

Date: 30 April 2010

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

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

Copy to all other Members of the Council

(other recipients for information)

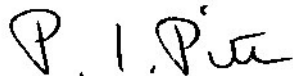
Dear Councillor

There will be a meeting of the **PLANNING COMMITTEE** in the Council Chamber, Council Offices, Hinckley on **TUESDAY, 11 MAY 2010** 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

11 MAY 2010

### A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

RESOLVED

2. MINUTES

To confirm the minutes of the meeting held on 13 April attached marked 'P71'.

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 'P72' (pages 1 – 79).

8. LOCAL DEVELOPMENT FRAMEWORK: HINCKLEY TOWN CENTRE AREA ACTION PLAN DEVELOPMENT PLAN DOCUMENT – PROPOSED SUBMISSION DOCUMENT

Report of the Deputy Chief Executive (Community Direction) attached marked 'P73' (pages 80 - 84).

The submission document and appendices are available in the Members' Room and on the Council's website, or alternatively you can contact the report author for a copy.

- RESOLVED 9. APPEALS LODGED AND DETERMINED
- Report of the Director of Community and Planning Services attached marked 'P74' (pages 85 – 86).
- RESOLVED 10. APPEALS PROGRESS
- Report of the Director of Community and Planning Services attached marked 'P75' (pages 87 – 89).
- RESOLVED 11. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY
- RESOLVED 12. 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 the paragraphs 2 and 10 of Part I of Schedule 12A of the Act.
- RESOLVED 13. PLANNING ENFORCEMENT ACTION
- Report of the Director of Community and Planning Services attached marked 'P76' (pages 90 – 113).

This report was deferred at the meeting on 16 March 2010.

**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**

**13 APRIL 2010 AT 6.34 PM**

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

Mr JG Bannister, Mr JC Bown, Mr MB Cartwright, Mr WJ Crooks, Mr DM Gould, Mrs A Hall, Mr P Hall, Mr K Morrell, Mr K Nichols, Mrs J Richards, Mr BE Sutton, Mr R Ward and Ms BM Witherford.

Officers in attendance: Ms C Horton, Mr K Kiernan, Ms T Miller, Miss R Owen, Mr M Rice and Mr B Whirrity.

488 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Mrs Aldridge, Mr Boothby and Mr O'Shea with the substitution of Mrs Richards for Mr Boothby and Mr Cartwright for Mr O'Shea authorised in accordance with Council Procedure Rule 4.3.

489 **MINUTES (P66)**

Attention was drawn to page 224 of the minutes (minute 463(c) refers) and it was suggested that there was an error in that the motion was not moved and seconded by Messrs Boothby and O'Shea. It was agreed that this should read 'It was moved by Mr Bown, seconded by Mr Sutton and...'.  
  
On the motion of Mr Bown, seconded by Mr Sutton, it was

**RESOLVED** – the minutes of the meeting held on 16 March 2010 be confirmed subject to the abovementioned amendment and signed by the Chairman.

490 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

491 **DECISIONS DELEGATED AT PREVIOUS MEETING**

The Development Control Manager reported on the following applications which had been delegated at the meeting on 16 March:

- (i) 09/00810/FUL – it was reported that the decision had been issued on 6 April;
- (ii) 09/01007/FUL – it was reported that the decision had been issued on 8 April;

- (iii) 09/00358/FUL – it was reported that the decision had been issued on 31 March;
- (iv) 09/00884/FUL – it was reported that the decision had been issued on 22 March;
- (v) 09/00922/FUL – it was reported that the deadline was 16 April so the decision had not yet been issued;
- (vi) 09/00923/CON – it was reported that the deadline was 16 April so the decision had not yet been issued.

Mr Crooks arrived at 6.37pm.

492 MARKFIELD, EARL SHILTON AND DESFORD CONSERVATION AREA STATEMENTS & MANAGEMENT PLANS (P68)

Members were presented with the above report and associated documents. A Member asked about responsibility for closed church yards and it was agreed that a response be sent to all Members of the Committee.

Concern was expressed about some delays in sending out neighbour notices after validation of a planning application. It was agreed that the Chairman would discuss with the Head of Planning.

It was moved by Mr Cartwright, seconded by Ms Witherford and

RESOLVED – The Conservation Area Statements and Management Plans for Markfield, Earl Shilton and Desford be adopted as Planning Guidance.

493 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P67)

The Committee considered a schedule of planning applications, together with a list of late items, and the recommendations of the Deputy Chief Executive (Community Direction).

- (a) 10/00051/REM – Approval of reserved matters of 07/00231/OUT for a mixed use development comprising warehouse/ storage units (use class B8), retail warehousing (use class Af1) and drive-thru restaurant (use class A3/A5) with associated parking and access, Jarvis Porter, Coventry Road, Hinckley – Invista Foundation (Hinckley) Ltd

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

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

- (b) 10/00102/FUL – Formation of temporary storage compound and vehicular access, Land Adjacent M1, Ferndale Drive, Ratby – Cawrey Limited

Notwithstanding the officer's recommendation that the application be refused, it was moved by Mr Cartwright and seconded by Mr Ward that the application be refused. Upon being put to the vote, the motion was LOST.

It was requested that a note to applicant be added, asking for restrictions to the hours of delivery to be considered.

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

RESOLVED – subject to no significant material observations being received by the end of the consultation period expiring on 16 April 2010, the Deputy Chief Executive (Community Direction) be granted delegated powers to grant planning permission for the development subject to the conditions set out in the officer's report and late items.

- (c) 10/00153/FUL – Extension to existing foodstore, Lidl, 25 Hawley Road, Hinckley – Miss Amanda Dowdeswell

Whilst supporting the application, Members asked officers to look with the applicant at pedestrian access to the site. It was moved by Mr Crooks, seconded by Ms Witherford and

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

Mrs Richards left the meeting at 7.43pm.

- (d) 10/00140/TEMP – Erection of a log cabin for a period of three years for occupation by Fishery Manager and Herdsman, Land off Newtown Linford Lane, Groby – Groby Fishery Limited

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

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

- (e) 10/00141/FUL – Erection of building for housing fry tanks, Land off Newtown Linford Lane, Groby – Groby Fishery Limited

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

RESOLVED – the application be refused for the reasons contained in the officer's report.

Mrs Richards returned to the meeting at 7.47pm.

- (f) 10/00148/FUL – Agricultural workers dwelling with associated garage and access, Land adjacent New House Farm, Stapleton Lane, Dadlington – Martin Morris

Attention was drawn to the amended recommendation in the late items.

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

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

Mr Bown returned at 8.33pm.

