester Leicestershire

**Proposal:** CONVERSION OF AGRICULTURAL BUILDING TO DWELLING AND ALTERATIONS TO ACCESS

**Introduction:-**

This application seeks full planning permission for the change of use of a former agricultural storage building to a dwelling together with alterations to the existing vehicular access. The smallholding known as Dalebrook Farm is located to the north of Earl Shilton on a site of approximately 3.6 hectares within the countryside. To the north west of the site there is a detached dwelling, which was formerly a petrol filling station, with open fields around the remainder of the land holding. The application building was originally accepted as an agricultural storage building following a General Development Order notification in 1994 but was constructed, and has since been further adapted, to give the appearance of a small bungalow and fitted internally with a kitchen, heating and shower and toilet facilities. In addition to the application building there is a large agricultural building constructed of brick, timber and corrugated cement fibre sheets within the smallholding. There is an existing vehicular access off the Leicester Road to the west of the former filling station.

A Design and Access Statement, Building Condition Survey and Protected Species Survey have been submitted in support of the application. The Design and Access Statement advises that the smallholding is currently being used for the keeping of horses and the breeding of young stock. The applicant requires 24 hours supervision of the livestock. The building has been used for domestic type purposes in the form of a "day-room" for workers on the holding and it will not require any major alterations so its character and appearance will not change. No wildlife will be affected by the proposed change of use. The Building Condition Survey (carried out in April 2008) concludes that the building is capable of conversion to a residential property without major or complete reconstruction and the works necessary to bring it up to a satisfactory standard for residential conversion purposes would not involve extensive alteration, re-building or extension to the existing fabric. The building can be considered to be of permanent and substantial construction. The Protected Species Survey concludes that the building has not been used by bats as a roost or by birds for nesting and there were no indications of any other protected species on the site.

**History:-**

08/00332/COU	Change of Use of Agricultural Building to Dwelling .	Withdrawn	19.06.08
08/00004/FUL	Extensions and Alterations to Bungalow	Withdrawn	22.02.08
94/00696/GDO	Agricultural Storage Building	Accepted	23.09.94.



**Consultations:-**

No objection subject to conditions have been received from:-

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

Director of Community Services (Ecology) recommends the submission of a bat survey to be provided if the proposal involves works to the roof and as there are groups of trees close to the site.

Site notice posted and neighbour notified, one letter of objection received stating that the building was never erected to be a dwelling and if approved will lead to a mini estate in the future.

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

National Grid  
Earl Shilton Town Council.

## **Policy:-**

### Central Government Guidance

Planning Policy Statement 7 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 and the suitability of different types of building and of different scales for re-use.

### 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; have regard to the safety and security of individuals and property; 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 or re-use 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 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.

The Council's Supplementary Planning Guidance (SPG) on the Conversion of Rural Buildings states in section 1.9 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 purposes as well as for tourism, sport and recreation. It can reduce the need for new buildings and avoid vacant buildings becoming prone to vandalism and dereliction. It also states in sections 1.10 and 1.11 that the Council will normally seek to encourage conversion to a business or recreational use and may not allow residential use unless there are significant overriding material planning considerations (e.g. traffic issues) that would make business uses undesirable and the conversion does not result in the creation of a residential curtilage which would have a harmful effect on the character of the countryside.

## **Appraisal:-**

The main considerations with regards to this application are the principle of development and the suitability of the building for residential conversion, the impact of the development on the character and appearance of the countryside and highway safety.

### The Principle of Development and suitability of the building for conversion

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 criteria being satisfied. The Council's SPG on the Conversion of Rural Buildings normally requires applicants to look to business re-use before considering residential conversion. Whilst no evidence of attempts to secure such use has been submitted with the application, it is clear from discussions with the Highway Authority that any proposed use likely to significantly increase the use of the existing vehicular access would be resisted on highway safety grounds. As such, the possibility of a viable business use of the building and landholding is questionable and in terms of highway safety a low-key residential use associated with the smallholding is considered a more favourable option in this case.

The building was originally accepted under a General Development Order notification as an agricultural storage building of brick and tile construction. The building was, however, constructed and since adapted by a previous owner in such a manner to give it the appearance and character of a small bungalow rather than that of a building for agricultural storage and not entirely in accordance with the plans originally submitted. The site and building is well screened and due to this its method of construction has gone unnoticed. The time during which any enforcement action could have been taken lapsed some time ago and whilst it is unacceptable that planning regulations should be flouted in this way, this application to convert the building as it currently stands has to be assessed on its own merits and against the criteria of the relevant policies in the Local Plan. The proposal to convert the building meets the criteria of policies NE5 and BE20 and therefore, whilst fundamentally unsatisfactory, there are no material planning reasons to refuse the application.

The Building Condition Survey submitted was carried out in April 2008 and concludes that the overall condition of the building is structurally sound and that the building is capable of conversion without major or complete reconstruction, extensive alteration or extension of the existing fabric. The Borough Council's Building Control Section has commented that given the construction and appearance of the building, the conclusions of the Building Condition Survey in terms of its structural condition and suitability for a residential conversion appear to be reasonable in this case.

### Impact on the Character and Appearance of the Countryside

The smallholding is located in the countryside and, with the exception of the former filling station fronting onto Leicester Road, is surrounded by open fields. The building and the access road are reasonably well screened from the surrounding countryside by existing trees and hedgerows. The proposed change of use does not involve any significant rebuilding, alteration or extension of the existing building and a modest residential curtilage is proposed around it. The conversion would not, therefore, have a significant impact on the character and appearance of the building or on the surrounding landscape. The existing large agricultural buildings of brick, timber and corrugated cement sheet construction are much more prominent in the landscape and is to be retained.

## Highway Issues

The site is located in an area remote from main development and on a Class 1 road where traffic speeds are generally high, although the opening of the Earl Shilton By-Pass in the near future is likely to reduce the amount of traffic passing the site. Improvements to the visibility, radii and surfacing of the existing vehicular access at its junction with Leicester Road have been proposed in order to mitigate any potential increase in vehicular movements to and from the site as a result of the proposed development. The Director of Highways, Transportation and Waste Management (Highways) has no objection to the development subject to a number of conditions to secure the proposed improvements to the access and junction and does not consider that a refusal on highway safety grounds could be sustained.

## Conclusion

The conversion of this former agricultural storage building to residential use is acceptable in principle. The building is of sound structural condition and capable of conversion without any significant rebuilding, alteration or extension or the creation of a residential curtilage that would be harmful to the character or appearance of the building or surrounding landscape. The applicant has demonstrated that the low-key nature of the proposal is unlikely to impair highway safety, unlike any potential business use of the site, and is willing to carry out improvements to the access and its junction with Leicester Road. The application is therefore recommended for approval subject to a number of conditions.

**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 it involves the change of use of an existing building in the countryside without major rebuilding, alteration or extension and will not have a detrimental impact on the character or appearance of the building or surrounding countryside or on highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE20, NE5 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 Nos. 08/01013A/FUL and 08/01013B/FUL received by the Local Planning Authority on 4th November 2008 and 18th November 2008 respectively.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A to E inclusive shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

- 5 Before first occupation of the dwelling hereby permitted the vehicular access shall be surfaced with hard bound porous material (not loose aggregate) for a distance of at least 8 metres between the A47 carriageway edge and the application site and once provided shall be so maintained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.
- 6 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 12 metres behind the A47 carriageway edge and shall be hung so as to open inwards only.
- 7 Before first occupation of the dwelling hereby permitted the vehicular access to the site shall be provided with 6 metre control radii on both sides of the access at its junction with Leicester Road.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and BE20 of the adopted Hinckley & Bosworth Local Plan.
- 4 To safeguard the rural character and appearance of the site and in the interests of visual amenity to accord with policies BE1, BE20 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 5 To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway and in the interests of highway safety to accord with policies BE1, BE20, NE5 and T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's highway design guidance, 'Highways, Transportation and Development'.
- 6 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with policies BE1, BE20, NE5 and T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's highway design guidance, 'Highways, Transportation and Development'.
- 7 To enable vehicles to enter and leave the highway in a slow and controlled manner, to protect the free and safe passage of traffic and in the interests of general highway safety to accord with policies BE1, BE20, NE5 and T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's highway design guidance, 'Highways, Transportation and Development'.

**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 web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 List of Plans used in the determination of this application:- Amended Plan Nos. 08/01013A/FUL and 08/01013B/FUL received 4th and 18th November respectively.
- 5 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager - (telephone 0116 3052202.) You must contact the Area Manager prior to commencing any works within the Highway.
- 6 The septic tank will require the consent of the Environment Agency and must comply with the Agency's conditions. Surface water should be discharged to a soakaway or natural watercourse.

**Contact Officer:-** Richard Wright Ext 5894

**Item:** 06

**Reference:** 08/01022/FUL

**Applicant:** Tesco Stores Ltd

**Location:** 59 High Street Barwell Leicester LE9 8DS

**Proposal:** DEMOLITION OF EXISTING WORKSHOP AND ERECTION OF A1 USE RETAIL STORE AND TEN APARTMENTS WITH ASSOCIATED CAR PARKING, LANDSCAPING AND ACCESS

#### **Introduction:-**

This is a full application for the demolition of a dwelling, garage and workshop and the erection of a 475 square metre (gross) A1 retail store, 10 no. apartments, associated car parking and landscaping and alterations to the highway and vehicular access.

The application site is positioned on High Street, Barwell and consists of a two-storey frontage building, positioned at the back of pavement, currently used as a dwelling. Behind this is a large single storey building used for garden ornament manufacture with an ancillary sales element including areas of open storage of hard landscaping materials. To the south of the site are a pair of distinctive two storey semi-detached properties set back from the road. To the south of these and wrapping around the properties to bound the application site to the south-east is Barwell Church of England Junior School, with school playing fields forming the eastern boundary of the site. To the north of the site is Doctor Cookes Close which consists of detached and semi-detached bungalows while to the north of the access facing on to High Street is a takeaway with a flat above. Opposite the application site on High Street are predominantly residential properties.

The proposed A1 retail store is sited at the back of the pavement with a two storey 'L' shaped apartment block to the rear of the site positioned along the eastern and southern boundary. The application proposes to upgrade the existing access.



The frontage building has been designed with an elevation to High Street that reflects the existing building. The proposed building is designed as an offset double gabled structure with the store entrance located in a glazed gable facing towards Top Town. The building would have a double pitch roof with a single storey lean to element towards no. 61 High street accommodating the delivery access and storage area. To the rear of the store is a parking area accommodating 16 parking spaces and a further two spaces to replace two on-street parking spaces on High Street adjacent to the access which are proposed to be removed to accommodate adequate visibility splays.

Beyond the store parking area are ten proposed two-bedroomed apartments arranged over two storeys in an 'L' shaped block to the south and east boundaries of the site. These apartments are broken up through the building being organised in small, staggered blocks and through the use of sections of flat roof to link the two main wings. The units will be dug into the site. The apartments are proposed to be constructed to Level 3 of the Code for Sustainable Homes.

The proposed materials for the retail store include brickwork, stone cills and lintels, cedar cladding and glazing to the gables and a natural slate roof re-using the slate from the existing building. The apartments are proposed to be constructed from a mixture of brickwork and cedar cladding with a natural slate roof.

This scheme is a resubmission of a similar application which was withdrawn twelve months ago. That scheme proposed a store and 14 apartments and was withdrawn following concerns regarding the available visibility at the access and the height and mass of the rear apartment block.

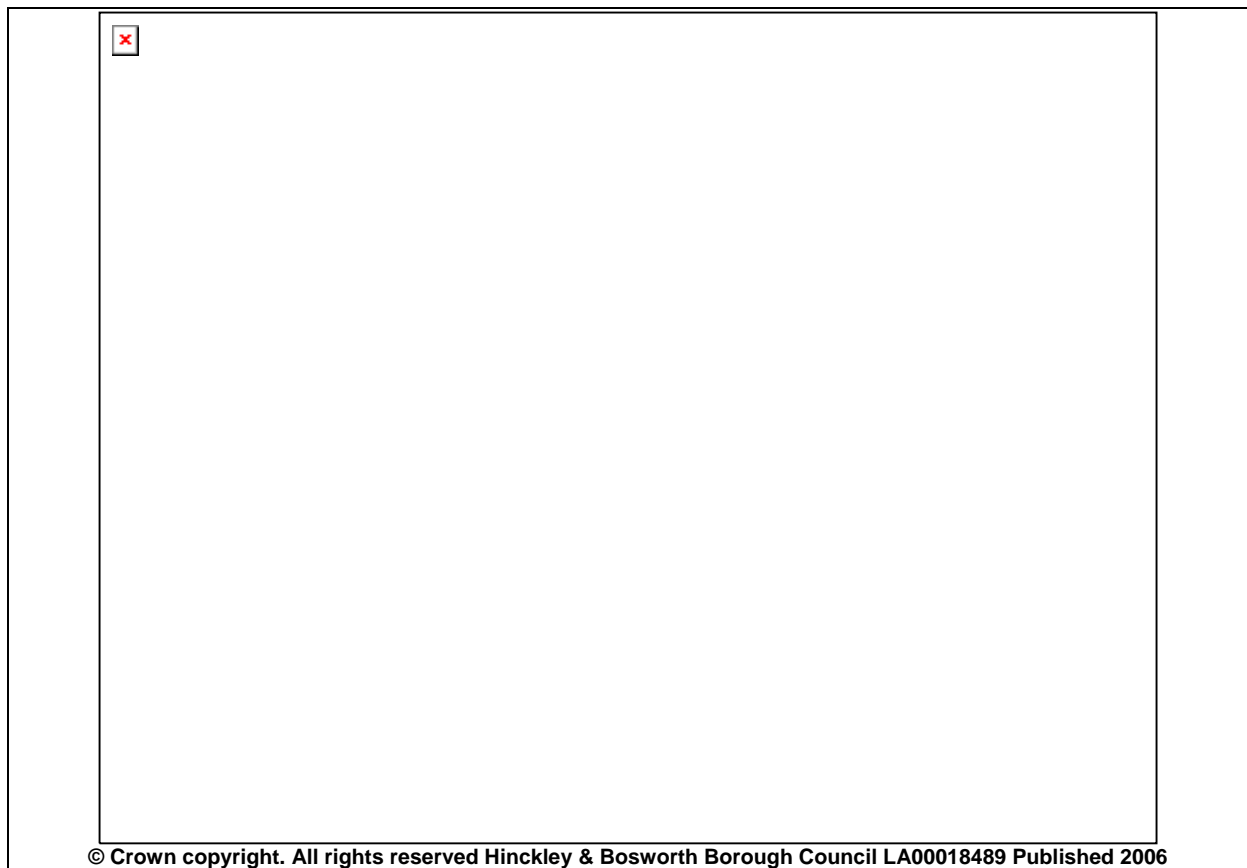
A further application has been submitted for Conservation Area consent for the demolition of the frontage building which appears as a separate item on this agenda (08/01023/CON).

The application has been accompanied by a Supporting Planning Statement, Conservation Area Appraisal, Acoustic Report, Protected Species Survey, Transport Assessment and a Design and Access Statement which concludes that 'the proposals are considered to create a high quality new scheme which will significantly improve the general standard of design for new developments in Barwell'.

**History:-**

07/01112	Demolition of dwelling, garage and workshop erection of 372m <sup>2</sup> A1 retail use store and 14 No. apartments and associated car parking and landscaping and alterations to highway and vehicular access	Withdrawn	05.12.07
07/01111	Demolition of dwelling, garage and workshop	Withdrawn	05.12.07
98/0750	Erection of 4 bungalows and conversion of existing house to form 2 dwellings including extensions	Approved	09.12.98
85/0293	Retention of standing of two road haulage tractor units	Approved	21.05.85
95/0801	Extension to dwelling; chimney	Approved	04.12.95

81/0319	Variation of condition 2 of 74/0209 (opening hours)	Approved	28.04.81
78/0704	Change of use of garage to carpenters workshop and erection of offices	Approved	27.06.78
77/1816	Removal of condition 3 of 77/1247	Approved	24.01.78
77/1247	Vehicle repair workshop	Approved	22.11.77
74/0209	Change of use from industrial to warehouse	Approved	23.05.74



**Consultations:-**

No objection has been received from:-

The Leicestershire Constabulary Crime Reduction Officer  
Head of Corporate and Scrutiny Services (Green Spaces)

No objection subject to conditions have been received from:-

Director of Highways, Transportation and Waste Management (Highways)  
Director of Community Services (Archaeology)  
Director of Community Services (Ecology)  
Severn Trent Water  
Head of Community Services (Land Drainage)  
Head of Community Services (Pollution)

The Primary Care Trust requests a contribution of £5,830.00 towards healthcare provision in the geographical area.

The Environment Agency has objected to the proposal as there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.

Site notice and Press notice were displayed and neighbours notified.

9 letters of objection have been received raising the following concerns:-

- a) parking;
- b) noise disturbance;
- c) pedestrian safety;
- d) impact on small businesses/competition;
- e) traffic problems;
- f) nothing wrong with the existing building;
- g) pollution;
- h) plenty of existing accommodation.

4 letters of support have been received raising the following points:-

- a) provides alternative place to shop;
- b) provide jobs;
- c) regeneration.

A petition in support of the application entitled 'Bring Tesco to Barwell' has been submitted signed by 181 people.

1 letter of representation has been received which raises no objection to the proposal but suggests the removal of the Leylandi hedge.

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

Barwell Parish Council  
Environment Agency

### **Policy:-**

#### National Policy Guidance

Planning Policy Statement 1 - Delivering Sustainable Development sets out the Government's objectives for the planning system. The document states that high quality and inclusive design should be the aim of all those involved in the development process.

Planning Policy Statement 3 - Housing sets out the national planning policy framework for delivering the Government's housing objectives. This document states at paragraph 12 that good design is fundamental to the development of high quality new housing. Paragraph 47 sets out 30 dwellings per hectare as the national indicative minimum density.

Planning Policy Statement 6 - Planning for Town Centres states that to deliver the Government's objective of promoting vital and viable town centres, development should be focused in existing centres in order to strengthen and, where appropriate, regenerate them.

## Local Policy Guidance

The site is located within the settlement boundary of Barwell as defined in the adopted Hinckley and Bosworth Local Plan.

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

Policy BE7: Development in Conservation Areas states that the primary planning policy is the preservation or enhancement of the special character or appearance. Planning permission which would harm that special character or appearance will not be granted.

Policy Retail 1: General Retail Strategy - states that planning permission will be granted for new retail development within Hinckley Town Centre and existing, or proposed, local shopping centres.

Policy Retail 7: Local Shopping Centres - states that outside Hinckley Town Centre planning permission will be granted for retail development to serve the local community provided that development does not have an adverse effect on the amenities enjoyed by occupiers of adjoining residential property and the general character of the locality; involve the intensified use of an access or the creation of a new access which would be inadequate in terms of width and/or visibility to the detriment of highway safety; and result in under provision of parking.

Policy IMP1 requires all new development to make a contribution towards the provision of the necessary on-site and off-site infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy REC3 New Residential Development - Outdoor Play Space for Children of the adopted Hinckley and Bosworth Local Plan requires the appropriate level of open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area. Supplementary Planning Document (September 2008) gives further advice regarding the provision of Play and Open Space.

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

Policy T5: Highway Design and Vehicle Parking Standards of the adopted Hinckley and Bosworth Local Plan refers to the application of appropriate standards for highway design and parking provision for new development.

Policy T9: Facilities for Cyclists and Pedestrians encourages walking and cycling including facilities for cycle parking.

Policy NE2: Pollution states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution.

Policy NE12: Landscaping Schemes states that proposals for development should take into account the existing features of the site and make provision for further landscaping where appropriate.

Policy NE14: Protection of Surface Waters and Groundwater Quality states that planning permission will not be granted for development proposals which will adversely affect the water quality and ecology of watercourses and groundwater.

#### Supplementary Planning Guidance / Documents

Further guidance is provided within the Borough Council's Supplementary Planning Guidance for Residential Development and the Supplementary Planning Documents concerning Play and Open Space and Sustainable Design.

#### **Appraisal:-**

The main considerations with regards to this application are principle of development, loss of existing building, the retail element, the residential element, access and parking, impact on neighbouring properties, noise and other considerations

#### Principle of Development

The site is located within the settlement boundary of Barwell and the front of the site falls within the Barwell Conservation Area. The whole site is designated as a local shopping centre under Policy Retail 1 where new retail development is acceptable in principle. The site would be classified as brownfield under annex B of PPS3. Retail and residential redevelopment is therefore considered acceptable in principle.

#### Loss of Existing Building

The demolition of the frontage building requires Conservation Area consent which is a separate application on this agenda. Though the comments of the Borough Council's Conservation Officer are awaited, it is understood no concern regarding the loss of the building will be raised as the building has been inconsiderately altered and extended over time. The buildings to the rear are industrial in nature and relatively modern, no concern is raised with the clearance of the rear of the site.

#### The Retail Element

As stated above, Planning Policy Statement 6 requires new development to be focused in existing centres to strengthen and regenerate them. The front of the application site is within the designated retail area of Barwell, therefore, as set out in paragraph 3.8 of PPS 6, it is not necessary to demonstrate a need for the development. Impact assessments are only required for edge of centre and out of centre developments or where the development is of a size likely to impact upon adjacent centres. At 475 square metres the proposal is considerably below the 2,500 square metres indicative threshold for when an impact assessment is required as stated within PPS6.

Similarly, at paragraph 1.7 of PPS6 it states that, it is not the role of the planning system to restrict competition, preserve existing commercial interests or prevent innovation. Therefore the concerns raised regarding the impact of the proposal on the existing retailers are not a planning consideration.

The design includes fenestration to the High Street elevation designed to reflect the existing building with high level and blind windows with stone cills and lintels. A recessed blind arched doorway has been included in the High Street elevation to the storage area to give the impression of a garden wall with a lost access. To the northern elevation, adjacent to the improved access, the building is proposed with an entirely glazed gable accommodating the main entrance. This faces towards the existing shops further up High Street and Top Town and will help to visually link the development to the existing shopping area. The staggered design of the store allows a longer elevation to be presented to High Street reflecting the existing building in terms of footprint and prominence, while setting back the rear element reduces the potential impact of the development on neighbouring properties.

The height of the proposed retail building at 9.1 metres to the ridge is higher than the existing building, at 6.5 metres, but is still considered to be in scale with the neighbouring properties, no. 53 which stands at 9.7 metres and no.61 which stands at 9.1 metres. No. 70 High Street opposite is also a similar scale to the proposed store at 8.9 metres. The height of the proposal is therefore considered acceptable.

With regards to design, PPS6 states that it is essential for town centres to provide a high quality and safe environment to remain attractive and competitive. Well designed public spaces and buildings are key elements which can improve the health, vitality and economic potential of a town centre. The proposal which takes elements from the existing building and combines with modern materials on the northern elevation is considered to achieve this aim. It is considered that the proposal presents a good design solution for this part of the site.

### The Residential Element

The proposed apartments form a two-storey 'L' shape in the south-eastern corner of the site. The design of the apartments are broken up with variations in the position of the front elevation with the two blocks joined by a flat roofed section.

The fenestration is predominantly orientated into the site with elevations towards the adjacent school and school playing areas containing only high-level top-hung inward opening obscured windows or obscured fixed windows to prevent overlooking. While this has limitations on the design of these elevations it is considered necessary for the privacy of the adjacent school.

The materials of the apartments reflect the materials of the proposed store including cedar cladding, brickwork and glazing. The apartments mirror the proposed stores traditional pitched roof with chimneys.

The five ground floor apartments are served by private garden areas, while the first floor flats are served by a communal garden in excess of Supplementary Planning Guidance requirements. The detailed landscaping of the communal areas can be controlled by condition.

The design of this element is considered acceptable and has overcome the concerns raised with the height and mass proposed in this part of the previous scheme.

### Access and Parking

The application proposes to widen the existing site access to a 6.5 metre width and to improve the visibility through the relocation of two on-street parking spaces. The Director of Highways, Transportation and Waste Management (Highways) has raised no objection to the application subject to conditions which include a requirement to enter into a Traffic Regulation Order to relocate the parking bays.

The application proposes 15 spaces plus a disabled space for the store in addition to the two replacement places for the on-street bays. The adopted Local Plan requires stores of between 300 and 1,000 square metres to provide one space per 30 square metres. The application proposes 351 square metres of net usable floorspace which would equate to a requirement of 12 spaces. 16 spaces is therefore an overprovision against the Local Plan, however these spaces will provide some flexibility during deliveries when up to 7 parking spaces will be unavailable for a short time. Given the concerns raised regarding the lack of parking it is not considered appropriate to request a reduction in the number of spaces or seek to refuse the application on these grounds. Cycle parking provision has also been included for the store.

The ten apartments are served by 15 spaces including a disabled space which is in accordance with the 150% Local Plan requirement. Cycle parking provision has also been provided for each flat.

### Impact on Neighbouring Properties

The property to the north of the proposed store is in commercial use therefore the main impact will be on no. 61 High Street to the south of the proposed development. The property is currently bound by a garden wall of around 1.6 metres in height with the side garden of the existing residence on the application site beyond. The application proposes to construct the single storey side projection of the store at the site boundary resulting in the existing wall being retained with the store wall immediately behind to a maximum height of three metres.

No. 61 has been extended and altered over time resulting in two side facing ground floor windows being around 1.3 metres from the proposed three metre blank elevation of the store's storage area. One side facing window is obscured and serves a bathroom and is therefore not considered to be an issue in terms of loss of light or overbearing impact of the neighbouring building. The second window serves the kitchen, being positioned above the sink. This room is also served by a second window and glazed door to the southern elevation which will provide light. Both windows appear to be of similar proportions and therefore it is difficult to class either as secondary, however as this impacted window is side facing it is considered difficult to protect from development and that the development of the proposed site should not be blighted by a single side facing window. The boundary treatment could be increased to 2 metres without permission which would have a similar impact on the window.

No. 61 also has a side bedroom window at first floor facing the proposed store. While this is currently frosted it is in the process of being replaced with clear glass. At this point the proposed store is single storey for the first three metres with two storey beyond that, the proposal therefore brings two storey development 5.5 metres closer to this window than the existing situation. No side facing windows or glazing are proposed on the store therefore overlooking or light pollution is not considered a concern. In terms of visual impact it is again considered difficult to protect a side facing window from development on adjacent land or to refuse the application on the overbearing impact of bringing development 5.5 metres closer to a single side facing window.

The residential element has been designed with limited fenestration overlooking the neighbouring school. Similarly, there are no windows proposed in the end gable facing towards Doctor Cookes Close. Those windows on the main portion of the building facing towards Doctor Cookes Close are in excess of the 25 metre separation distance required by the Residential Development Supplementary Planning Guidance. Windows on the other element of the residential block will be at right angles to the properties on Doctor Cookes Close and therefore do not pose an overlooking concern, the existing high leylandii hedge on this boundary is also to be retained which will protect the amenity of the neighbouring properties.

A single window is proposed in the gable facing the rear elevation of the store which is 21 metres away from the rear of no. 61 High Street at an oblique angle and not considered to be a concern. The leylandii hedge to the south and east elevations is proposed to be removed and replaced with a 2.6 metre wall. The exact design of this can be controlled by condition.

### Noise

The application was accompanied by a Background Noise Survey to assess the potential impact of the refrigeration condenser and air-conditioning units on adjacent properties. These are proposed to be centrally positioned in the roof of the rear part of the store with louvers facing the front roof pitch which would therefore be out of sight from public view. The report concludes that this position will have no detrimental impact on neighbouring properties. The Head of Community Services (Environmental Health) has raised no objection on these grounds subject to further information being provided by condition.

### Other Considerations

As the scheme is for a net gain of nine dwellings no Section 106 contributions, with the exception of Play and Open Space, can be requested. The application site is within 400 metres of Barwell Common Open Space which requires protecting and enhancing as set out in the Open Space Quality and Accessibility Audit 2005. A contribution of £1250.80 per dwelling, or £11,257.20 in total, will be required by condition.

Opening hours are currently being discussed with the applicant and the outcome of these discussions will be presented as a late item.

The objection from the Environment Agency refers to insufficient information on the existing contamination in the site and the level of risk this poses to controlled waters under the site. The applicant has agreed to complete an assessment to the satisfaction of the Environment Agency prior to the determination of the application.

### Conclusions

The application proposes retail and residential development on a brownfield site within the designated retail area within the centre of Barwell, therefore the development is acceptable in principle. The design of the store is considered an acceptable replacement in the Conservation Area and incorporates a number of design features which reflect the existing building. The design of the rear apartments is simple and contemporary and reflects the store in terms of materials. It also minimises any detrimental impact on the adjacent school through limiting fenestration on these elevations. The proposed access and parking provision are acceptable to the Director of Highways, Transportation and Waste Management while the proposed parking is also in accordance with the adopted Local Plan. Given this, the proposed scheme is considered to have overcome the concerns raised with the earlier proposal and will provide a well conceived additional retail facility in the centre of the village. The scheme is therefore recommended for approval subject to conditions.



**RECOMMENDATION:- That subject to the objection from the Environment Agency being withdrawn, the Director of Community and Planning Services be granted powers to issue planning permission subject to the conditions below. Failure to remove the objection by the 22nd January 2009 may result in the application being refused.**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

Having regard to the designation of the application site, 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 it proposes a high quality well designed mixed use scheme that will have a positive impact on the character of the area without detriment to neighbouring land uses.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE7, RES5, REC3, RET1, RET7, NE2, NE12, NE14, T9 and T5

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed store, apartments, bin and cycle stores shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.
- 4 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 5 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 6 Notification of the commencement of development should be given in writing not less than 14 days before development commences.
- 7 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - (i) means of enclosure
  - (ii) hard surfacing materials
  - (iii) minor artefacts and structures (e.g. refuse or cycle storage, lighting, etc.)

- (iv) planting plans
  - (v) written specifications
  - (vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - (vii) implementation programme.
- 8 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 9 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 10 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 11 The proposed access layout, including width and radii, as shown in the submitted drawing no 5655 -122.P7 and the turning area as shown in the Swept Path Analysis Plans 070201 SP38 - SP39 shall be provided before first use of the development hereby permitted. The access drive and turning area once provided shall be so maintained at all times.
- 12 The parking for the store shall be provided before the store is brought into use and shall thereafter permanently remain available for such use.
- 13 The car parking shown within the curtilage of the site for the dwellings shall be provided before the apartments are occupied and shall thereafter permanently remain available for such use.
- 14 Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained thereafter.
- 15 Before the store hereby permitted is first used, cycle parking provision shall be made to the satisfaction of the Local Planning Authority and once provided shall be maintained and kept available for use thereafter.
- 16 Before the apartments hereby permitted are first used, cycle parking provision shall be made to the satisfaction of the Local Planning Authority and once provided shall be maintained and kept available for use thereafter.
- 17 Before first use of the development hereby permitted, visibility splays of 2.4 metres by 70 metres to the north east and 2.4 metres by 45 metres to the south west shall be provided at the junction of the proposed access with High Street. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.

- 18 Prior to the development being brought into use the existing on street parking bays outside of No. 53 High Street shall be permanently removed and the applicant shall seek to implement a no waiting at any time traffic regulation to replace them. 2 replacement parking bays shall be provided within the curtilage of the development site and shall thereafter remain available for general use.
- 19 No gates shall be erected to the vehicular access.
- 20 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.
- 21 Development shall not begin until a scheme for protecting the existing and proposed dwellings from noise from the operation of the retail store has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 - 6 To ensure the safe development of the site and to protect amenities of future occupiers of the development to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure the safe development of the site and to protect amenities of future occupiers of the development to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 7 To enhance the appearance of the development to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.
- 9 To ensure the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 10 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 11 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 12&13 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 14 In the interests of pedestrian safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 15&16 In the interests of the sustainability of the development and to encourage alternative transport choice in accordance with Policy T9 of the adopted Hinckley and Bosworth Local Plan.
- 17 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 18 To ensure that residents and visitors will not park on High Street within the required visibility splay in the interests of highway safety and to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 19 In the interests of road safety and to allow access to the relocated spaces to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 20 To ensure the provision of Play and Open Space to accord with policy REC3 of the adopted Hinckley and Bosworth Local Plan.
- 21 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 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 web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 In order to provide the visibility splays detailed above, it will be necessary to have the external menu casing removed from the external wall of No53. If after liaison, the third party is unwilling to remove the menu casing then the Highway Authority should be informed.