- (g) 10/00200/EXT – Extension of time of planning permission 07/00062/DEEM for removal of grassed area and construction of parking area, Northfield, Bagworth – Hinckley & Bosworth Borough Council

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

RESOLVED – that the application be approved under Regulation 3 of the Town and Country Planning General Regulations 1992 and subject to the conditions contained in the officer's report.

#### 494 APPEALS LODGED AND DETERMINED (P69)

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

RESOLVED – the report be noted.

#### 495 APPEALS – PROGRESS (P70)

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

RESOLVED – the report be noted.

(The meeting closed at 7.59pm)

**REPORT P72**

**PLANNING COMMITTEE**

**11 May 2010**

**RECOMMENDATIONS OF DEPUTY CHIEF EXECUTIVE  
(COMMUNITY DIRECTION)**

**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: 09/00901/OUT**

**Applicant: Mr Bill Hood**

**Location: 96 Factory Road Hinckley Leicestershire LE10 0DS**

**Proposal: DEMOLITION OF EXISTING BUILDING FOR RESIDENTIAL DEVELOPMENT WITH ACCESS AND LAYOUT (OUTLINE)**

**Introduction:-**

This application seeks outline planning permission for a residential development of 14 apartments at this employment site on Factory Road. Permission is sought for access and layout as part of this application and other matters are reserved for approval at a later time.

This outline application was initially submitted with approval for access only, however it has been amended to include the consideration of the developments layout and reconsultation has taken place on this basis.

The site is currently occupied by Onyx Windows and is used for the manufacture of UPVC windows and doors. The site is bound to the northeast by a jitty and residential dwellings, to the southeast by a car workshop and outside sales area and to the southwest by a factory. The area opposite to the site's Factory Road frontage is residential.

The site is located within an area of mixed use, predominantly of manufacturing, service industry and residential uses of a density typical of edge-of-town locations. In recent years, following the closure of factories, there has been growth in residential development in the locality. The surrounding area is characterised by buildings of two-storey scale. However, many of the former factories are of a greater scale, typically of conventional 3-storey dwelling proportion. All development in the immediate area is sited very close to the back edge of the pavement.

The application is accompanied by a design and access statement, historic building report, contamination report, protected species report and draft legal agreement.

The design and access statement explains that the development has been designed to reflect the dense, back-of-pavement character of the area, whilst meeting the current requirements for parking and landscaping.

The historic building report details the building's evolution and identifies that it has been subject to incremental growth and alteration over the years. The report does not identify any special features that warrant retention.

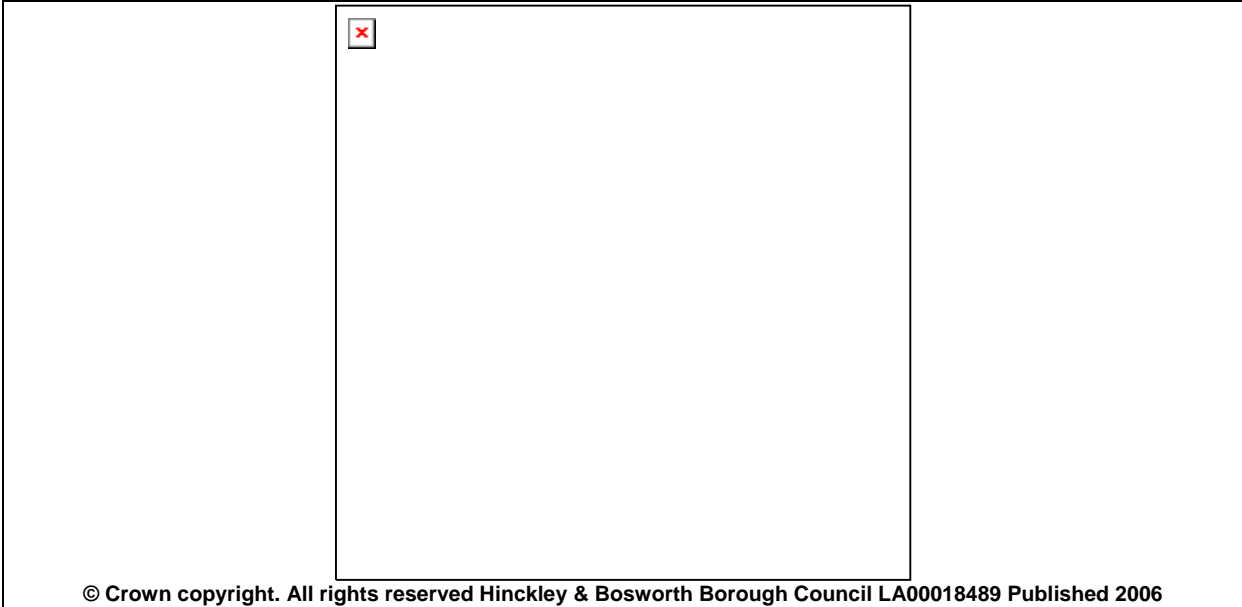
The contamination report comprises a Phase 1 assessment and by virtue of the building's age and industrial uses concludes that contamination may be present. The report suggests that given the proposal is to clear the site appropriate mitigation should be possible.

The protected species survey concludes that there is no evidence of protected species occupying the building, and therefore any redevelopment would not have any impact upon any protected species habitat.

The draft legal agreement provides draft details of the developer contributions that the development will attract.

**History:-**

09/00663/OUT	Demolition of existing factory and erection of 16 residential apartments with new vehicular access and parking (outline).	Withdrawn	22.09.09
04/00665/OUT	Demolition of existing factory and residential development of 11 no. apartments with associated parking.	Approved	09.09.04
74/01111/4	Erection of Factory Extension	Approved	23.12.74



**Consultations:-**

No objection has been received from:-

- Director of Environment and Transport (Ecology)
- Director of Environment and Transport (Rights of Way)
- Environment Agency.

No objection subject to conditions has been received from:-

Director of Environment and Transport (Highways)  
Severn Trent Water  
Head of Community Services (Pollution)  
Head of Community Services (Land Drainage).

The Leicestershire Constabulary Crime Reduction Officer raises no formal objection but reports that any reserved matters application will need to address a series of design issues that will ensure a high quality and safe environment.

The Head of Business Development and Street Scene Services (Waste Minimisation) raises no formal objection but reports that any reserved matters application will need to ensure that the adequate bin storage and bin collection point will need to be provided.

As a result of the Developer Contributions consultation, Leicestershire County Council confirms that contributions will be required in accordance with the current contributions scale as this is an outline major planning application:

- a) Director of Children and young Peoples Services (Education)
- b) Director of Environment and Transport (Civic Amenity)
- c) Director of Adults and Communities (Libraries).

The Primary Care Trust requests a developer contribution in accordance with its current scale in respect of the pressures the development will put on healthcare provision.

Site notice and Press notice were displayed and neighbours notified.

At the time of writing the report comments have not been received from Cyclist Touring Club.

### **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) advises local planning authorities to promote developments that make efficient use of land and achieve sustainable development. It advises that local planning authorities should reject poor design and that applicants for housing development should be able to demonstrate how they have taken account of the need for good layout and design and how their proposals reflect the guidance set out in the Planning Policy Guidance.

Government Circular 05/2005: Sets out the Secretary of State's policy on Planning Obligations, and would in practice be given significant weight by an Inspector on appeal.

#### The Local Plan (adopted February 2001)

Policy BE1 relates to the design and siting of development. It seeks a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. It requires developments to: complement or enhance the character of the surrounding area; incorporate landscaping to a high standard; ensure that there is adequate

highway visibility for road users and adequate provision for on and off street parking; and not adversely affect the occupiers of neighbouring properties.

Policy RES5 states that planning permission will only be granted for new residential development on sites not specifically allocated in the Local Plan for housing provided they lie within an urban area or rural settlement and their siting, design and layout does not conflict with the relevant plan policies.

Policy RES3 requires the provision of affordable housing.

Policy NE2 seeks to protect the environment against pollution.

Policy NE14 seeks to protect surface waters and groundwater quality.

Policy EMP1b states that the Local Planning Authority will consider proposals for other employment activities or alternative uses of identified sites on their merits in the context of the appropriate design policies of the plan. EMP1b sites are generally considered to be acceptable employment locations.

Policy IMP1 requires developers to make contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

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.

Policy T5 requires development to comply with the Highway Design Standards.

#### The Core Strategy (adopted December 2009)

Policy 1 seeks to ensure that all new development supports Hinckley's role as a sub regional centre through amongst other things, the delivery of housing and land for employment use.

Policy 5 seeks to ensure that appropriate transport infrastructure is provided within the Hinckley sub regional centre.

Policy 15 seeks to deliver 20% affordable housing provision in Hinckley on sites of 15 dwellings or more or sites of 0.5ha or more.

Policy 16 seeks to ensure that all new residential developments provide a mix of types and tenures appropriate to the applicable household type projections.

Policy 19 seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.

Policy 20 seeks to achieve the implementation of the green infrastructure network applicable to Hinckley town centre.

Policy 24 seeks to ensure that all new homes in Hinckley are built to Code for Sustainable Homes Level 3 at the current time.

## Supplementary Planning Guidance / Documents

Supplementary Planning Guidance: New Residential Development; Supplementary Planning Document: Play and Open Space; Supplementary Planning Document: Affordable Housing; Supplementary Planning Document: Hinckley Town Centre Strategic Transport Development Contributions

## Other Material Policy Guidance

The Employment Land and Premises Study (2004) conducted by consultants on behalf of the Borough Council has reappraised the importance of existing employment land and premises and recommended that this site should be retained as an EMP1b designation but with 25% to 50% of the site retained for employment purposes.

The Druid Quarter Masterplan and Regeneration Strategy was adopted by the Borough Council as Planning Guidance in June 2002. The Masterplan and Regeneration Strategy identifies the industrial heritage of the Druid Quarter and puts forward proposals to encourage investment into the area. The Strategy identifies potential development sites and improvements to pedestrian routes and public realm.

The County Council's guidance 'Adopted Statement of Requirements for Developer Contributions in Leicestershire' sets down the County-wide approach to developer contributions.

## **Appraisal:-**

The main considerations with regards to this application are the principle of development, the associated highways issues, layout and impact on neighbours, ecology, and sustainability and developer contributions.

## Principle of Development

The site is located within the settlement boundary for Hinckley as defined on the Adopted Hinckley and Bosworth Local Plan proposals map and therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

The site is an allocated employment site, which the Employment Land Study seeks to retain for part employment purposes and part other uses. The current proposal seeks to provide a 100% residential use and therefore the use of the site will be in direct conflict with the requirements of Policy EMP1 of the Local Plan and the Employment Land Survey. However, finding a long term viable use of the site is an important consideration to the Druid Quarter Master Plan and the overall vitality of the area.

The existence of commercial uses on the application site whilst being supported in principle by adopted planning policy is not considered the most appropriate use in strict land use planning terms. It is evident from a site inspection that Factory Road is heavily congested by on street parking and commercial traffic accessing the various other commercial sites in the locality. The current occupation of the site by Onyx Windows results in on street congestion due to vehicles reversing into the site and parking on the double yellow lines on Factory Road.

The site is within an area of mixed uses. However, a greater number of residential sites are being developed, suggesting that an emerging residential area is being created and therefore there is potential for conflict between the various uses in the locality. The continued use of the application site by commercial uses is likely to result in the continuation of conflict with

the surrounding residential areas in terms of the physical relationship of the uses and also traffic generation associated with the commercial uses.

In 2004 the Council granted outline permission for a 100% residential development on this site. Whilst this permission has not been implemented and has since expired, the presence of this permission is a material consideration in the determination of this application.

The proposed residential uses would result in less commercial traffic and would provide off-street parking and manoeuvring areas that would aid the free flow of traffic in Factory Road. The proposed residential use would complement the surrounding residential areas and is a sustainable location within the town for new residential development.

### Highways Issues

The development seeks to provide a single point of vehicular access from a new access to Factory Road adjacent to the jitty to the northeast boundary. The access runs past the proposed apartment building towards the rear of the site and opens out into the vehicle parking area. A total of 16 off-street car parking spaces are provided. The amended layout plan now includes an area of cycle parking within the site. The Director of Environment and Transport (Highways) raises no objection to the proposed layout.

### Layout and Impact on Neighbours

The impact on neighbouring residents associated with the proposed layout of this development is for consideration in the determination of this application. At the reserved matters stage further consideration will be given to the true impact of the proposed scheme through the scale and appearance of the developments upon the amenities of others.

The principle of the redevelopment of the site for residential purposes will improve the overall amenity of the area as it will reduce the conflict between the existing residential and commercial uses. The scheme seeks to provide off-street car parking that will enable occupiers to park within the site and therefore clear of the highway, reducing on-street parking pressures that currently exist.

The development is positioned at the back of the pavement, consistent with the character of Factory Road. The proposed layout indicates a three-storey development and whilst this is not consistent with the character of historic residential development in Factory Road, the scale would be typical of the remaining factory buildings particularly that of the factory adjacent to the application site, and many new build residential units that surround the site, particularly those on Upper Bond Street.