All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager - (telephone 0116 3052202.)

Any street furniture or lining that requires relocation or alteration, including that required by condition 18, shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the highway authority.

- 5 Condition 20 refers to play and open space contribution. In this instance a contribution of £1,250.80 per dwelling is required towards the provision and maintenance of off-site Public Open Space.
- 6 List of plans used in the determination of this application:- 5626-120.P20, 5625-121.P1, 5625-122.P7, 5625-200.P3, 5625-220.P8, 5625-221.P3, 5625-420.P10, 5625-421.P12, 5625-422.P6, 5625-430.P1 and 5625-800.P3.

**Contact Officer:-** Philip Metcalfe Ext 5740

**Item:** 07

**Reference:** 08/01023/CON

**Applicant:** Tesco Stores Ltd

**Location:** 59 High Street Barwell Leicester LE9 8DS

**Proposal:** DEMOLITION OF EXISTING DWELLING AND GARAGE

#### **Introduction:-**

This is an application for Conservation Area Consent for the demolition of an existing dwelling and garage at 59 High Street Barwell. This application relates to the redevelopment of the site for retail and residential development which forms a separate application on this agenda.

The application site is positioned on High Street, Barwell and consists of a two-storey frontage building positioned at the back of pavement currently used as a dwelling. Behind this is a large single storey building used for garden ornament manufacture and sales. The industrial buildings to the rear of the site fall outside of the designated Conservation Area therefore no consent is required for their demolition.

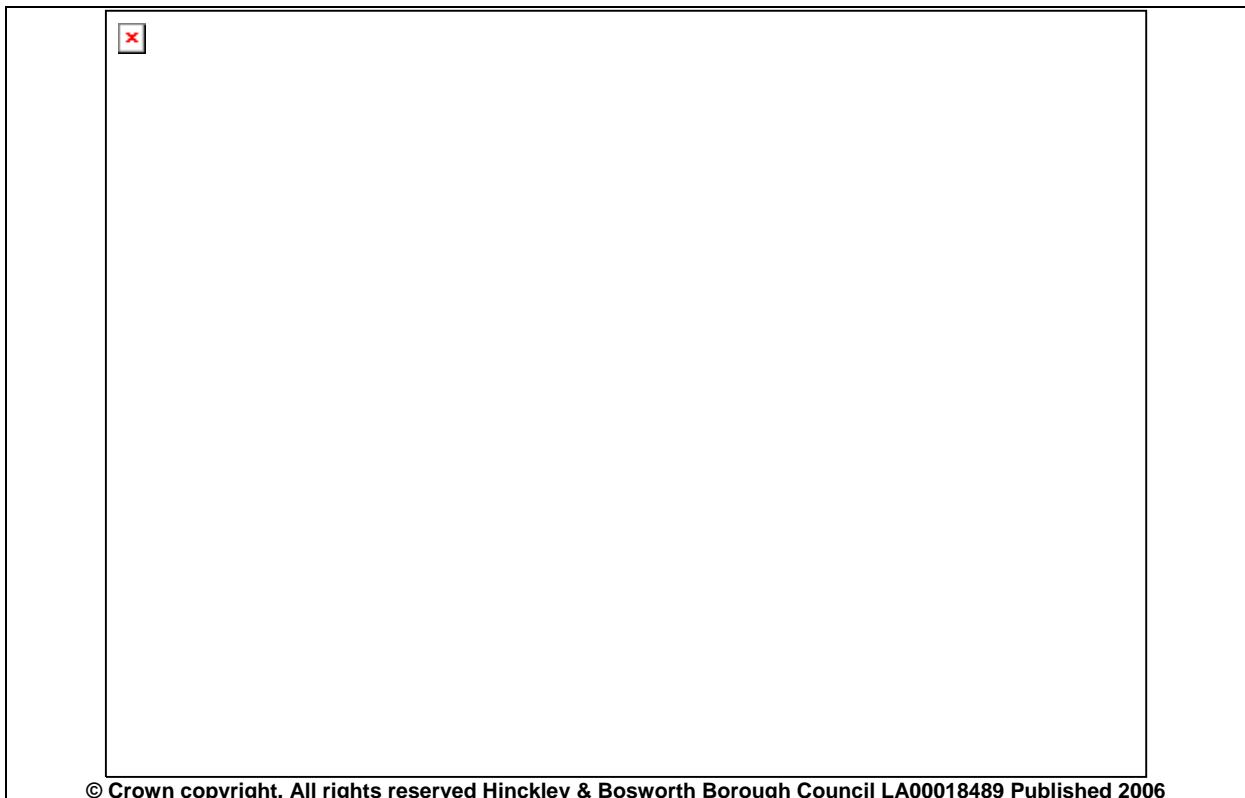
The frontage building dates from at least 1888 and was historically used as a farm before more recent retail use and as a dwelling house. The rear buildings are of more modern construction. The application proposes demolition of all built structures on the site.

The site is surrounded by close knit residential development and Barwell Church of England Junior School to the southern boundary with the school's playing fields to the eastern boundary.

The application has been supported by a Supporting Planning Statement, Conservation Area Appraisal and Bat Survey. The Conservation Area Appraisal concludes that the Conservation Area is mainly characterised by the form and proportions of its buildings and its street pattern. The frontage building has been extensively altered and therefore it offers the opportunity for redevelopment with buildings that will significantly enhance the Conservation Area.

**History:-**

07/01112	Demolition of dwelling, garage and workshop erection of 372m <sup>2</sup> A1 retail use store and 14 No. apartments and associated car parking and landscaping and alterations to highway and vehicular access	Withdrawn	05.12.07
07/01111	Demolition of dwelling, garage and workshop	Withdrawn	05.12.07
98/0750	Erection of 4 bungalows and conversion of existing house to form 2 dwellings including extensions	Approved	09.12.98
85/0293	Retention of standing of two road haulage tractor units	Approved	21.05.85
95/0801	Extension to dwelling; chimney	Approved	04.12.95
81/0319	Variation of condition 2 of 74/0209 (opening hours)	Approved	28.04.81
78/0704	Change of use of garage to carpenters workshop and erection of offices	Approved	27.06.78
77/1816	Removal of condition 3 of 77/1247	Approved	24.01.78
77/1247	Vehicle repair workshop	Approved	22.11.77
74/0209	Change of use from industrial to warehouse	Approved	23.05.74



## **Consultations:-**

No objection has been received from:-

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

No objection subject to standard conditions has been received from the Director of Community Services (Archaeology)

Site notice and Press notice were displayed and neighbours notified.

4 letters of objection have been received raising the following concerns:-

- a) Would make way for rebuilding of unsuitable replacement buildings
- b) The building should be conserved and updated
- c) There is nothing wrong with the building
- d) Demolished site would look unsightly
- e) Heavy machinery will disrupt the community
- f) Increased traffic in High Street
- g) Safety of Children crossing the road
- h) Inadequate parking for staff to demolish the building
- i) Road is not wide enough
- j) Site is near the school
- k) Heavy lorries will have to manoeuvre into the entrance from a narrow road
- l) Apartments are not required.

1 letter of support has been received noting:-

- a) The proposed design will improve the Conservation Area
- b) The proposal will create additional employment.

At the time of writing the report comments have not been received from Barwell Parish Council.

## **Policy:-**

### National Policy Guidance

Planning Policy Guidance Note 15 - Planning and the Historic Environment sets out national planning policy in relation to listed buildings and conservation areas. It states that the character and appearance of Conservation Areas should be preserved and enhanced.

### Local Policy Guidance

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

## **Appraisal:-**

The main consideration with regards to this application is the impact on the character and appearance of the Conservation Area from the loss of the existing buildings on site. Concerns raised regarding the need for apartments and likely traffic impacts from potential redevelopment are relevant to the planning permission application and not to this Conservation Area consent application.

The frontage building has been altered through time with the addition of flat roofed extensions to the rear and the addition of render to the whole building. The original chimneys have been lost and the windows have been replaced with a mock Georgian design which detracts from the buildings heritage. Given these additions and alterations the building is not considered worthy of retention and its loss will not be detrimental to the character and appearance of the Conservation Area.

Policy BE8 requires proposals to be in place where buildings are to be demolished within the Conservation Area. The detailed planning permission application on this agenda proposes a replacement building of a similar dominance within the street scene positioned at the back of pavement. The proposed building replicates the fenestration of the demolished building but proposes more appropriate materials. The proposal also incorporates stone cills and headers and the reuse of slate from the demolished building for the roof. Given these design features, the proposed replacement is considered to enhance the character of the Conservation Area and therefore it is in accordance with Policy BE8.

The noise and disturbance from the demolition are considered to be temporary in nature and therefore do not warrant the refusal of the application. Construction parking can be controlled by condition. A further condition can ensure that a timetable of works is in place to ensure demolition is swiftly followed by construction to ensure the cleared site does not blight the Conservation Area.

The application is therefore recommended for approval subject to conditions.

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

### **Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

Having regard to the extensions and alterations that have occurred on the existing building, the proposals for its replacement, representations received and relevant provisions of the development plan, as summarised below, it is considered that the demolition of the building would not be detrimental to the character and appearance of the Conservation Area and would be in accordance with the development plan subject to compliance with the conditions attached to this consent.

### **Hinckley & Bosworth Borough Council Local Plan (2001) :- BE8**

- 1 The demolition hereby permitted shall not be undertaken before a contract for carrying out of the works of re-development of the site has been made and full planning permission has been granted for the re-development for which the contract provides.
- 2 For the period of the demolition of the buildings, vehicle parking facilities shall be provided within the site and all vehicles associated with the demolition shall be parked within the site.



- 3 Demolition shall not take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording. This work shall be conducted in accordance with a written scheme of investigation, which has been submitted and approved in writing by the Local Planning Authority.

**Reasons:-**

- 1 To comply with the requirements of Section 74 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 2 To ensure that adequate off-street parking provision is made to reduce the possibilities of the demolition of the site leading to on-street parking problems in the area during demolition to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 3 To ensure satisfactory recording of the building to comply with Policy BE8 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 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 web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 List of plans used in the determination of this application:-  
5625-121.P1 and 5625-430.P1

**Contact Officer:-** Philip Metcalfe Ext 5740

**Item:** 08

**Reference:** 08/01029/COU

**Applicant:** Sachkhand Nanak Dham

**Location:** Stretton House Watling Street Burbage Hinckley Leicestershire

**Proposal:** CHANGE OF USE OF EXISTING DWELLING HOUSE TO PLACE OF WORSHIP AND TEACHING, DAY CENTRE, LIVING ACCOMMODATION AND FORMATION OF PARKING AREA (RETROSPECTIVE APPLICATION)

**Introduction:-**

This application seeks retrospective full planning permission for a change of use of a dwelling to a place of worship and spiritual teaching incorporating a day centre together with

living accommodation. The application also includes the formation of a car parking area with 20 spaces within a grassed paddock. Stretton House lies in the countryside to the south of the A5 approximately 0.5 kilometres to the north west of junction 1 of the M69 motorway. It is a large five bedroom house with ancillary accommodation formerly known as Baileys Cottage providing further living accommodation and three additional bedrooms. The dwelling stands in extensive grounds of approximately 1.5 hectares comprising gardens, access and parking areas, outbuildings, paddock and woodland. The site contains a large number of trees that are subject to a Tree Preservation Order. The property also includes a field to the south of the dwelling and its gardens. Former single storey outbuildings adjacent to the dwelling have been converted into five separate dwellings known as Stretton Court, which share the vehicular access onto the A5 Trunk road.

A Design and Access Statement has been submitted in support of the application and explains that Sachkhand Nanak Dham is the spiritual umbrella of an international organisation Das Dharam, which was established in 1980 and now has over 1 million followers worldwide with existing spiritual centres throughout India and in the United Kingdom, Canada and the United States of America. Das Dharam practices the path of humanitarianism and has been established to provide spiritual, social and cultural awareness to mankind. The proposed change of use does not involve any structural alterations to the existing building. In general, the ground floor will be used for worship, teaching, kitchen, dining, utility, storage and toilet facilities. The first floor will continue to provide bedrooms and bathroom facilities. It is anticipated that only one or two bedrooms will be occupied on a regular basis, with the main bedroom being reserved for His Holiness when he visits the centre approximately 4-5 times per year with an average stay of 10 days. During such visits the number of people visiting the premises could amount to 150-200 and on such occasions a marquee will also be erected. Congregation will take place once per week between 13.00 and 16.00 hours on a Sunday and normally amount to around 40-45 people. In addition the applicants would like to open the property up as a day centre to provide spiritual, social and cultural services to the local community including spiritual teaching and discourse, yoga and language classes, music and meditation. On busier days, overspill parking would be provided within the grassed paddock area. The Statement concludes that such a change of use can take place without harming the amenities of neighbouring occupiers, the general character of the area or having adverse highway safety implications and meets the criteria of relevant policies in the adopted Local Plan and government guidance.

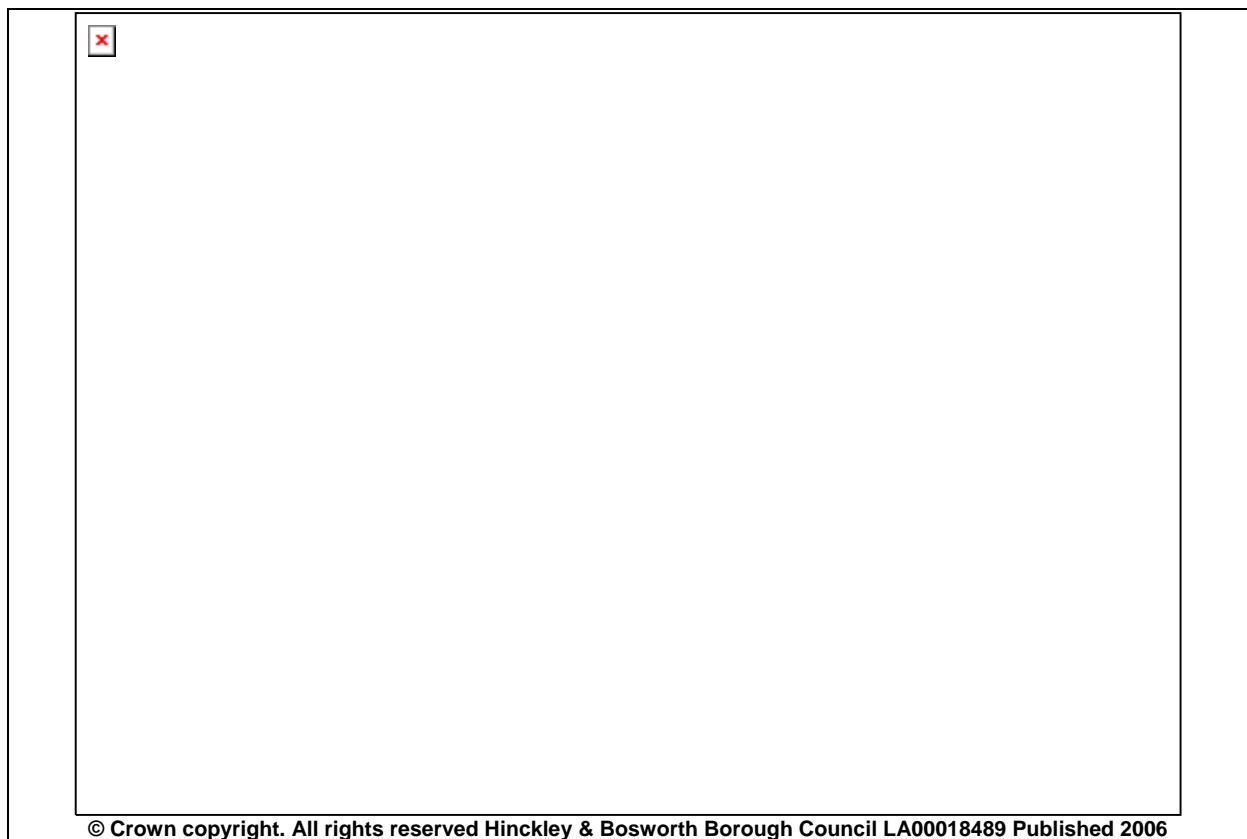
A Transport Statement has also been submitted in support of the application, which considers the transport and access implications of the change of use. The Statement concludes that a majority of the visitors would travel to the site by car but this would not be inherently unsustainable due to car occupancy rates and that there is an existing coherent network of foot and cycle paths in the area linking the site to Hinckley. The Statement also considers that the existing hard-bound access is wide enough for two cars to pass each other without blockage and has good visibility in both directions. As such, no improvements to the layout or geometry is required to accommodate the additional traffic generated by the use and there are no existing or emerging trends in the accident record to suggest that the intensification in use of this junction would have a material impact on the safe operation of the A5.