Because the development is for apartments, the layout proposed indicates a building of considerable depth. This depth is greatest to the site's south western boundary adjacent to the existing factory. At the site's north eastern boundary the depth is less and due to the physical relationship of the site to the adjacent dwelling and the jitty, the proposed development will extend further to the rear than the rear elevations of the existing dwellings.

The proposed layout reflects the character of the immediate area and does not result in a detrimental impact upon the amenities currently experienced by others. The development is likely to improve the public realm and the character of the adjacent jitty by maintaining the historic narrow form of the jitty's route but the use of railings to the application site's north eastern boundary will allow natural surveillance of those walking within the jitty and therefore improving its character and usability.

The development does not propose any outdoor amenity space for use by the residents and therefore fails to satisfy the requirements of Local Plan Policy BE1. Whilst this proposal is in conflict with policy requirements, the previously approved scheme did not propose any amenity space and this application was determined under the requirements of Policy BE1. Given the sites town centre position, the possible conflict in the enjoyable use of such space because of likely noise from the adjacent factory and the fact that the developer is willing to make a developer contribution in respect of the increased pressure the development will place on the use of Hollycroft Park, the lack of amenity space is acceptable in this case.

The amended plan now provides a bin store area adjacent to the site's south-western boundary. A bin store in this position does not satisfy the requirements of the Council's Waste Minimisation Officer due to the need for collection operatives to enter the site to collect the bins which is contrary to Council operations, however whilst the provision of a bin store is a material planning consideration, the siting of the store for easy collection purposes is not.

### Ecology

The protected species report does not identify the presence of any protected species on the site. The report details the areas surveyed and the condition of the building and does not identify any potential bats roost sites. The Director of Environment and Transport (Ecology) has reviewed the report and raised no objection. Accordingly, it can be concluded that the proposal will not have any adverse impact upon a protected species.

### Sustainability

The site is located within a very short walking distance of the town centre and the services it provides. The character of the immediate area allows for easy pedestrian routes between roads and therefore allows a good range of pedestrian routes. Factory Road is a bus route and therefore public transport options exist locally.

Any development of this type would be expected to provide secure cycle storage for residents and this will be delivered by way of a planning condition.

In line with Policy 24 of the Adopted Core Strategy, the residential units to be constructed on this site will need to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. The details of the scheme's compliance with this standard will be subject to a condition requiring them to be submitted prior to commencement on site.

### Developer Contributions

The proposal, by virtue of site area and the number of units proposed will trigger the need for developer contributions in respect of infrastructure development commensurate with the demands the development will place on public services. Given that the internal layout of the scheme is not known at present and therefore the exact split in apartment size is not known, developer contributions will need to be in accordance with the schedules provided by Leicestershire County Council and the Primary Care Trust (where triggered) and a standard developer contribution of £1250.80 per unit will be necessary in respect of The Borough Council's Play and Open Space development and maintenance programme.

### Other Matters

The Head of Community Services (Pollution) raises no objection to the application subject to conditions in respect of ground contamination and protection from noise from the adjacent factory. Given the sites former use for industrial purposes the consideration and necessary

mitigation of the ground conditions is a material consideration. Given the conditional recommendation for studies and necessary mitigation any identified issues can be appropriately dealt with to ensue there is no risk to further occupants or the ground waters of the area.

The site is located adjacent to an existing factory use, and whilst the exact use of the premises is unknown, there is a possibility of noise arising from the use that would be to the detriment of occupiers of the proposed development. The site's town centre position means that some noise from residential uses should be expected in line with the character of a mixed use area. In further support of this point Planning Inspectors have found that as long as the noise is not excessive and providing mitigation is proposed, the issue of noise impacting upon residential amenity of a proposed development is a matter of choice and should someone not like the noise they should not occupy a particular unit. On this basis the level of noise needs to be considered and any necessary mitigation designed accordingly and this can be considered by a condition at the reserved matters stage.

The Head of Community Services (Land Drainage) and Severn Trent Water raise no objection to the proposal but have both asked for conditions in respect of drainage details to be submitted. Historically the development control process has sought to control the design of drainage systems. However, in more recent years, further control is now delivered through the Building Regulations and by Severn Trent Water (as the service provider) and the drainage scheme that has been approved by the planning authority is usually subject to change. In line with recent appeal decisions and Planning Inspector opinion, it has been agreed locally that drainage details will no longer be required to be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Accordingly, in this case no drainage conditions are considered necessary.

### Conclusion

The proposed development of this site is consistent with the earlier grant of planning permission at the site and will result in a residential development that reflects the character of this important mixed use area within Hinckley. The development makes adequate provision for car parking and though the approval of the reserved matters will provide a high quality development that will maintain the character of the surrounding area.

**RECOMMENDATION:- That subject to no significant material observations being received by the end of the consultation period expiring on 6 May 2010, the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant planning permission for the development subject to the following conditions and the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972 towards, the provision and maintenance of public play and open space facilities, library facilities, highways improvements, civic amenity facilities and town centre infrastructure improvements. Failure to do so by 24 May 2010 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 residential amenity, the character of the Druid Quarter, highway safety or any protected species.



Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, RES5, NE2, NE14, EMP1, REC3, T5.

Hinckley & Bosworth Borough Council Core Strategy (2009):- 1, 5, 15, 16, 19, 20, 24.

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:
  - i) The scale of each building proposed in relation to its surroundings.
  - ii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
  - iii) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

- 3 The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.
  - a) The external building materials.
  - b) Details of boundary treatments, including details of railings in to the site's boundary where adjacent to the jitty.
  - c) Details of an external lighting scheme.
  - d) A scheme for the investigation of any potential land contamination on the site including details of how any contamination shall be dealt with.
  - e) A scheme for protecting the proposed apartments from noise from the adjacent commercial premises.
  - f) Details of the proposed bin store.
  - g) Details of finished floor levels of the proposed apartments.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

- 4 No development shall commence until such time as details of the surfacing to the access, driveway and parking spaces has been submitted to and approved in writing by the Local Planning Authority. These areas shall then be surfaced in the approved materials before the first occupation of any apartment hereby permitted.
- 5 Before first occupation of the apartments hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.
- 6 The car parking spaces hereby approved shall remain available for the parking of vehicles at all times.
- 7 No development shall commence until details of cycle parking provision to be provided within the site has been submitted to and agreed in writing by the Local

Planning Authority. The approved cycle parking shall then be provided on site before the first occupation of any apartment hereby approved and shall remain available for cycle parking thereafter.