**History:-**

Temporary Stop Notice served 13th November 2008

08/00410/TPO	Raising of Crowns on 28 Lime Trees and 2 Cedar Trees	Approved	12.06.08
08/00139/UNUSE	Enforcement Case	Ongoing	

01/00037/TPO	Dead-wooding and Crown Balancing of 3 Sycamore Trees	Approved	08.02.01
01/00036/TPO	Dead-wooding and Crown Balancing of 3 Sycamore Trees	Approved	08.02.01
01/00035/TPO	Crown Reduction of One Sycamore	Approved	08.02.01
92/000897/4	Retention of Garage and Two Loose Boxes	Approved	16.11.92
90/00006/4	Use of Premises as Residential Old Peoples Home	Approved	20.03.90
84/01102/4	Change of Use from Single Dwelling to Residential Old Peoples Home	Approved	22.01.85
77/00672/4	Conversion of Existing House into 4 Self Contained Flats	Withdrawn	12.05.77



**Consultations:-**

No objection has been received from:-

Director of Community Services (Archaeology)  
Rugby Borough Council

Head of Corporate and Scrutiny Services (Green Spaces).

No objection subject to conditions has been received from Head of Community Services (Pollution).

Highways Agency directs that planning permission not be granted for an indefinite period of time as there are still unresolved transportation issues. No planning permission is to be granted until such time as further information is received and agreed to the satisfaction of the Highways Agency. The site entrance is substandard in both layout and visibility and no improvement to the access has been proposed. The Agency questions the contents of the submitted Transport Assessment in terms of there being no increase in the use of the access as a result of the development as there is evidence to the contrary with traffic queuing on the A5.

Environment Agency objects to the development as submitted because it involves the use of an existing septic tank for the disposal of foul drainage but no assessment of the risks of pollution to the water environment have been provided by the applicant. The existing septic tank has been in use since 1912 and no evidence has been provided as to its current state of repair or whether it has available capacity to deal with the increase in flow and loading which will occur as a result of the proposed development. The location of the septic tank is such that it cannot regularly be de-sludged and access is dependent on third party permission and prevailing ground conditions.

Burbage Parish Council objects to the development on the following grounds:-

- a) significantly detrimental to amenities of nearby occupiers in respect of privacy, noise, disturbance, light, emissions, hours of use and vehicular activity
- b) out of keeping with the character and appearance of the site
- c) overdevelopment of the site
- d) access to the site is totally unsuitable, inadequate and hazardous
- e) protected trees have already been damaged
- f) the septic tank/drainage facilities are unsuitable for the use of the building by large numbers of people
- g) statements within the Design Statement have been ignored by the applicant.

Head of Community Services (Land Drainage) recommends that the planning decision be deferred pending proposals for a suitable sewage treatment plant or other means of disposal as the shared septic tank was originally designed for three domestic dwellings and the greatly increased potential of discharge of waste water will render it inappropriate for its new duty. Any septic tank proposal requires the consent of the Environment Agency and must comply with their conditions. Access drives, parking and turning areas should be constructed in a pervious paving system, with or without attenuation storage, depending upon the ground strata permeability.

Site notice displayed and neighbours notified, 21 letters of objection have been received including a joint submission from The Stretton Court Community raising the following concerns:-

- a) detrimental impact on amenity of neighbouring dwellings in terms of increases in noise, disturbance, traffic congestion, use of industrial floodlighting and also smells from the use of the kitchen for catering for the numbers of visitors involved
- b) detrimental impact on the character and appearance of this peaceful rural site
- c) inadequate foul water drainage system to cope with the proposed use
- d) inadequate access to the site for traffic numbers involved in terms of width and visibility particularly as traffic speeds on the A5 Trunk Road are high

- e) inaccurate and misleading information and plans submitted within the application in terms of the activities and the numbers of people visiting the site, the numbers who stay at the site overnight, width of access off A5 Trunk Road
- f) inaccurate information submitted within the Transport Assessment
- g) larger functions cause chaos on the A5 Trunk Road and will lead to an increase in road traffic accidents
- h) use of paddock for parking spreads mud onto the A5 and damages the visual amenities of the site
- i) detrimental to the ecology of the site and surrounding area
- j) health and safety issues
- k) overdevelopment
- l) unsociable hours of use
- m) does not benefit the local community
- n) loss and damage to protected trees
- o) land ownership/covenant issues
- p) detrimental impact on property values

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

Director of Highways, Transportation and Waste Management (Highways)  
Severn Trent Water.

### **Policy:-**

#### Central Government Guidance

Planning Policy Statement 1 (Delivering Sustainable Development) in Paragraph 14 states that the Government is committed to developing strong, vibrant and sustainable communities and to promoting community cohesion in both urban and rural areas. This means meeting the diverse needs of all people in existing and future communities, promoting personal well-being, social cohesion and inclusion and creating equal opportunity for all citizens. Paragraph 16 states that development plans should promote development that creates socially inclusive communities and take into account the needs of all the community, including particular requirements relating to age, sex, ethnic background, religion, disability or income. Paragraph 20 states that development plan policies should take account of environmental issues such as: the protection of groundwater from contamination; and noise and light pollution; the protection of the wider countryside and the impact of development on landscape quality; and the conservation and enhancement of wildlife habitats.

Planning Policy Statement 7 (Sustainable Development in Rural Areas) outlines the Government's objectives for rural areas, which include (i) raising the quality of life and the environment through the promotion of inclusive and sustainable communities; sustainable development that respects the intrinsic qualities of the countryside; and continued protection of the countryside for the benefit of all; and (ii) promoting more sustainable patterns of development focussing most development in or next to existing towns and villages. Paragraph 1 states that decisions on development proposals should be based on sustainable development principles, ensuring an integrated approach to the consideration of social inclusion and effective protection of the environment. Accessibility should be a key consideration in all development decisions and most developments, which are likely to generate large numbers of trips, should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling. All development in rural areas should be well-designed and inclusive, in keeping and scale with its location and sensitive to the character of the countryside and local distinctiveness. Paragraph 17 supports the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Paragraph 18

supports the re-use of existing buildings that are adjacent or closely related to country towns and villages for economic or community uses.

DETR Circular 03/99 advises that full and detailed consideration be given to the environmental criteria listed within Annex A of the Circular in order to justify the use of non-mains drainage facilities. These include public health hazard or nuisance, damage to controlled waters, environment and amenity.

### Local Plan Policy

The site is located outside the settlement boundary of Burbage as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 seeks to secure attractive development and to safeguard and enhance the existing environment. Planning permission will be granted where the development complements or enhances the character of the surrounding area; avoids the loss of open spaces, vegetation and features which contribute to the quality of the local environment; has regard to the safety and security of both individuals and property; to which the general public would have access, has regard to the needs of wheelchair users, other people with disabilities, elderly people and those with young children; ensures adequate highway visibility for road users and adequate provision for off street parking for residents and visitors together with turning facilities and does not adversely affect the occupiers of neighbouring properties.

Policy BE26 states that planning permission will be granted for development which, incorporates a lighting scheme provided that the proposal would not unacceptably: create a nuisance to nearby residents and/or road users in terms of glare; create light spillage or unnecessarily high levels of light; or affect the character or appearance of the area.

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 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 NE14 states that planning permission will not be granted for development proposals which will adversely affect the water quality and ecology of watercourses and groundwater resources unless satisfactory arrangements are made for the disposal of foul sewage and surface water.

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 regards to this application are the principle of development, the impact of the development upon highway safety, the amenities of neighbouring properties and the character and appearance of the area and the disposal of foul water from the site.

### Principle of Development

Both government guidance (in PPS7) and policy NE5 of the adopted Local Plan support the reuse or change of use of suitable existing buildings within rural locations subject to a number of other criteria being met. However, in this case, the activities being carried out at

the property, particularly the larger events, generate an excessive number of visitors and traffic to the site which leads to highway safety issues on the busy A5 Trunk Road, has a detrimental impact on the amenities of neighbouring dwellings and raises concerns in respect of the disposal of foul water from the site which is connected to a system that is unlikely to be able to cope with the increased use of the system.

### Highway Safety Issues

The site is accessed directly off the A5 Trunk Road from an area known as Stretton bends. The Highways Agency states that the access is substandard in terms of its layout and visibility. Contrary to the plans submitted and the conclusions of the Transport Assessment the access is not wide enough to allow two cars to pass each other, being single lane with passing places between the protected trees that line the access. This has led to traffic queuing on the A5 Trunk Road and raises significant concerns regarding the generation of traffic movements to and from the site and highway safety. In addition, the Highways Agency is not satisfied by the contents of the Transport Assessment, which concludes that no improvements to the existing access are necessary as the proposed development is unlikely to lead to an increase in traffic using the access. There is evidence to the contrary from neighbours and other third parties who have reported queuing traffic on the A5 and provided photographs of large numbers of vehicles parked within the site on the paddock area and access road. As a result, the Highways Agency has issued a holding direction that planning permission is not granted for an indefinite period of time and until further information is submitted by the applicants that resolve the transportation issues to the satisfaction of the Local Planning Authority and Highways Agency.

### Impact on Neighbours Amenities

The generation of large numbers of visitors and traffic to the site has had a detrimental impact on the amenities of the occupiers of nearby properties, particularly those who live immediately adjacent to Stretton House in Stretton Court and share the access. In addition to traffic congestion and parking issues, events held at Stretton House have led to noise and disturbance from the sheer numbers of visitors, the use of loudspeakers, music, singing, fireworks and floodlighting at unreasonable hours. The use of the kitchen immediately adjacent to Stretton Court to cater for the number of people visiting the site also creates noise and disturbance along with food smells from the extractor units throughout the day.

### Impact upon the Character of the Area

The property is a large detached dwelling and annex with a total of 8 bedrooms set within large grounds and is well screened from the highway by fencing and mature landscaping including a large number of trees that are subject to a Tree Preservation Order. No significant changes are proposed to the external appearance of the dwelling, and apart from the construction of a large car parking area within one of the paddocks, the curtilage is to be maintained as gardens, paddocks and woodland. In such respects the property would maintain the visual appearance of a large family house for much of the time and it could be argued that the proposed development would not therefore have any significant impact upon the appearance or character of the area. However, when events are held, the character and appearance of the area changes significantly and detracts from the rural character and appearance of the site.

### Drainage

Stretton House uses non-mains drainage in the form of a shared septic tank that services four properties. The septic tank has been in use since 1912 and is located at some distance on third party land within an agricultural field used for growing crops. Access to the septic

tank is therefore subject to third party control and can only be obtained prior to crop growth in the spring and even then is dependant upon prevailing ground conditions to allow the tanker to safely access the site. The significant increase in the numbers of people using the septic tank has raised concerns from the other users of the septic tank who are worried that it will become full prior to being able to be emptied. No evidence has been provided as to the current state of repair of the septic tank or whether it has available capacity to deal with the increase in flow and loading which will occur as a result of the development. The Environment Agency has objected to the application because it does not provide a satisfactory assessment of the risks of pollution to the water environment. Such an assessment should take into account whether the proposed arrangements and the associated effluent disposal system is likely to lead to a risk to public health, damage controlled waters, damage the environment and amenity or overload the existing capacity of the area.

### Other Issues

The Head of Corporate and Scrutiny Services (Green Spaces) has confirmed that the construction of the parking area within the paddock to the east of the house is far enough away from the double avenue of Lime trees included within the Tree Preservation Order, for excavation not to affect them as long as any spoil from excavation is not relocated under the canopies. The parking area is to be surfaced in porous materials and will allow natural drainage to the root systems. In respect of this issue had not been received and will be reported as a late item. Land ownership/legal covenants and property values are not material planning considerations.

### Conclusion

Whilst the re-use or change of use of suitably located and constructed buildings within the countryside is usually acceptable in principle, the use of Stretton House for these purposes appears to have been detrimental to highway safety from the use of an inadequate access to serve the numbers of visitors to the site and has been detrimental to the amenities of the occupiers of neighbouring dwellings through noise, disturbance and general nuisance. In addition, there is insufficient information submitted with the application to properly address concerns regarding the disposal of foul water drainage from the site and to provide a satisfactory assessment of the risks of pollution to the water environment.

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

### **Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

#### **Reasons:-**

- 1 In the opinion of the Local Planning Authority the development involves the use of an access that is substandard in terms of its width, layout and visibility and the applicant has failed to demonstrate that the proposal will not lead to an increase in the intensity of use of the access to the detriment of the free flow of through traffic on the A5 Trunk Road and to general highway safety resulting from traffic entering and emerging from the application site. It is therefore contrary to government guidance in Planning Policy Statement 1, Planning Policy Statement 7 and to Policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's highway design guidance, 'Highways, Transportation and Development'.
- 2 In the opinion of the Local Planning Authority the development is detrimental to the privacy and amenities of the occupiers of neighbouring properties by virtue of noise



disturbance and general nuisance resulting from the activities at the site and the significant numbers of visitors and comings and goings to and from the site, and is therefore contrary to Policies BE1 and BE26 of the adopted Hinckley and Bosworth Local Plan.

- 3 In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the existing non-mains foul water drainage facilities have sufficient capacity to deal with the increase in flow and loading which will occur as a result of the use and insufficient information has been provided to form the basis of an assessment of the risks of pollution to the water environment. The development is therefore contrary to government guidance in Planning Policy Statement 1, Planning Policy Statement 7, DETR Circular 03/99 and Policies BE1, NE14 of the adopted Hinckley and Bosworth Local Plan.

**Note to Applicant:-**

- 1 List of Plans used in the determination of this application:- P08.585.01- P08.585.08 inclusive and Drg No. 12107/1.

**Contact Officer:-** Richard Wright Ext 5894

**Item: 09**

**Reference: 08/01035/GDOT**

**Applicant: Vodafone Ltd**

**Location: Boyslade Road Burbage Leicestershire**

**Proposal: ERECTION OF TELECOMMUNICATIONS MAST**

**Introduction:-**

This is an application for prior approval of the siting and appearance for a 10 metre telecommunications mast on land at Boyslade Road, Burbage.

It is proposed to erect the mast on the grass verge located to the east of the garden of number 2 Twycross Road and opposite the west elevation of The Galaxy public house. The proposal also includes the installation of an equipment cabin which would be located to the north west of the mast.

The application site consists of a grass verge that contains three equipment cabins serving cable television and an existing telecommunications cabin. The site to the east is residential with housing facing the main distributor roads and gardens backing on to each other. The Galaxy public house and associated parking is located to the west of the site with a local shopping centre with residential accommodation above, to the north.

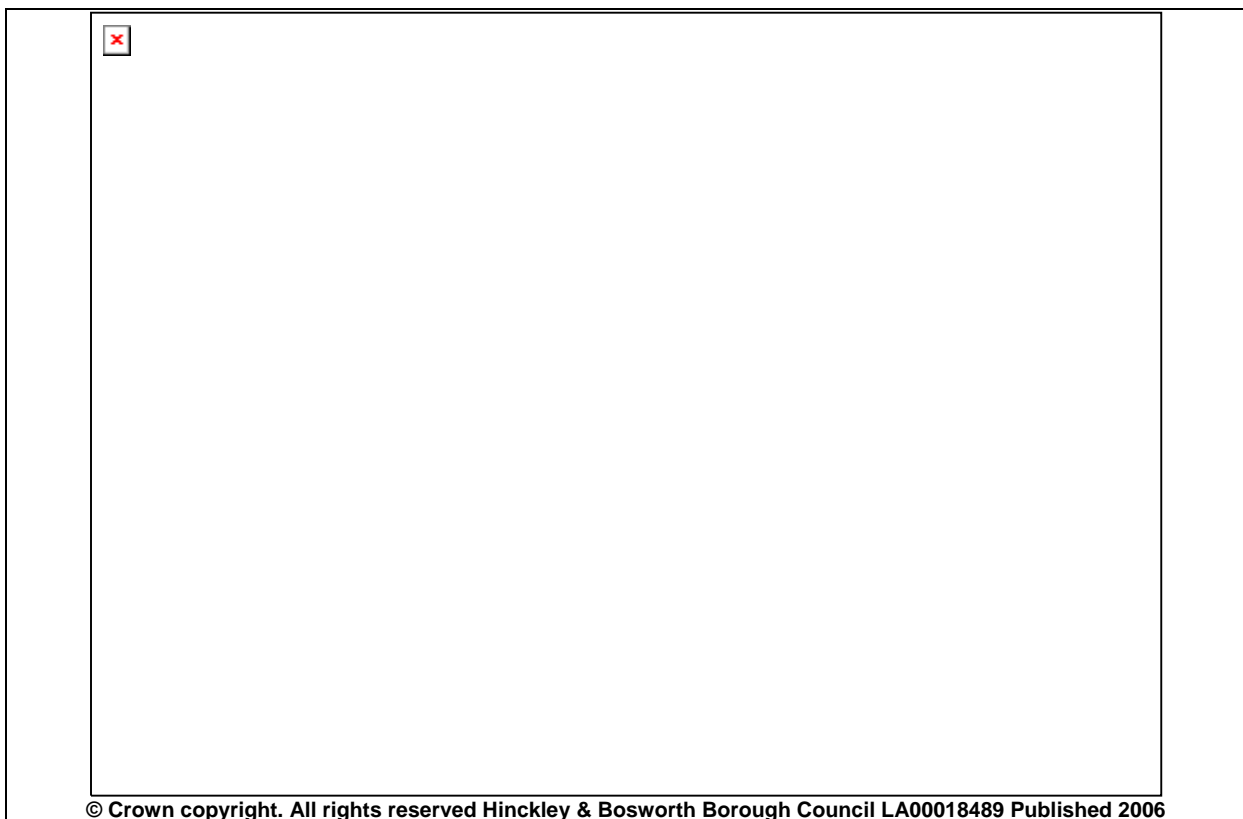
The following documents have been submitted in support of the application:-

- a) Health and mobile phone base stations- provides a summary of research undertaken regarding the health implications of mobile base stations.

- b) General background information on radio network development for planning applications- History of mobile technology and reasons why more masts are required including government policy.
- c) Vodafone supporting technical information provides data on the existing level of coverage and the anticipated coverage should the proposal go ahead
- d) Site specific supplementary information- provides details of pre-application consultations undertaken, other sites investigated and reasons why they were disregarded and policy considerations.
- e) ICNIRP certificate which declares that the mast conforms with the ICNIRP Public Exposure Guidelines.

**History:-**

None relevant



**Consultations:-**

No objection has been received from:-  
Director of Highways, Transportation and waste Management (Highways)  
Director of Community Services (Ecology).

Site notice and Press notice were displayed and neighbours notified.

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

- a) Close to adjacent properties that house young families.
- b) Masts should not be sited near schools or elderly persons homes according to the Governments Stewart report.

- c) Would have a negative affect on the health of surrounding residents
- d) Should be sited in the countryside away from elderly peoples homes.
- e) Detrimental effect on house values

### **Policy:-**

#### Central Government Guidance

Planning Policy Statement (PPS) 1 Delivering Sustainable Development- Outlines the Governments role for the planning system in delivering sustainable development and creating inclusive and well designed neighbourhoods.

Planning Policy Guidance Note (PPG) 8 Telecommunications gives guidance on planning for telecommunications development - including radio masts and towers, antennas of all kinds, radio equipment housing, public call boxes, cabinets, poles and overhead wires.

#### Local Plan Policy

The site falls within the Burbage Settlement Boundary as defined by the adopted Hinckley and Bosworth Local Plan.

Policy BE1 seeks to safeguard and enhance the existing environment by permitting development that complements or enhances the character of the surrounding area.

#### Other material policy guidance

Burbage Village Design Statement- sets out the principles design features and quality standards that should be adopted by those seeking permission to undertake development in Burbage.

### **Appraisal:-**

The main issues for consideration are the effect of the siting and appearance of the proposed mast and antenna on the street scene and the local area.

PPG 8 states that it is the Government's policy to facilitate growth of new and existing telecommunications to ensure people have a choice and range of services and service providers, whilst keeping the environmental impact to a minimum.

The applicant has provided information demonstrating a lack of 3G coverage in the centre of Burbage and a list of other sites that have been investigated along with the reasons why they were discarded. It is accepted that there is a requirement for additional mobile coverage in the area. However, PPG 8 also considers that protection from visual intrusion on the surrounding environment is a material consideration.

The area around the application site consists of two storey semi detached dwellings set slightly back from the road with grass verges separating the private amenity areas from the public highway. The commercial units are higher but still maintain the overall impression of a low density residential estate. There is very little vegetation in the area to break up the urban form and little street furniture. The proposed mast would be highly visible and prominent within the landscape. Its siting, at the end of the run of gardens in full view of a number of properties is considered intrusive to those properties and therefore the proposal fails to safeguard or enhance the character of the surrounding area as required by policy BE1 of the Hinckley and Bosworth adopted Local Plan.

Whilst the area is not of special importance it does have a character derived from the form and scale of development and it is considered that the mast would appear incongruous within the landscape due to its prominence. Although the area is of limited architectural merit it does not justify approving a mast in this location.

An application in 2005 for a single 15m telecommunication mast on land off Normandy Way, Hinckley was refused and subsequently granted planning permission at appeal. The Inspector within his report considered the repetitive pattern created by the lamp posts and the position of the mast in relation to these would continue this rhythm. However, the Inspector did have regard to the proximity of the nearest dwellings, located 65 metres from the mast with vegetation between the mast and the dwellings.

The mast, now under consideration is lower than that approved at the appeal, however the character of the area is significantly different. The street lamps are shorter than those on Normandy Way and the mast would not be evenly spaced between them resulting in a break in the rhythm they create, even though there are other street structures such as the sign to the pub, a post with a floodlight on it and telegraph poles further up the street. Residential properties are located significantly closer to the proposed mast with the nearest sited 26m away with no vegetation or features which would obstruct the view of the mast from neighbouring properties. Having regard to the Inspectors reasons and decision, on the previous application, it is considered that the current application would have a significant worse affect on the character and appearance of Boyslade Road especially when viewed from surrounding residential properties.

Objections have been received on the grounds of harm to the health of nearby residents. A ICNIRP declaration has been submitted and therefore in accordance with Guidance from Central Government, it is not the role of the Local Planning Authority to assess the potential harm to public health when determining application for telecommunication masts.

Whilst consideration has been given to the need for coverage in this area, in this instance this does not outweigh the harm the siting and appearance of the mast would have on the street scene in this location and therefore it is recommended that the application be refused.

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

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

**Reasons:-**

- 1 In the opinion of the Local Planning Authority the proposed telecommunications mast and equipment is considered out of character with the street scene and therefore will have a detrimental effect on the appearance of the area generally. The proposed development is therefore contrary to policy BE1 of the adopted Hinckley and Bosworth Local Plan, and the provisions of Planning Policy Guidance Note 8.

**Note to Applicants:-**

- 1 List of plans used in the determination of this application:-  
35755/F/001, 35755/F/002, and 35755/F/003, 35755/F/04

**Contact Officer:-** Sarah Humphries Ext 5680

**Item:** 10

**Reference:** 08/01039/FUL

**Applicant:** Twycross Zoological Park

**Location:** Twycross Zoological Park Burton Road Norton Juxta Twycross  
Atherstone Leicestershire

**Proposal:** NEW VISITOR WELCOME CENTRE AND ASSOCIATED EXTERNAL  
WORKS

**Introduction:-**

This application seeks the erection of a new visitor welcome centre with associated works and parking at Twycross Zoo. The site of the zoo measures approximately 40 hectares and is located to the south of Burton Road (A444) and to the east of Orton Hill, bounded on all sides by agricultural land. To the southwest lies Orton House Farm, to the west lies Spinney Farm and to the north lies Norton House Farm. The village of Norton Juxta Twycross lies approximately 500 metres north of the site.

Members may recall a similar application was reported to Planning Committee in July 2007 and subsequently approved. However due to unforeseen circumstances around the funding for the project, it has been necessary for the scheme to be re-designed. The main changes in the re-designed scheme are: a reduction in floor area by 350 sq metres; relocation of ticket booths; the internal road layout has been altered to divert traffic away from the front of the visitor centre; the previously designed concrete structure is now proposed as a lightweight frame and roof impacting on foundation works; revolving entrance doors have been replaced with sliding doors; alterations to the proposed heating and cooling system; and 2 plant rooms partly underground altered to one plant room with no underground sections. The physical appearance of the building will be almost the same as originally approved, however the overall height is reduced from 12.2 metres to 10.8 metres. Whilst the applicant's are still striving to develop a BREEAM 'excellent' rating for the building the alterations may down grade this to a BREEAM 'very good' rating.

The application site itself is an irregular shape and comprises an area that is currently used for parking and ticketing. The proposed visitor welcome centre is located to the south-east of the vehicular access off the A444 and measures approximately 2,800 square metres. The visitor centre will provide, through the building, entrance to the zoo. It will house a 300 seat restaurant with associated kitchens, a themed gift shop, a function room, male and female toilets, plant rooms and staff canteen.

The building will take the same form as that already approved, an earth mound with a sedum roof, together with landscape works including large areas of water and streams around the building with entrances and exits dug into the mound and surrounded by dry stone walls, rocks and boulders. Externally, but remaining part of the exhibit, to the north-east corner is a landscaped waders exhibit and to the south is a snow leopards exhibit which has a glazed wall to the restaurant and spans the entire southern elevation with animal pens provided to the south east.

It is proposed to alter the access to the site, under a separate application. The existing external areas will be remodelled to provide new vehicle entrance routes with separated bus/coach and car zones across the existing car park area. There will be covered bicycle parking for visitors and staff arriving by bicycle.

Virtually no visitors arrive at the Zoo on foot due to the lack of pavements along the A444. Pedestrian movement within the site will be aided by a passenger train which will be available to both pick up and drop off visitors to the car parks. To aid pedestrian safety, speed restrictions and speed ramps will be installed on the main spinal road. The main entrance to the visitor centre is central to the building frontage which faces the A444. The pay kiosks are located to the west of the building providing ample space for queuing without causing safety issues to the front of the building or congestion within the building itself.

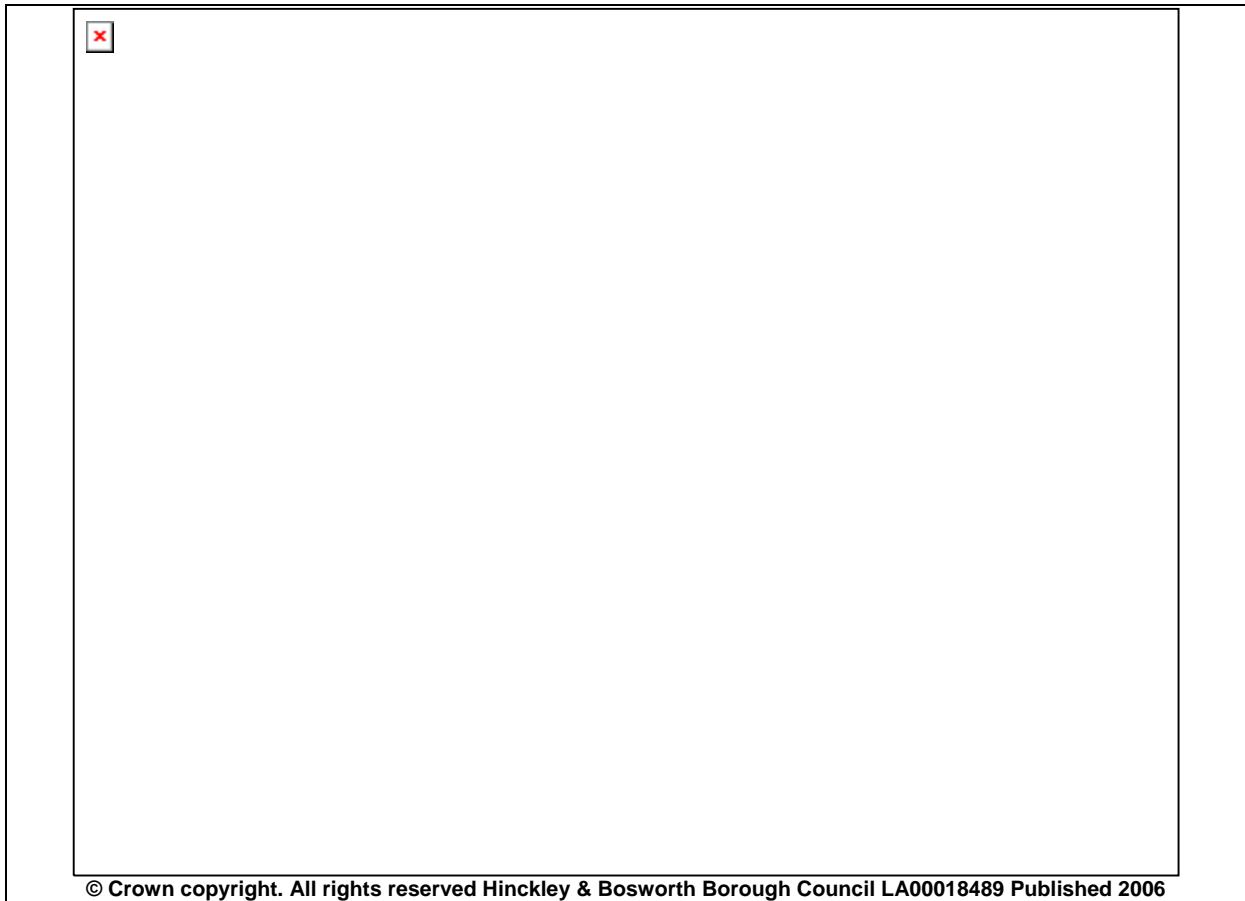
Lighting is proposed around the new entrance and external areas of the building. The aim of the external lighting is to light key areas of the building to enable visitors to safely park and walk to the main entrance of the building or function room. Only a small area of car parking will be lit with column heights proposed at 8 metres which is the optimum height to maximise light distribution whilst keeping within the scale of the surrounding site. Lighting will not be left on overnight. It is proposed to install CCTV to the area to the front of the building and the main car parks.

Information submitted in support of the application includes a design and access statement, a Phase 1 Habitat and Protected Species Survey and a Green Travel Plan. The design statement identifies the need to improve existing facilities at the zoo and discusses, amongst other things, the design objectives. It further states that whilst the re-design has reduced the sustainable elements of the building it is likely that the design of the building will achieve at least a BREEAM 'very good' rating. The Habitat and Protected Species Survey concludes that the site has negligible ecological value and that the proposals are unlikely to affect any species of nature conservation concern. It does however recognise that any trees to be removed should be done so outside the main bird nesting season and that any active nests found would need to be left undisturbed until they cease to be used.

### **History:-**

Between 1981 and 2007 permission has been granted for a variety of additional buildings including a gift shop, play barn, educational building, chimpanzee house, gorilla house, gibbon enclosure, toilet block and flamingo house.

08/00926/FUL	Open fronted viewing area and roof covered viewing shelter	Approved	13.11.08
08/00924/CONDIT	Variation of Condition 9 attached to planning permission 07/00502 re: opening hours	Approved	13.11.08
08/00167/FUL	Creation of Wetland Area	Approved	24.04.08
07/00502/FUL	Erection of new visitor centre with associated works and parking	Approved	04.07.07



**Consultations:-**

No objection has been received from Severn Trent Water

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

The Director of Community Services (Ecology) states that records show that Peregrine Falcon and Hobby have been recorded in the area but that no designated sites of ecological importance will be affected by the proposed works. As the application proposes to remove trees it is recommended that, for any trees that are mature or have hollow cavities and/or are covered in ivy, surveys cited under Trigger D of the new Protected Species Decisions for Development Control be followed. It is recommended that any new tree and hedgerow planting be native and found locally to be the greatest benefit to local wildlife. Furthermore new hedgerows should be planted with a minimum of 7 woody species per 30m and should be planted in a double staggered line.