- 8 All redundant vehicular accesses / dropped kerbs along either the sites frontage with Factory shall be closed permanently within one week of the new accesses being brought into use and the redundant vehicular crossings reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.
- 9 No development shall commence until details demonstrating that the development accords with Leicestershire Police Secure by Design Standard, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details and a copy of the necessary confirmation certificate issued by Leicestershire Police be provided to the Local Planning Authority.
- 10 Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment demonstrating that the apartments hereby approved can be constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority. In addition, prior to the first occupation of any apartment hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.

**Reasons:-**

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2&3 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 4-6 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 7 To ensure the site benefits from adequate cycle parking provision, in accordance with the requirements of Policy T5 of the Adopted Hinckley and Bosworth Local Plan.
- 8 To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points, in accordance with the requirements of Saved Policy T5 of the Adopted Hinckley and Bosworth Local Plan.
- 9 To ensure the development is an appropriate design and has an appropriate degree of security to accord with the requirements of Policies BE1 and IMP1 of the Adopted Hinckley and Bosworth Local Plan.
- 10 In the interests of sustainable development to accord with policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy

**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 (0116 3052202).

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

**Item:** 02

**Reference:** 09/00940/FUL

**Applicant:** The Garden Centre Group

**Location:** Woodland Nurseries Ashby Road Stapleton Leicester Leicestershire

**Proposal:** DEMOLITION OF BUNGALOW, PART OF GLASSHOUSE AND GARDEN CENTRE OFFICES, CHANGE OF USE OF EXISTING GARDEN CENTRE WAREHOUSE TO RETAIL SALES, ERECTION OF STORAGE BUILDING AND ENTRANCE CANOPY, RELOCATION OF WATER TANKS, FUEL TANKS AND SEWAGE TREATMENT PLANT AND FORMATION OF ADDITIONAL CAR PARKING AND ALTERATIONS TO OPEN SALES AREA.

**Introduction:-**

This application seeks full planning permission for:- the demolition of some existing structures within the site (a bungalow (107 square metres), parts of two glasshouses (380 and 251 square metres) and offices (113 square metres)); the erection of new structures within the site (a storage building (420 square metres) and entrance canopy (468 square metres)); the extension and alteration of existing structures (walls to enclose part-existing open sided area (144 square metres)); the change of use of the existing storage warehouse for additional retail sales (639 square metres); the relocation of water tanks, fuel tanks and a sewage treatment plant and the laying out of additional car parking, alterations to the open sales areas, internal access roads and associated landscaping.

The garden centre covers an area of approximately 6.68 hectares in total and is located on the west side of the A447 (Ashby Road) 1 mile north of Stapleton. The garden centre is surrounded by open agricultural land with occasional detached dwellings to the west, east and north. In addition to the main building (7,100 square metres) containing retail areas for a wide range of horticultural and other products, a cafe and storage area, there are outdoor sales areas (3,528 square metres) and large (non-public) horticultural glasshouses (11,750 square metres) together with service yards and staff/visitor parking areas within the overall site. There are also two detached dwellings within the site. The existing commercial buildings have grown in stages since the late 1970's and are single storey, mainly medium height, steel framed structures with a mixture of glazed and brick panel walls and pitched roof bays together with some brick built extensions with flat roofs. The parking areas are divided between formal marked tarmac areas immediately around the building together with more informal temporary hardcore areas and unmarked overspill parking in the grassed

landscaped area to the south of the access. The boundaries to the site are generally hedgerows and narrow bands of perimeter tree planting.

A number of additional documents have been submitted in support of the application including a Design and Access Statement, Retail Impact Assessment, Transport Assessment and Technical Note, Flood Risk Assessment, Planning Statement, Arboricultural Survey Report and Bat and Nesting Bird Survey Report.

The Design and Access Statement explains that the proposals are intended to rationalise the site layout to improve the visual appearance of the Centre and the functional aspects of the retail operation, customer circulation and traffic management.

The Retail Impact Assessment concludes that: there is a quantitative and qualitative need for the development and that the proposals comply with the government's approach to sequential site selection. It also concludes that the centre would compete with other garden centres rather than town centres and, as these operations lie in out-of-town locations, the protection of their vitality and viability is not covered by PPS6 or development plan policy therefore any trade diversion or impact is a matter of commercial competition only. The proposals are considered acceptable in terms of retail planning policy.

The Transport Assessment and Technical Note identify the site as being well located for access to the strategic highway network. Whilst the particular travel characteristics of garden centres make it unlikely that customers will choose to travel to the site by modes other than the private car regardless of its accessibility by none car modes, there are opportunities to travel by public transport (bus service) or cycle. It concludes that the proposals will result in a significant improvement to the configuration of the car parking area and will increase the provision of overall parking spaces including mobility impaired parking spaces, cycle parking and motor cycle parking spaces. In addition, the increase in sales floor area is small and the proposals would not result in material harm or a demonstrable impact in transport or highway terms, therefore, it is considered that they are acceptable in transport terms.

The Flood Risk Assessment concludes that the site is in Flood Zone 1 and has no flood history. Subject to the implementation of a satisfactory surface water drainage scheme, the development will not change off-site flood risk. On-site flood risk from the relocation of the service yard is very low and should be acceptable.

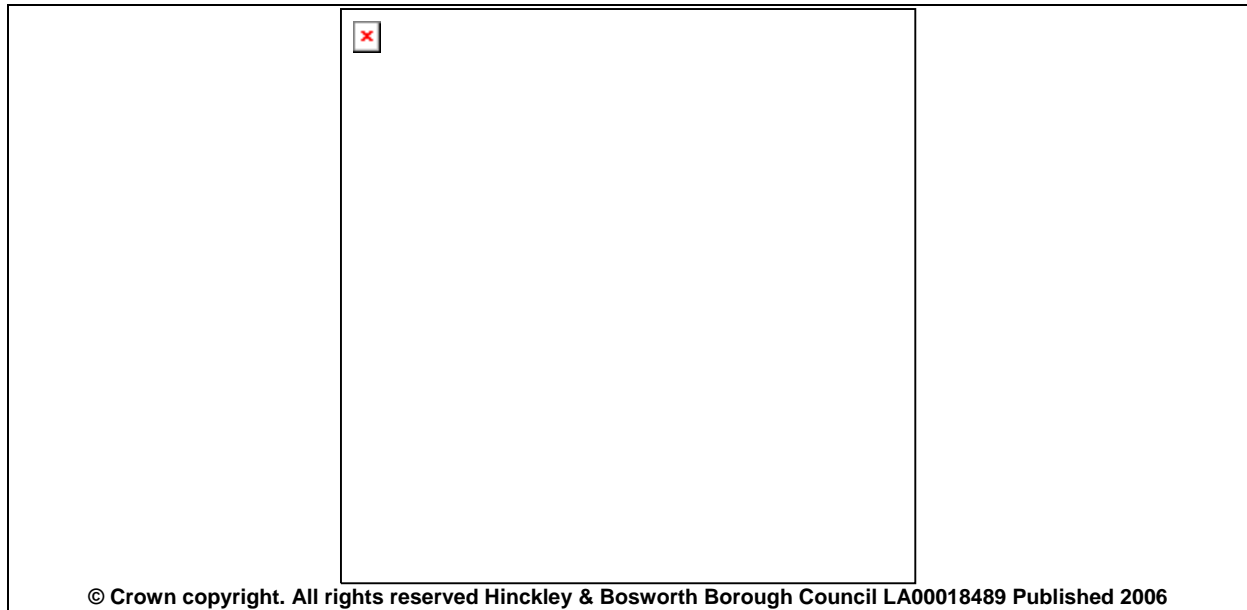
The Planning Statement assesses the proposals and supporting information and considers that the proposals are consistent with both national and development plan policies.

The Arboricultural Survey Report identifies the trees located within the site and assesses their condition and retention categories. The Bat and Nesting Bird Survey Report recommends further surveys to be carried out prior to the start of the proposed works in respect of bats (to clarify the status of roosting bats within the bungalow) and nesting birds. The agent has confirmed that further bat emergence surveys are to be carried out in May and that the results will be made available to inform the application prior to the target date (4th June 2010) for determination of this application.

**History:-**

08/00141/FUL	Demolition of Existing Dwelling And Extension to Existing Garden Centre with Associated Works	Approved	12.05.08
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03/00966/FUL	Extensions and Alterations to Form a Horticultural Plant Shade Open Sales Area and Vehicle Turning Area	Approved	07.10.03
02/00762/FUL	Installation of Water Treatment Tank	Approved	30.07.02
01/00390/FUL	Alterations to Existing Overflow Car Park and Internal Access Road	Approved	12.07.01
99/00427/FUL	Erection of 2 Water Storage Tanks for Rainwater Recycling	Approved	08.07.99
98/00164/FUL	Extension to Garden Centre	Approved	27.05.98
96/00919/TEMP	Retention of Poly-Tunnels for Growing Horticultural Products	Approved	03.01.97
96/00807/TEMP	Retention of Toilet Block	Approved	11.11.96
96/00094/FUL	Extension of Existing Glasshouses for Plant Production	Approved	11.03.96
91/0099/4	Approval of Reserved Matters for Extension to Garden Centre	Approved	23.04.91
90/0357/4	Extension of Existing Garden Centre and Horticultural Production Area, New Car Parking and Access (Outline)	Approved	09.10.90
86/0235/4	Erection of Glasshouse for Growing Horticultural Products	Approved	29.04.86
81/0563/4	Production and Sale of Nursery, Stock Ancillary Provision of Car Parking Facilities.	Approved	28.04.81



### **Consultations:-**

No objection has been received from:-

Director of Environment and Transport (Rights of Way)  
Highways Agency  
Severn Trent Water Limited  
Central Networks.

No objections subject to conditions have been received from:-

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

Director of Environment and Transport (Ecology) recommends that the application is withdrawn or refused pending further survey work for bats in respect of the proposal to demolish the bungalow. It is essential that this information is provided to enable adequate mitigation measures to be incorporated into the development.

Site notice displayed and neighbours notified, 1 letter of objection have been received raising the following concerns:-

- a) large unsightly storage building will remove part of earth bund created to screen the site
- b) intensified use of storage area will create additional noise and disturbance especially from deliveries which will be particularly intrusive at night
- c) moving cess pit closer to residential property will be detrimental to amenity from smells.

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

Director of Environment and Transport (Highways)  
Environment Agency  
Ramblers Association  
Leicestershire Constabulary Crime Reduction Officer  
Peckleton Parish Council.

## **Policy:-**

### Central Government Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' in paragraph 27, states that planning authorities should seek to focus developments that attract a large number of people, especially retail and leisure developments, in existing centres to promote their vitality and viability, reduce the need to travel and encourage the use of public transport to promote more sustainable patterns of development.

Planning Policy Statement 4 (PPS4): 'Planning for Sustainable Economic Growth' in paragraph 10 seeks to achieve sustainable economic growth by improving the economic performance of both urban and rural areas.

Policy EC17 states that planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan should be refused where: (a) the applicant has not demonstrated acceptability of the proposal in terms of: (i) a sequential assessment of site selection; and (ii) an impact assessment in respect of, amongst other things, the vitality and viability of existing centres in the same catchment area, accessibility, character of the area, climate change, economic regeneration, and local employment.

Planning Policy Statement 6 (PPS6): 'Planning for Town Centres' in paragraph 1.3 states that the Government's key objective for town centres is to promote their vitality and viability by planning for the growth and development of existing centres and focussing development in such centres. Paragraph 1.4 encourages the enhancement of consumer choice by the provision of a range of shopping, leisure and local services and supports efficient, competitive and innovative retail sectors that are accessible and well served by a choice of means of transport. Paragraph 3.1 states that in determining planning applications for proposals relating to main town centre uses, including extensions to existing facilities, local planning authorities should (a) assess the need for the development; (b) identify the appropriate scale of development; (c) apply the sequential approach to site selection; (d) assess impact; and (e) ensure locations are accessible. Paragraph 3.29 relates to extensions to existing development of out-of-centre locations and advises that the impact on existing town centres of the proposed extension should be given particular weight, especially if new and additional classes of goods for sale are proposed. The sequential approach is only a relevant consideration in relation to extensions where the gross floor space of the extension exceeds 200 square metres.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' outlines the Government's objectives for rural areas. Paragraph 1 advises that 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. Paragraph 5 encourages planning authorities to support a wide range of economic activities in rural areas including the expansion of business premises to facilitate healthy and diverse economic activity. Paragraph 15 encourages the support of countryside based enterprises that contribute to rural economies.

Planning Policy Statement 9 (PPS9): 'Biodiversity and Geological Conservation' includes the broad aim that development should have minimal impacts on biodiversity and enhance it where possible.

Planning Policy Guidance 13 (PPG13): 'Transport' sets out the Government's national transport policy for new development. The objectives of the PPS include the promotion of accessibility to shopping and other facilities and services by public transport, walking and cycling and to reduce the need to travel especially by car although recognising that this may be less achievable in some rural areas.