The Leicestershire Constabulary Crime Reduction Officer raises no objection but comments that the proposed CCTV scheme should be submitted for consideration against the current systems; light levels should comply with British Standards; the applicant should be encouraged to apply for Park Mark certification and more justification should be given to how the features mentioned impact and design out potential criminal activity.

The Cyclists' Touring Club considers that the applicants should be required to consider and submit a Green Travel Plan and improve provision for cyclists.

Site notice and Press notice were displayed and neighbours notified.

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

Director of Highways, Transportation and Waste Management (Highways)  
Director of Community Services (Minerals)  
Director of Community Services (Planning)  
Director of Community Services (Archaeology)  
Environment Agency  
Ramblers Association  
Twycross Parish Council  
Neighbours.

### **Policy:-**

#### National Policy Guidance

The Good Practice Guide on Planning for Tourism produced by the Department for Communities and Local Government in May 2006 outlines the importance of tourism and suggests that it is crucial that the planning system takes a pro-active approach in facilitating and promoting good quality development, thereby maximising valuable economic, social and environmental benefits. It goes on to state that these benefits should be achieved in the most sustainable manner possible.

#### Regional Policy Guidance

The Regional Spatial Strategy for the East Midlands (RSS8) 2005 through Policy 25 makes provision for improvements in the quality of existing tourism facilities and services.

The Draft East Midlands Regional Plan (RSS8) 2006 through Policy 24 makes provision for improvements in the quality of existing tourism facilities and services.

#### Local Policy Guidance

The site lies outside any settlement boundary in an area identified as countryside in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 of the Local Plan 'Design and Siting of Development' states that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area; where they incorporate design features which reduce energy consumption, encourage recycling and minimise the impact on the local environment; where they ensure adequate highway visibility and parking standards; where they do not adversely affect the amenities of neighbouring properties; where they incorporate landscaping to a high standard; and where they would not be prejudicial to comprehensive development of a larger area of land which the development forms part.

Policy NE5 of the Local Plan 'Development in the Countryside' seeks to protect the countryside 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; is for the change of use, re-use or extension of existing buildings; or for sport or recreation purposes; and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of 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 NE12 requires development to take into account the existing landscaping features of the site and make provision for further landscaping where appropriate.



Policy T5 of the Local Plan refers to the application of appropriate standards for highway design and parking provision for new development.

### **Appraisal:-**

The main considerations with regards to this application are the principle of development, siting and design, highways, landscape and opening hours.

#### Principle of development

Whilst the principle of a new visitor centre at Twycross Zoo has already been accepted it is important to recognise the Good Practice Guide on Planning for Tourism which acknowledges that existing major visitor attractions play an important role in attracting visitors to an area; and the necessity to consider positively any proposals for expansion of these facilities where sites are located in the open countryside. Policy NE5 of the adopted Local Plan stipulates that the countryside will be protected for its own sake and development in such areas must adhere to strict criteria. It is considered that the principle of development is acceptable; subject to the detailed consideration of the siting and design of the proposal to ensure there is no adverse effect on the appearance or character of the landscape.

#### Siting and Design

The application proposes a substantial structure measuring approximately 10.8 metres high. The building sits some 75 metres from the nearest site boundary where significant mature trees provide dense screening. The building has been designed as an earth mound with a sedum roof to further aid its assimilation with its surroundings, as well as providing a nature habitat. The top 2.8 metres of the building comprise a glass structure, which is integral to providing natural light and ventilation to the building. As this element is clear glass it is likely to be barely visible when viewed from some distance away. The proposed building will be some 400 metres from the nearest neighbouring farm, and given the level of screening on site this relationship is considered acceptable. The design is similar to that approved in 2007 which is considered to be of a high quality that strikes an appropriate balance between providing a unique landmark building within the setting of the zoo without adversely affecting the character or appearance of the wider landscape.

The Leicestershire Constabulary Crime Reduction Officer made comments referring specifically to the provision of CCTV and lighting. Correspondence has been received, following a site meeting, from the Market Bosworth Police confirming that proposed plans for CCTV linked to the proposed building are acceptable. The applicant's agent has also confirmed that the contractors will be designing the lighting for the car park to accord with the recommended British Standards.

#### Highways

At the time of writing this report comments have not been received from the Director of Highways, Transportation and Waste Management (Highways). However, during consideration of the 2007 application the Highway Authority agreed that the proposal was unlikely to give rise to a material increase in the use of the site. Notwithstanding this there was concern over visibility at the existing access point and a note to applicant on the planning permission highlighted this concern and suggested that future proposals should seek to improve the access to the site. In line with this recommendation the applicant has submitted a separate proposal under reference 08/01042/FUL to make improvements to the junction.

The Cyclists Touring Club have requested that Highways consider the need for a Green Travel Plan which has now been submitted, comments are awaited from the Highway Authority with regards to this.

### Landscape and Ecology

There are a number of trees in the location of the new building. However the building has been sited to retain the largest of the trees. It is proposed that the smaller trees affected by the proposal will be root balled and relocated to other parts of the site. This is considered an acceptable approach.

Initial comments by the Director of Community Services (Ecology) request a survey for any mature trees or trees with hollow cavities and/or covered in ivy that are to be removed. The ecological survey submitted as part of the application has been forwarded to the Director of Community Services (Ecology) for further comments. It was also suggested by the Director of Community Services (Ecology) that any new trees or hedgerow should be native and found locally, such details can be requested by condition.

### Opening Hours

The opening hours proposed are in line with those approved under planning reference 08/00924/CONDIT being between the hours of 6.00am and midnight daily with no restriction for staff. These hours are considered acceptable in order to allow the visitor centre and business to function successfully which is an important aspect of the Borough Council's tourism portfolio.

### Conclusion

The application proposes a well designed building within an area designated as countryside. National guidance supports such proposals acknowledging the importance of such schemes to the local economy and tourism. The design of the building and the existing landscaping will ensure the building does not adversely impact on the character and appearance of the existing landscape. The proposal is considered to be sympathetic to the surrounding area and is therefore considered 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 by virtue of proposing a well designed building that assimilates with the surrounding area ensuring there is no adverse impact on the character of the surrounding landscape; not giving rise to any highway safety issues; and enhancing an existing visitor attraction maximising valuable economic, social and environmental benefits.

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

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

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

- 3 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - (i) proposed finished levels or contours
  - (ii) means of enclosure
  - (iii) hard surfacing materials
  - (iv) planting plans
  - (v) written specifications
  - (vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
  - (vii) implementation programme.
- 4 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 5 The premises shall only be open to the public between the hours of 06:00 to 00:00 daily with no restriction for staff.
- 6 Before any development is commenced on the site, including site works of any description, each of the trees (indicated by number on the attached plan) shall be securely fenced off by protective fencing on a scaffolding framework in accordance with B. S. 5837 erected in a circle round each tree at a radius from the bole of 3 metres or to coincide with the extremity of the canopy of the tree, whichever is the greater. Within the areas so fenced off, the existing ground level shall be neither raised or lowered, (except as may be approved by the Local Planning Authority as part of the development) and no materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.
- 7 None of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.
- 8 This permission relates to the application as revised by amended plans 11986:103-rev B; 11986:104-rev B; 11986:105-rev B; 11986:106-rev B; 11986:107-rev B; 11986:109-rev B; 11986:110-rev B; 11986:111-rev B; 11986:401-rev L; and 11986:408-rev B received by the Local Planning Authority on 19 November 2008.
- 9 This permission relates to the additional plans drawing numbers 2008/018-Sk18-rev A and 2008/018-Sk19-rev A received by the Local Planning Authority on 11 November

2008 and drawing numbers 11986:108-rev B; 11986:116-rev A; 2008/018-30; 2008/018-31; 2008/018-32; 2008/018-33; 2008/018-35; and 2008/018-36 received by the Local Planning Authority on 19 November 2008.

- 10 The removal of any trees shall be carried out in accordance with the recommendations in Section 7 of the Extended Phase 1 Habitat and Protected Species Survey dated November 2008 and received by the Local Planning Authority on 24 November 2008.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 3 To enhance the appearance of the development to accord with policy BE1, NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 6 There are existing mature trees on this site and this condition is necessary to ensure that proper steps are taken to safeguard the trees during the course of the development in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure the existing trees on site are retained and protected in the interests of visual amenity to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 8 & 9 To define the permission.
- 10 In order to ensure protection of wild birds, their nests or their eggs which are protected under the Wildlife and Countryside Act 1981.

**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 web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

- 4 List of plans used in the determination of this application :- 1:2500 location plan; 1/8 rev J; 2/8 rev B; 3/8 rev D; 4/8 rev D; 5/8 rev D; 6/8 rev C; 7/8 rev A; 8/8 rev B; 11986:101-24.10.08; 11986:102-12.10.08; 2000-036/E/501; 200-036/E/502; 11986:103-rev B; 11986:104-rev B; 11986:105-rev B; 11986:106-rev B; 11986:107-rev B; 11986:109-rev B; 11986:110-rev B; 11986:111-rev B; 11986:401-rev L; 11986:408-rev B; 2008/018-Sk18-rev A and 2008/018-Sk19-rev A ; 11986:108-rev B; 11986:116-rev A; 2008/018-30; 2008/018-31; 2008/018-32; 2008/018-33; 2008/018-35; 2008/018-36.

**Contact Officer:-** Tracy Miller Ext 5809

**Item:** 11

**Reference:** 08/01041/REM

**Applicant:** Mr And Mrs Spencer

**Location:** 3 The Rookery Groby Leicester Leicestershire LE6 0GP

**Proposal:** ERECTION OF BUNGALOW, DOUBLE GARAGE AND COVERED GATE HOUSE (RESERVED MATTERS)

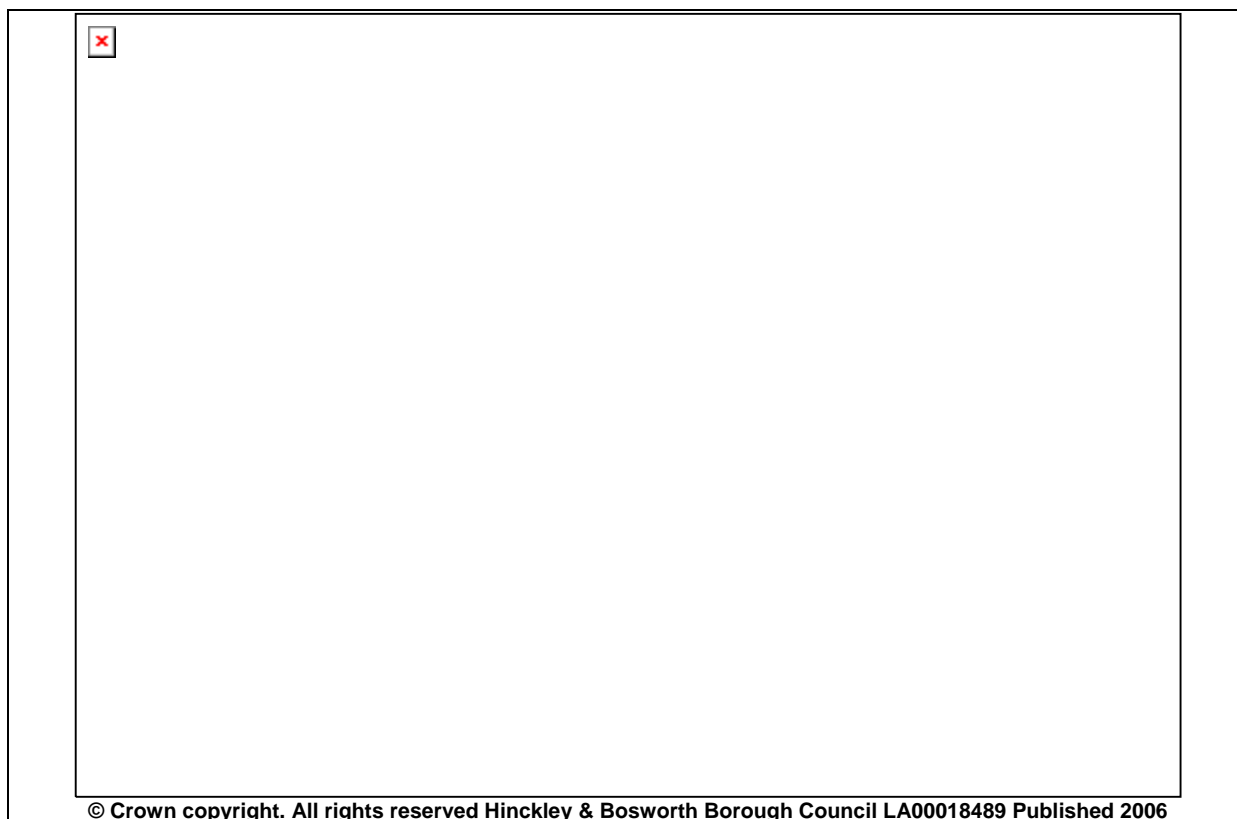
**Introduction:-**

This reserved matters application is for the erection of a single three-bedroomed bungalow, detached double garage and a covered gatehouse on land to the rear of a two storey detached property. This property originally comprised two dwellings, but these have since been amalgamated into a single larger house. The site is close to the centre of Groby and is surrounded by both single and two storey properties on Leicester Road, Pymm Ley Gardens, Rookery Lane and The Rookery. The plot is substantial, having an area of approximately 900 square metres, and is bounded by a mix of hedges, trees, and fences of different height and structure. There is a Tree Preservation Order on an oak tree close to the rear (south-western) boundary of the site. The approved means of access is via the existing access to the property.

The Design and Access Statement submitted indicates that the scheme has been designed to provide a simple but attractive appearance, incorporating features of the surrounding buildings, thus aiding its assimilation into the surrounding area. Its siting has been sensitively selected to ensure no loss of privacy to surrounding properties, and mature trees and vegetation have been retained wherever possible. The building takes cues from the surrounding dwellings, whilst incorporating more modern features to provide individuality.

**History:-**

06/00261/FUL	Part Demolition of 3 The Rookery and extensions and alterations to 3 and 5 The Rookery	Approved	25.05.06
06/00260/OUT	Part Demolition of No 3 and erection of bungalow	Approved	25.05.06



### **Consultations:-**

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

Director of Highways, Transportation & Waste Management (Highways)  
Groby Parish Council  
Groby Village Society  
Head of Community Services (Lane Drainage)  
Head of Community Services (Pollution).

Objections have been received from the occupants of 48 Leicester Road. They have concerns over the proximity of the development to the boundary, the proximity of the development to existing trees and hedgerow and the fact that the application fails to address the need for affordable housing within the vicinity.

### **Policy:-**

#### National Policy Guidance.

Planning Policy Statement 1 - Delivering Sustainable Development sets out broad national planning policy. Under 'Delivering Sustainable Development' the importance of the design of new development is stressed. This states that good design should be integrated into the existing urban form and the natural and built environments.

Planning Policy Guidance Note 3 Housing encourages the use of previously developed land within urban areas in preference to the development of greenfield sites for housing. It promotes more sustainable patterns of development and makes better use of previously developed land. It also outlines the principles behind housing design and seeks to improve living conditions for current and future residents.

## Local Policy Guidance

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

Policy BE1 of the adopted Local Plan seeks 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, density, mass, design, materials and architectural features; avoid the loss of open spaces and features that contribute to the quality of the local environment; incorporate landscaping to a high standard; ensure adequate highway visibility for road users and adequate provision for on and off street parking for residents and visitors together with turning facilities; not adversely affect the occupiers of neighbouring properties and not prejudice the comprehensive development of a larger area of land of which the development forms part.

Policy RES5 of the adopted Local Plan states that planning permission will be granted for new residential development if the site lies within a settlement boundary as defined on the proposals map of the adopted Local Plan and the siting, design and layout of the proposal do not conflict with relevant plan policies.