### Regional Policy

The East Midlands Regional Plan (2009) provides a broad development strategy for the East Midlands up to 2026. Policy 2 promotes better design. Policy 3 relates to the distribution of new development and recognises that the needs of rural areas should be provided for with priority given to making the best use of previously developed land in sustainable locations. Policy 22 states that local planning authorities should prevent the development or expansion of additional regional scale out-of-town retail floor space. Policy 24 promotes the continued diversification and further development of the rural economy where this is consistent with a sustainable pattern of development and the environmentally sound management of the countryside. Policy 43 seeks to reduce the need to travel and promotes a modal shift away from the private car to more sustainable means of transport.

### Local Policy

#### Hinckley and Bosworth Local Development Framework: Core Strategy (2009)

Spatial Objective 1 seeks to strengthen and diversify the economy by providing sufficient, sustainably located good quality premises to encourage appropriate sectors with growth potential. Spatial Objective 3 seeks to ensure rural communities have access to a range of shops and other facilities and services to support, enhance and improve the sustainability, vibrancy and vitality of rural areas. Spatial Objective 13 seeks to reduce the high reliance on car travel in the borough through improvements to public transport infrastructure and facilities that promote walking and cycling and the use of travel plans.

#### Hinckley and Bosworth Local Plan (2001)

The site is located in the countryside outside any settlement boundary.

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, mass, design and materials; incorporate design features that minimise energy consumption and minimise the impact of the development on the local environment; incorporate landscaping to a high standard where this would add to the quality of the design and siting; have regard to the needs of wheelchair users; ensure adequate highway visibility for road users and adequate provision for off-street parking together with turning facilities and should not adversely affect the occupiers of neighbouring properties.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is either important to the local economy and cannot be provided within or adjacent to an existing settlement, or, for the extension of existing buildings and where it does not have an adverse effect on the appearance or character of the landscape; is in keeping with the scale and character of the existing buildings and general surroundings; will not generate traffic likely to



exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

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

Policy NE14 requires satisfactory arrangements to be made for the disposal of surface water drainage.

Policy RET1 states that planning permission will not be granted for major retail development proposals outside of Hinckley Town Centre unless: there is a demonstrable need for the development; there are no suitable alternative sites in the Town Centre, edge of Town centre, or Local Centres available; there is no detrimental impact on the vitality or viability of Hinckley Town Centre; it can be served by frequent and convenient public transport and maximises opportunities for access by foot and bicycle.

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 T11 states that proposals likely to generate significant traffic flows should not have a detrimental effect on the local traffic situation.

### **Appraisal:-**

The main considerations with regards to this application are the principle of development in this rural location and the impact of the development on: the character and appearance of the site and surrounding countryside; neighbouring residential properties and the highway network.

### Principle of Development

Government guidance in PPS1, PPS4 and PPS6 along with Local Plan policy RET1, seeks to focus major retail development towards existing centres in order to promote more sustainable patterns of development. However, there is also support for the expansion of existing business premises in rural areas and a positive approach to encourage proposals designed to improve the viability of existing facilities that play an important role in sustaining rural communities, particularly where this involves the use of previously developed land.

In this case, the garden centre and plant production area is an existing Class A1 (Retail) business together with a horticultural nursery covering a significant site area and is important in the local rural economy of the area providing employment for over 120 full and part time staff in the garden centre and a further 15 persons employed in horticulture. There is an extant planning permission for extension and alterations of the main building (08/00141/FUL) to provide approximately 2,100 square metres of additional retail floor space. The current application, whilst also seeking a more modest addition to the overall indoor sales area (914 square metres), is considered to be more focused on relocation and reorganisation of the overall operations within the site to improve the visual appearance of the centre, to improve customer circulation within the open sales areas, the garden centre buildings and the car parking areas and to separate public and non-public areas more effectively to improve safety and security.

The Retail Impact Assessment (RIA) submitted in support of the application considers that there is a need for the development to offer a broader and deeper range of goods than other garden centres in the catchment area to meet customer requirements and consumer choice. In addition, it considers that there is a need for the development to meet projected increases in population, expenditure, demand and turnover. In respect of sequential site selection,

PPS6 states that local planning authorities should be realistic in considering whether alternative sites for the proposed development are suitable, viable and available and that a single retailer or leisure operator should not be expected to split their proposed development into separate sites. In this case, it is considered unlikely that any alternative suitable, viable or available sequentially preferable premises or sites would be found in or next to the local centres to relocate the business. The RIA suggests that, in general, garden centres operate on lower turnover to floor space efficiencies than many town centre retailers and because of the requirement for large open sales areas, plant displays and ancillary storage elements, this makes town centre locations unviable for such businesses due to the higher rents that such locations attract. In addition, it is considered that there would be no adverse impact on the vitality or viability of town or village centres within the catchment area given the type of goods to be sold and the scale of the proposals. Any impact on other garden centres within the area is considered to be a matter of commercial competition.

In respect of Local Plan policy NE5 the proposals are considered to be extensions and alterations to the existing built form within the site, in keeping with the scale and character of the existing buildings and unlikely to have an adverse effect on the appearance or character of the landscape or generate traffic likely to impair road safety. Overall and on balance, the proposed development is considered to be acceptable in principle in respect of national guidance and local plan policy.

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

The proposals include a number of elements that will improve the overall appearance of the site, most notably the removal of a large prominent open sales area at the front of the main building currently enclosed by a timber structure with green shade netting. This structure is visually unattractive and the consolidation and relocation of the open sales areas to the rear (west) of the main building will improve the overall appearance of the site considerably. The new entrance canopy will provide a well designed, contrasting focal entrance point to the garden centre and the demolition of the bungalow will enable a paved concourse to be provided adjacent to the entrance around the two existing mature trees. The operational storage areas will be screened behind a new wall and the consolidated open sided sales area. Additional tree planting and ornamental landscaping are proposed within the additional car parking areas resulting from the removal of the open sales area at the front of the main building to further enhance the appearance of the site.

The extensions and alterations are generally in keeping with the existing structures on the site in terms of design, scale and appearance. The new storage building proposed to the north west corner of the site is slightly greater in scale than the existing buildings but will be largely screened from public view by existing buildings and boundary landscaping in the form of trees and hedgerows. The proposed development is contained within the established boundaries of the site.

Overall, the proposals are considered to improve the visual appearance of the site and are unlikely to have an adverse effect on the character or appearance of the surrounding landscape.

#### Impact on Neighbouring Properties

The north west corner (rear) of the site has previously been used for staff parking but is also currently used to some extent for informal outdoor storage of goods. The proposals include the relocation of the storage and delivery operations of the business to this area and the erection of a new storage building as a replacement for the storage area currently attached to the main building. The proposals also include the relocation of a number of water tanks, fuel tanks and a small sewage treatment plant to this area. The boundaries to this part of the

site are defined by perimeter trees and hedgerow with a small earth bund within the site which will be partially lost as a result of the siting of the new storage building.