Policy T5 of the Local Plan 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 Policy Guidance

The Borough Council's Supplementary Planning Guidance (SPG) on New Residential Development provides further guidance for developers on density, design, layout, space between buildings and landscaping/boundary treatments along with highways and parking. Housing developments should make efficient use of land and be of appropriate density taking into account the general character of the surrounding area and the provision of necessary open spaces.

Supplementary Planning Guidance for Play and Open Space requires a financial contribution towards formal and informal public open space if it cannot be provided within the site.

## **Appraisal:-**

The site is not specifically allocated in the Local Plan for residential development, however the principle of development has been established in the outline application (06/00260/OUT). The main issues for consideration in this application are the proposals design and its impact on both visual and residential amenity and on highway safety.

## Design

Surrounding residential development comprises a range of style and design, including red brick Victorian terraces, stone built cottages and more modern rendered properties. The overall form of the building is characteristic of the surrounding area, creating a pitched roof structure with a number of principal ridgelines at right angles. The materials further reflect the character of the area, with the majority of surrounding buildings constructed from red brick and tile. The projecting oak beamed porch sits centrally in the front façade, resulting in a balanced appearance to the property, and the porch follows the same design ethos of the gatehouse providing connectivity between the two features. The traditional chimney, which is visible from all elevations, mimics those on older buildings within the vicinity, and the fenestration detail enhances the character of the buildings. The proposed garage relates to

the dwelling in both its materials and roof pitch. Accordingly there are no objections to the proposal in terms of its design. The proposed dwelling is not within the Conservation Area but adjoins it, it is considered that the design does not harm the character of the Conservation Area.

### Residential Amenity

The buildings central position ensures that it would be a minimum of 20m from any surrounding dwelling, with the closest directly overlooking windows, over 25 metres away. This is in accordance with the guidance outlined within the SPG on New Residential Development. As the building is only single storey, there are no material impacts on the privacy of surrounding properties and gardens. In addition, the internal layout of the building ensures that the windows of all habitable rooms overlook the front and rear gardens, and thus have no direct views of surrounding properties. Accordingly the proposal has no adverse impacts on the amenity of surrounding properties.

### Visual Amenity

As the dwelling is situated to the rear of 3 The Rookery, it will not be readily visible from the highway. The only element visible will be the gatehouse. This will cover part of the access. This will have the appearance of a carport, with a pitched roof and open sides, however its ornate design and use of quality materials will provide an attractive addition to the street scene, framing the proposal behind. Accordingly the proposal will have no adverse impacts on either visual amenity or on the character of the street scene.

### Highway Safety

The proposal will use one of the existing accesses to the property and sufficient parking will be provided by the garage and hard surfaced area to the front of the dwelling. The design and layout of the parking and access complies with the standards contained within the Leicestershire County Council Highways Transportation and Development Document.

### Other Issues

A Play and Open space contribution has already been secured by the outline application.

### **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. Resultant of the design, scale and location of the proposal there are considered no adverse impacts on either visual or residential amenity, on highway safety, or on the character of the area or adjacent Conservation Area

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, T5, RES5

- 1 Before first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with a hard bound porous material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.



- 2 Before first occupation of the dwelling hereby permitted, visibility splays of 2.0 metre by the maximum achievable shall be provided at the junction of the access with The Rookery. These shall be in accordance with the standards contained in the current County Council design guide and shall so be maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 meters above ground level within the visibility splays.
- 3 The hard and soft landscaping shall be implemented in accordance with the details identified on plan reference S/TRG/01/08. The soft landscaping shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

**Reasons:-**

- 1 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in accordance with policy T5 of the Hinckley and Bosworth Local Plan.
- 2 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 3 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 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 web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 List of plans used in the determination of this application:-
- 5 The applicant is reminded that full drainage details have not been provided within this reserved matters application these were required by Condition 2 of planning application 06/0260/OUT and still remain outstanding.
- 6 The applicant is reminded that samples of the proposed materials have not been provided within this reserved matters application these were required by Condition 2 of planning application 06/0260/OUT and still remain outstanding.
- 7 The applicant is reminded that this permission should be read in conjunction with planning permission reference 06/00260/OUT, a copy of which is attached.

**Contact Officer:-** Eleanor Shaw Ext 5691

**Item:** 12  
**Reference:** 08/01056/FUL  
**Applicant:** Sea And Land Power And Energy Ltd  
**Location:** Land Adj Stocks House Farm Desford Field Lane Peckleton  
Leicestershire  
**Proposal:** ERECTION OF 60M METEOROLOGICAL MAST TO GATHER WIND  
DATA FOR 24 MONTHS

**Introduction:-**

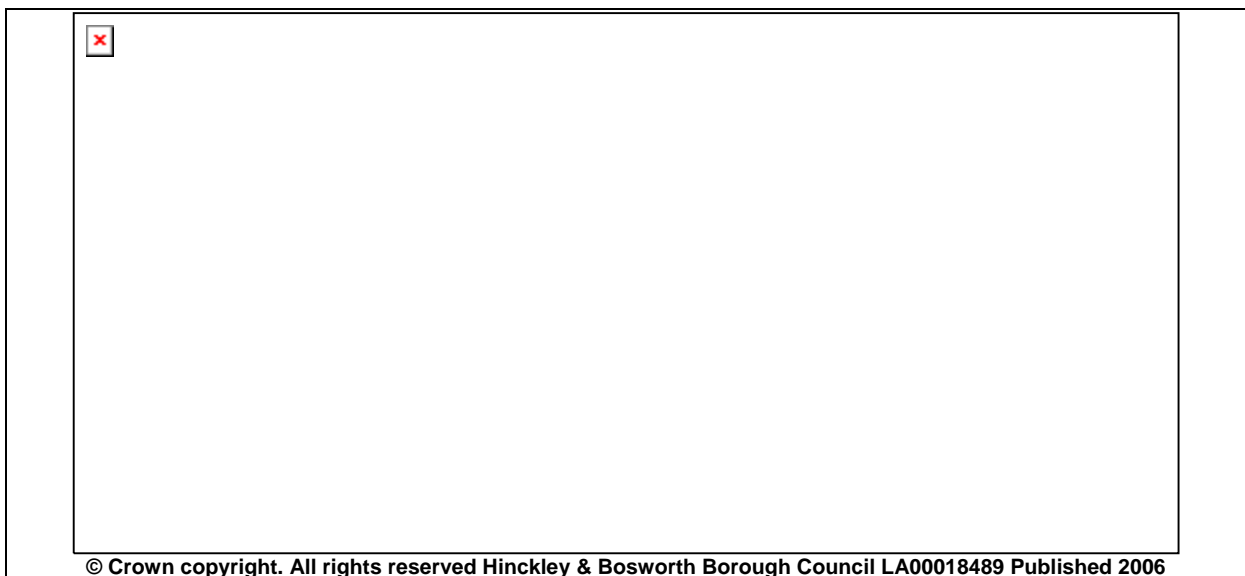
Full planning permission is sought for the erection of a 60 metre meteorological mast on land to the west of Stocks House, off Desford Field Lane, Peckleton. The site is located to the south west of Desford and to the north of Peckleton and Kirkby Mallory and consists of gently sloping agricultural land, characterised by fields, separated by hedges and interspersed by mature trees.

The structure would be supported by guy ropes which will extend 42 metres around the mast. No foundations or concrete bases are required as part of the installation, therefore once removed there will be no trace of the mast left on the landscape.

The purpose of the mast is to measure the wind resource flowing over the area to determine if the neighbourhood is suitable for a future wind energy development. Four sets of anemometers would be located on the mast at heights of 30 metres, 40 metres, 50 metres, and 60 metres and two wind vanes located at 58 metres and 38 metres. The anemometers would be a standard three cup with a diameter of 150mm. Data from the equipment would be recorded within a data logger housed within a small box mounted on the mast at low level with information transmitted via a GMS signal direct to the applicant's office computer. This does not require a power supply to be installed.

**History:-**

None relevant



## **Consultations:-**

No objections has been received from:-

Director of Community Services (Archaeology)

Director of Highways, Transportation and Waste Management (Highways)

Director of Community Services (Ecology).

Desford Parish Council have great concerns over the development of this site and the impact it will have on the visual view of the immediate area, potential loss of privacy, potential future development of the land and interference of television signals.

A letter has been received from Mr D Tredinnick MP who has expressed concerns regarding the suitability of the site given the proximity to the settlements of Desford, Peckleton and Kirkby Mallory.

Site notices were displayed and neighbours notified.

26 letters of objection have been received raising the following concerns:-

- a) Clear and dangerous impact on the countryside and surrounding residential and farm land.
- b) Noise and overbearing nature of the turbine.
- c) Access to and use of land surrounding is an issue.
- d) Wildlife habitats will be disturbed.
- e) Concern that approving the application will provide the company with the excuse to erect wind turbines.
- f) Larger turbines will be noisy, visually intrusive and will de-value property.
- g) Prime agricultural land should not be used for this.
- h) Interference with television reception.
- i) Mallory Park and Caterpillar already create a noise disturbance in the area, this would make it worse.

At the time of writing the report comments have not been received from Peckleton Parish Council.

## **Policy:-**

### Central Government Guidance

Planning Policy Statement (PPS) 1- Delivering Sustainable Development sets out the Governments objectives regarding the planning system and how through it the Government will deliver its targets for sustainable development.

Planning Policy Statement (PPS) 7- Rural Areas outlines the Governments objectives regarding development in the Countryside.

Planning Policy Statement (PPS) 22- Renewable Energy sets out the role of the planning system in delivering the Governments objectives towards renewable energy contained within Energy White Paper.

## Regional Policy

Draft East Midlands Regional Plan (RSS8)

Policy 38 - Regional Priorities for Energy Reduction and Efficiency requires developers and Local Authorities to promote a reduction of energy usage and prepare supplementary planning documents to explain how policies are to be implemented.

Policy 39- Regional Priorities for Low Carbon Energy Generation states that low carbon energy proposals should be supported in areas where environmental, economic and social impacts can be addressed satisfactorily.

## Local Plan Policy

The application site lies outside any settlement boundary within the countryside as defined by the adopted Hinckley and Bosworth Local Plan.

Policy BE1 considers the design and siting of development in relation to the effects on neighbouring properties and the character of the surrounding area.

Policy BE27 supports applications for wind turbines on sites which meet the criteria within the policy.

Policy NE5 states that the countryside shall be protected for its own sake however development shall be allowed for certain developments important to the local economy, re-use of existing buildings or sport and recreation purposes.

## Supplementary Planning Guidance/ Documents

Supplementary Planning Document (SPD) - Sustainable Design gives guidance on how developments can achieve a sustainable design and promoted sustainable developments.

### **Appraisal:-**

The main issues for consideration are the effect of the proposal on the character and appearance of the open countryside.

Policy NE5 of the Local Plan allows certain developments within the open countryside, in particularly developments that are for sport and leisure, to support the local economy or for the re-use of existing buildings. The proposal under consideration does not fall into any of the above categories and therefore does not comply with the criteria of Policy NE5.

It should be considered whether there are any other material considerations which would outweigh the objections of Policy NE5. The proposal is required to obtain data to record wind speeds to determine if the site has a suitable wind resource for a future wind energy development. National and regional guidance and policy encourages alternative sources of energy to be explored and the Councils adopted SPD on Sustainable Design states that 'the council recommend that applicants fully evaluate the feasibility of wind turbines and the level of energy return anticipated to ensure the most efficient decision is made', indicating that this type of survey information is required to support such a proposal. However this application should in no way prejudice any future application for wind energy development, which if submitted would be assessed on its own merits.

The proposal is for a limited period of 24 months after which time the structure will be removed and the land reinstated to its current state. Whilst the height of the mast would

make it visible during this period the thin structure is not significantly intrusive within the landscape to warrant a refusal on this ground.

Objections to the proposal have been received on grounds of loss of value, noise and disturbance and loss of views. Loss of a view or a reduction in value of a property are not material considerations that can affect the determination of a planning application. It is not considered that the small anemometers to be erected on the mast would produce a sufficient noise to warrant refusal of planning permission.

In conclusion, due to the limited visual impact, the remoteness of the site and the limited period the application is made for, with regard also given to the objectives of the Governments agenda towards low carbon energy production, and the requirements to fully investigate and provide the evidence base for such schemes, it is considered that planning permission should be granted.

**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 due to the limited time period, purpose of the proposal to collect data and siting is not considered to detrimentally affect the appearance of the open countryside nor the amenities of the neighbouring properties and is therefore considered to be in accordance with the Local Development Plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- NE5, BE1, BE27

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The mast hereby permitted shall be removed by 31st March 2011 unless a further permission is subsequently granted.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 As the mast is required for a temporary period and to minimise the impact on the countryside in accordance with policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

- 3 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 web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 List of plans used in the determination of this application:-  
LPA-001, LPA-002, LPA-003
- 5 The application is to monitor wind speed for a period of 24 months after which period the permission shall expire. if the mast is not removed after this period it could be the subject of enforcement action.

**Contact Officer:-** Sarah Humphries Ext 5680

**Item:** 13

**Reference:** 08/01064/FUL

**Applicant:** Rodericks Ltd

**Location:** 105 - 107 Church Street Burbage Hinckley Leicestershire LE10 2DB

**Proposal:** CHANGE OF USE TO D1 DENTAL PRACTICE

**Introduction:-**

This application seeks full planning permission for the change of use of 105-109 Church Street, Burbage from Class A1 (retail) to Class D1 (non-residential institutions). There are no external changes proposed as part of this application.

The site is located within the centre of Burbage, surrounded by a mixture of commercial and residential properties. The site consists of a mid terraced two storey property of red brick with a shop front at ground floor level and a slate roof. Immediately to the south adjoining the site is a large A1 unit currently occupied by the Co-Op. Residential properties adjoin the site to the north and opposite. The application relates only to the ground floor of the property. The first floor is currently occupied by a dance studio.

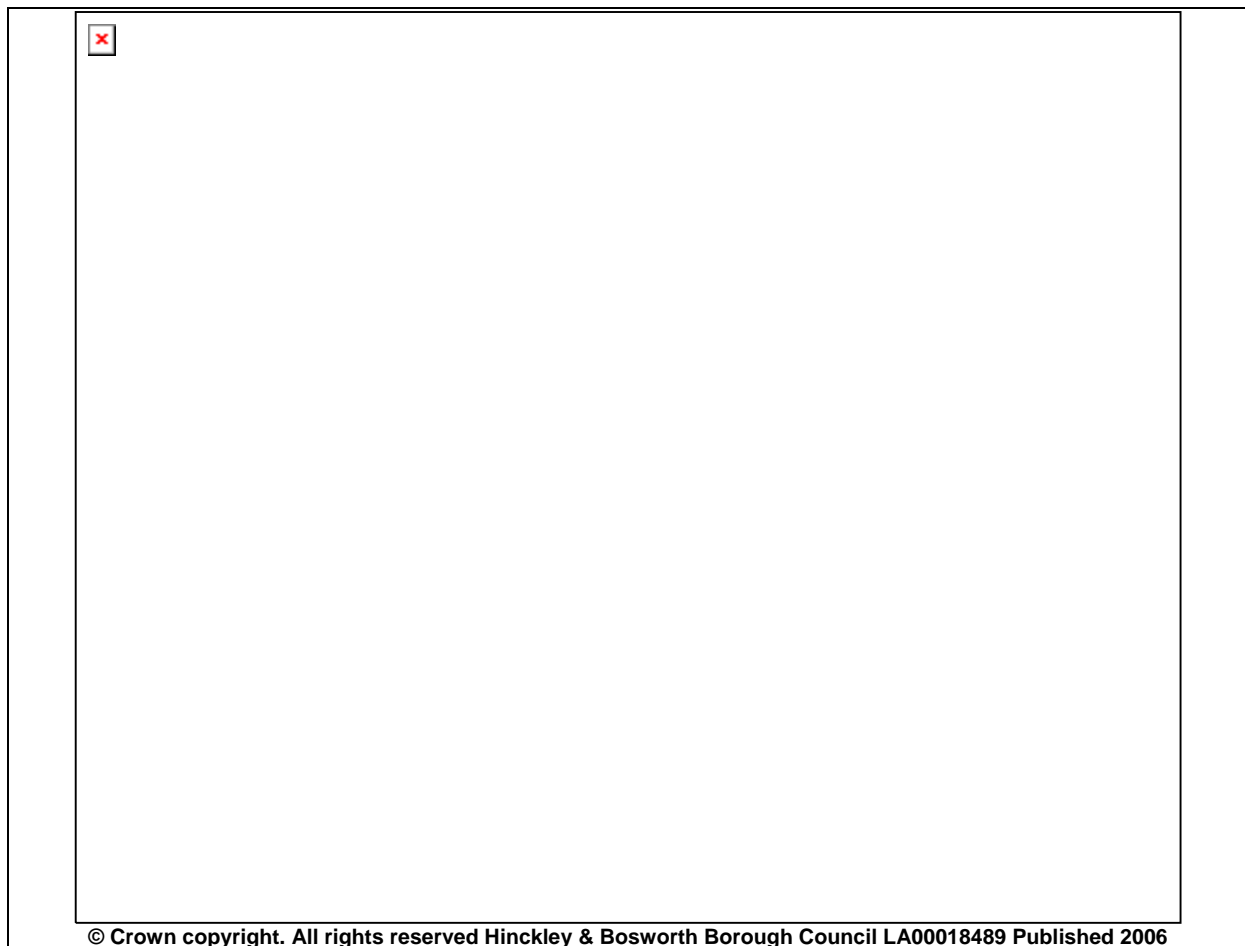
To the rear of the site is a parking area owned by the co-op and open for the use by the public between 8am and 9pm daily. Access to the parking area is gained through a covered vehicle way. Restricted on-street parking is available in the vicinity of the site.

The proposed internal layout provides accommodation for three surgeries, a staff room, practice managers office, reception and waiting room supported by ancillary storage rooms. Two of the three surgeries would be sited adjacent to the party wall between the application property and number 109 Church Street.

A design and access statement has been submitted in support of the application which states that the application site is well located within the transport network and the proposed use would compliment the uses already in Church Street by providing a valuable service for the local community.

**History:-**

01/00932/CONDIT	Variation of condition 4 of planning permission 00/0617/COU to allow the premises to open between the hours of 9:00 AM and 9:00PM Monday to Friday only	Approved	10.10.01
01/00553/CONDIT	Variation of condition 4 of planning permission 00/00617/COU to allow the premises to open between the hours of 9:30AM and 12:00 Noon and 3:00PM and 9:00 PM Mondays to Fridays and 10:00AM to 1:00PM Sundays.	Refused	19.07.01
00/00617/COU	Change of use to fitness centre	Approved	18.09.00
89/00605/4	Change of use from store room to retail	Approved	20.06.89



**Consultations:-**

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

No objection subject to conditions have been received from the Head of Community Services (Pollution).

Site notice and press notice were displayed

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

Burbage Parish Council  
Neighbours.

**Policy:-**

Local Plan

The site falls within the Burbage Conservation Area and Settlement Boundary as defined within the adopted Hinckley and Bosworth Local Plan.

Policy BE1 seeks to safeguard and enhance the existing environment, ensures adequate highway visibility and provision for on and off street parking and would not adversely affect the occupiers of neighbouring properties.

Policy BE7 states that within Conservation Areas the primary purpose is the preservation or enhancement of the special character or appearance of those areas.

Policy BE9 considers works affecting shop fronts in Conservation Areas which seeks to preserve shop fronts that are attractive, of historic importance or of architectural interest or contribute to the general character of the area.

Policy T5 when considering proposals for new development the local authority shall have regard to the current highway design standards and parking standards.

Supplementary Planning Documents

Burbage Village Design Statement (adopted 2006) provides a general description of the village and guidance for new development.

**Appraisal:-**

The main issues for consideration with regard to this application are the principle of the development, the impact of the proposal on highway safety and the amenities of the neighbouring properties.

Principle

The proposed change of use would provide a community facility in the centre of Burbage, which complies with the sustainable principles and objectives of Government Guidance and Local Plan Policy. The proposal is therefore considered acceptable in principle.

Highway safety

No parking provision has been included as part of the application. However the site is located within the centre of Burbage which benefits from public parking and well served by public transport. Policy T5 of the adopted Hinckley and Bosworth Local Plan requires the local authority to have regard to the relevant parking standards when considering applications. A dentist's surgery requires one car parking space per staff member and two per surgery, therefore in this instance 12 parking spaces are required. However the existing shop unit would have generated a number of vehicle movements without designated parking. Having



considered the previous use in this context, the Highway Authority do not feel that they are in a position to demonstrate that the proposed change of use would result in a material increase in traffic to and from the site in this village centre location and therefore have no objection to the application.

### Amenities

Some dentist equipment can cause potential noise disturbance. No details have been submitted regarding the position of any compressors or sound installation to prevent the noise travelling from the proposed surgery to the adjoining neighbouring property. However it is considered that any mitigation measures recommended by the Environmental Health Officer may be secured by condition. This will be reported to the committee as a late item.

Given the previous use of the planning unit, the central village location and the surrounding land uses it is not considered that the proposed use would result in a significant increase in comings and goings resulting in an unacceptable degree of noise and disturbance to the neighbouring residential properties to warrant a refusal of permission.

### Conclusion

The proposed change of use is unlikely to result in a material increase in traffic movements nor have a detrimental effect on the amenities of the adjoining neighbouring residents to warrant a refusal of the application.

### **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 by virtue of the nature of the use when compared with the previous use would not result in a material increase in vehicle movements nor a detrimental affect on the amenities of neighbouring residents. the application would therefore be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE7 and BE9

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

#### **Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **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 web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 List of plans used in the determination of this application:-  
2008-91-01, Site Location Plan and Block Plan.
- 5 Any proposed changes to the shop front and signs may require either planning permission or consent under the advertisement regulations.

**Contact Officer:-** Sarah Humphries Ext 5680

**Item:** 14

**Reference:** 08/01079/FUL

**Applicant:** Mrs Sue Hobbins

**Location:** 33 Merrylees Road Newbold Heath Newbold Verdon Leicester  
Leicestershire

**Proposal:** ERECTION OF DOG KENNELS

**Introduction:-**

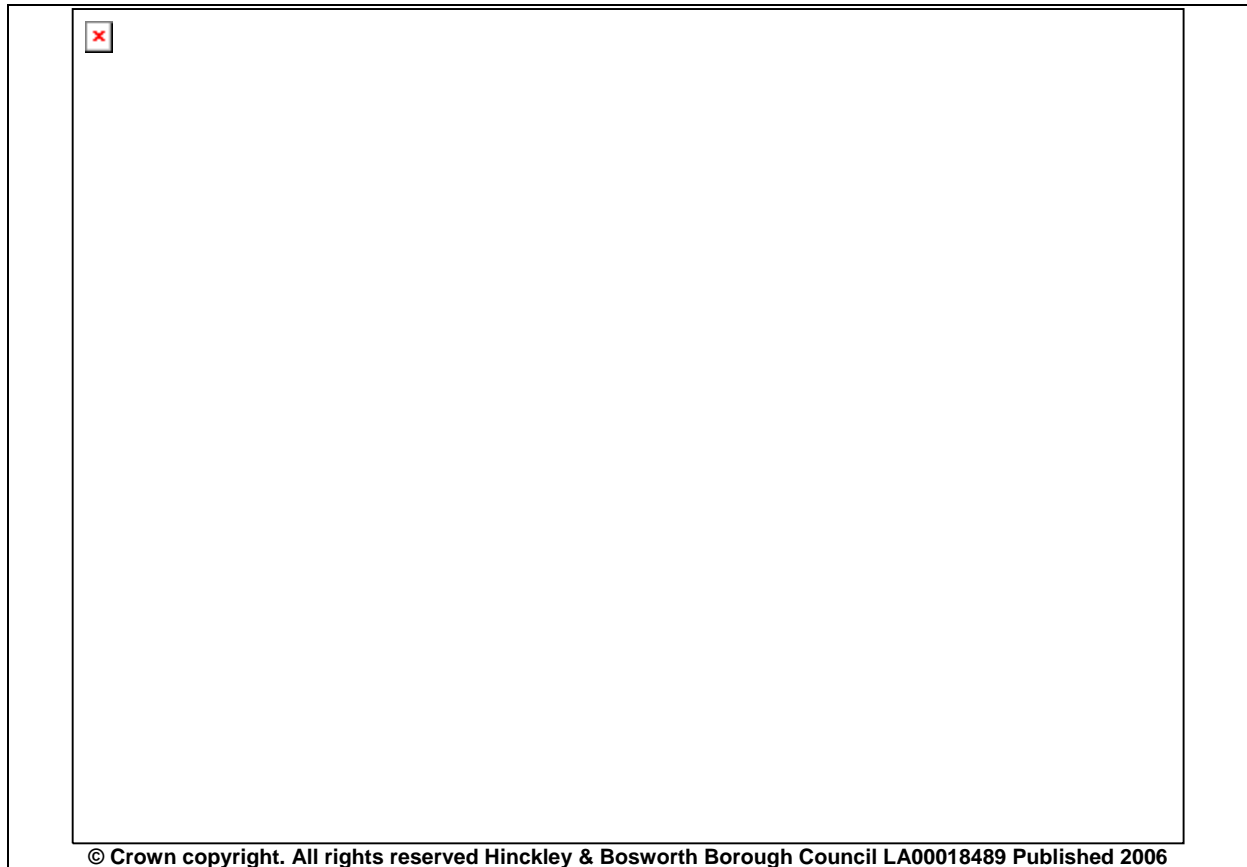
This is a full application for the erection of a building for the keeping of dogs. The Kennels will be situated in the south eastern corner of a paddock to the rear of 33 Merrylees Road. There is an existing timber stable block, hay barn and ménage situated in this corner of the paddock. Residential development bounds the paddock to the north and west, with mature vegetation separating the paddock from the open countryside to the remaining sides. The paddock is currently grazed by the applicant's horses. The site is accessed via a track leading from Bagworth Road, and from the applicant's property, 33 Merrylees Road.

The proposed kennels will be for personal use, housing 5 of the applicant's dogs. They will be of timber construction, with a pitched felt roof and galvanised mesh to the front. The building will be sub divided into 5 kennels and a feed store. The maximum height of the proposal will be 2.90 metres. The applicant has stressed that the dogs are desperately in need of their own space, for they are currently housed at her property.

A Design and Access Statement has been submitted in support of the application stating that the proposal is unobtrusive and well screened from the highway, is of a minor scale and uses materials in keeping with the existing buildings.

**History:-**

06/00720/FUL	Erection of New Barn	Approved	01.09.06
05/00666/FUL	Erection of Garage	Approved	04.08.05



**Consultations:-**

At the time of writing this report no objections have been received from:-  
Director of Highways, Transportation and Waste Management (Highways)  
Parish Council.

Head of Community Services (Pollution) has no objections to the application. Due to the proximity of the Kennels to the applicant's property, it is suggested that this will be a self policing development.

Head of Community Services (Land Drainage) has no objections to the application subject to conditions concerning drainage arrangements and the discharge of contaminated animal waste.

Site notice and Press notice were displayed and neighbours notified.

Three letters of support have been received raising the following concerns:-

- a) noise and disturbance from the barking dogs
- b) the proximity of the surrounding dwellings to the kennels
- c) the unsuitability of the site for a business of this type.

**Policy:-**

Central Government Guidance

Planning Policy Statement 7 Sustainable Development in Rural Areas identifies the Governments objectives for rural areas and seeks to raise the quality of life and environment

in such areas, and promotes more sustainable patterns of development. All development within rural areas should be well designed, in keeping and scale with its location and sensitive to the character of the countryside.

### Local Plan Policies

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

Policy NE5 of the Local Plan 'Development in the Countryside seeks to protect the countryside 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; is for the change of use, re-use or extension of existing buildings; or for sport or recreation purposes; and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of 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 BE1 of the Local Plan states that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area; where they comply with appropriate design, layout, highways and parking standards to ensure that it does not detract from the general character of the area or the amenities of adjoining residents; and incorporate landscaping to a high standard.

### **Appraisal:-**

The main issues to consider are the principle of the development, the impact on the surrounding countryside and the effect on neighbours.

### Principle and Impact on the Countryside

In principle, kennels are the type of development which may be appropriate to locate in the countryside. The kennels are considered in keeping with the existing buildings and sympathetic to the general surroundings. Further the prevalence of similar built development within the vicinity, adds weight to the acceptability of the current proposal. The kennels will be screened from the open countryside by the existing stables and barn, and only partially visible from the north and west, due to the fencing surrounding the ménage and paddocks. The kennels will be inwardly looking, with the mesh fronts facing the stable block, accordingly the most visible elements will be the wooden side and rear elevations. As these elevations propose materials similar to the stables, they are considered in keeping with the existing development. Accordingly the proposal has only a marginal impact on the character of the countryside, and its principle is acceptable.

### Affect on Neighbours

The main objection to the proposal is that of noise and disturbance caused from the dogs barking when left unsupervised. The Dog Warden has commented that the issue of barking is difficult to address when the dogs are unsupervised, it is not considered that measures could be put in place to overcome this issue. Head of Community Services (Pollution) has no objection to the proposal. Due to the proximity of the kennels to the applicant's property, it is considered that this will be a self policing unit, in that the owners will respond promptly if the dogs become a nuisance. Accordingly given the distance of the kennels from the properties on Bagworth and Merrylees Road, and the fact the kennels will be for the applicant's personal use, as opposed to a commercial use which may result in a greater number, or turnaround of dogs, causing more disturbance to surrounding residents; impacts on

residential amenity are considered marginal. Further as the dogs are currently housed at the applicant's property, 33 Merrylees Road and roam freely in the back yard; the proposed location of the kennels will reduce the disturbance caused by the dogs to surrounding residential properties. In sum, given the purpose and location of the kennels, impacts on the amenity of surrounding residential properties are not considered significant to warrant a refusal of the application.

**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. Resultant of the use, scale, location and design of the proposal there are considered no adverse impacts on either visual or residential amenity or on the character of the surrounding countryside.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The proposed Kennels shall be used only in connection with the Applicant's own dogs and no boarding use nor other business nor commercial use is permitted.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

**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 web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 List of plans used in the determination of this application:-  
Drg No. M/145/1; M/145/2

**Contact Officer:-** Eleanor Shaw Ext 5691

**PLANNING COMMITTEE – 16 DECEMBER 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

3.1.2 Appeal lodged by Perfect Pizza against the refusal of planning permission (08/00657/FUL) for change of use from A1 retail to A5 hot food takeaway at 7 Lawnwood Road, Groby. (written representations).

3.2 Appeals Determined

3.2.1 No new decisions received.

4. **FINANCIAL IMPLICATIONS (AB)**

4.1 It is anticipated that all the costs incurred will be met from existing budgets.

5. **LEGAL IMPLICATIONS (MR)**

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 |
| - Voluntary Sector              | None relating to this report |

---

Background papers: Appeal Decisions

Contact Officer: Sarah Humphries ext 5680

## PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 05.12.08

**WR - WRITTEN REPRESENTATIONS**

**IH - INFORMAL HEARING**

**PI - PUBLIC INQUIRY**

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
	SH	08/00963/FUL	WR	Mr Matthew Scott	21 Adrian Drive Barwell	Awaiting Start Date	
08/00019/PP	SH	08/00657/FUL	WR	Perfect Pizza	7 Lawnwood Road Groby	Start Date Statement Comments	07.11.08 19.12.08 09.01.09
08/00018/TREE	DB	08/00613/TPO	WR	Mr D A Simpson	19 Farm Road Barwell	Start Date Comments	29.09.08
08/00017/VCON	LF	08/00407/CONDIT	WR	Mr John Knott	Gate House Bed and Breakfast Cadeby Lane Cadeby	Start Date Awaiting Decision	01.09.08
08/00015/PP	JH	07/00157/COU	IH	Ms Lynn Bailey	Amblyn Stud Farm Hinckley Road Cadeby	Start Date Date Hearing	18.07.08 03.02.09

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

**Rolling April - November 2008/09**

### Planning

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision		
					Allow	Spt	Dis	Allow	Spt	Dis
16	3	11	1	1	1	10	2		1	

### Enforcement

No of Appeal	Allowed	Dismissed	Split	Withdrawn
4		3	1	1



■





**PLANNING COMMITTEE - 16 DECEMBER 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