The proposed storage building will be located approximately 17 metres inside the western boundary of the site and approximately 5 metres within the northern boundary of the site. It will have a ridge height of 7.8 metres with a low profile pitched roof to eaves at a height of 4.5 metres. The overall height of the building is slightly greater than the existing garden centre building and horticulture building due to the single pitch design of the roof. However, it will have a separation distance of approximately 40 metres to the nearest dwelling (Nine Acres) with the shortest elevation facing that direction. Woodside Farm is approximately 80 metres to the north west. There are currently boundary trees and a small earth bund that help to screen the site from surrounding land. The agent has confirmed that additional landscaping within this area is being considered including relocation and enhancement of the existing earth bunds and amended plans will be submitted to address this issue. Under these circumstances it is considered that the building would not be unacceptable in terms of its impact on the visual amenities or outlook of any neighbouring properties.

The proposals will involve an intensification of use of this area of the site including the use of fork-lift trucks and, as already discussed, there are residential properties to the west (Nine Acres) and north west (Woodside Farm) located at approximately 24 metres and 75 metres respectively from the site boundaries. The Head of Community Services (Pollution) does not object to the application but recommends that, should planning permission be approved, the applicant's should be required to submit a scheme to mitigate the impact of the proposed use on nearby residential properties from noise as a result of the increased activity in this area of the site. A condition has therefore been included in the recommendation.

The relocation of the water tanks and fuel tanks are not considered to be likely to adversely affect the amenities of any neighbouring properties. The sewage treatment plant will be relocated within the same area but approximately 30 metres closer to the west boundary of the site. No objections have been received at the time of writing this report from the nearest neighbour (Nine Acres) and notwithstanding the comments received from Woodside Farm, the sewage treatment plant will be no closer than its current location.

### Highway and Parking Issues

The proposed removal of part of the horticulture building and mobile office building and relocation of water tanks, fuel tanks and the sewage treatment plant will result in a significant improvement to the configuration of, and circulation within, the customer car parking area and will separate delivery vehicles from those of the customers. The proposals will also result in an increase in the provision of mobility impaired parking spaces, cycle parking provision and motor cycle parking spaces and an increase in the overall car parking provision within the site. The existing access off Ashby Road is considered to be adequate to serve the site in terms of its design and visibility.

The Transport Assessment recognises that there is a strong tendency for most travel to garden centres to be via private car, particularly given the larger nature of the goods being offered. The proposals involve only a modest increase in sales floor area and are not considered likely to result in a material increase in vehicle movements to and from the site or to have any significant impact on the safety or operation of the local highway network. In this case, there is also alternative public transport available via bus. The response of the Director of Environment and Transport (Highways) has not been received at the time of writing this report and will be reported as a late item.

## Other Issues

The Bat and Nesting Bird Survey Report advises that a small number of 'old' bat droppings were found within part of the roof space within the bungalow that is to be demolished as part of the proposals. Whilst this does not suggest that it is either a regularly used roost or has supported a significant number of bats, the report recommends that further survey work is carried out to clarify the status of any roosting bats. The Director of Environment and Transport (Ecology) recommends that the application is withdrawn or refused pending the completion of that further survey work as it is considered to be essential that this information is provided to enable adequate mitigation measures to be incorporated into the development should this prove to be necessary. The agent has confirmed that emergence surveys for bats are to be carried out during May (the beginning of the active season) to try to resolve this issue and allow further ecological consultation and advice to be sought prior to determination of the application.

## Conclusion

Although the development results in additional retail floor space in a rural location, in this case, the garden centre is a well established existing business and, on balance, given the scale and nature of the proposals they are considered to be acceptable in terms of the relevant policies of the Local Plan and government guidance contained in PPS4, PPS6 and PPS7. The proposals alter and extend the existing buildings on the site to provide improvements to its operation and to improve the viability of this rural based business. The proposed development, including additional landscaping and removal of unattractive structures, will improve the visual appearance of the site and will not have an adverse impact on the character or appearance of the surrounding landscape. It is unlikely that the modest increase in sales floor area will have an adverse impact on the local highway network and the proposals will result in adequate and improved parking provision within the site for all users. The outstanding protected species survey work in respect of bats and the existing bungalow to be demolished is to be carried out prior to the deadline for determination of the application.

**RECOMMENDATION:- that subject to no significant objections being received prior to the expiry of the consultation period ending on 21 May 2010 resolution of the outstanding issue of the impact of the development on bats before 4th June 2010 the Deputy Chief Executive (Community Direction) be granted delegated powers to issue planning permission subject to the following conditions. Failure to resolve the outstanding issue by 4th June 2010 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 it relates to the extension and alteration of an existing retail outlet; would improve and enhance the visual appearance of the site and would not have an adverse effect on the character or appearance of the surrounding landscape, the amenities of the occupiers of neighbouring properties, highway safety or protected species.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, RET1, NE5, NE12, NE14, T5 and T11.

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

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:2500 scale; Plan Nos. T615-114 Rev A; T615-115 Rev A; T615-116 Rev A; T615-117 Rev A; T615-118 Rev A; T615-119 Rev A; T615-120 Rev A; T615-121 Rev A; T615-122 Rev A; T615-123 Rev A; T615-124; T615-125; and Landscaping Plan Drg. No. 491/01 received by the Local Planning Authority on 5th March 2010.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed storage building, entrance canopy and alterations to the main building 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 Development shall not commence until a scheme for protecting nearby dwellings from noise from the storage building and the surrounding yard area has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved noise attenuation scheme shall be completed before the storage building is first brought into use.
- 5 No retail sales shall be made from the storage building hereby permitted and it shall not be used other than for the ancillary storage of goods in connection with the garden centre.
- 6 The landscaping scheme shall be carried out in accordance with the approved details submitted on Drawing No. 491/01 received by the Local Planning Authority on 5th March 2010 and amended plan No. XXXXX received by the Local Planning Authority on xxth May 2010. The soft landscaping scheme shall be implemented during the first appropriate planting season following first use of the development hereby permitted and 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.
- 7 Before any development is commenced on the site, including site works of any description, each of the trees identified as T9 and T10 in the submitted Arboricultural Survey Report from Sylvanus dated February 2010 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 in accordance with the Root Protection Areas detailed in the report 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 approved 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.
- 8 The development hereby permitted shall be carried out in complete accordance with the recommendations of the Bat and Nesting Bird Survey Report by Baker Shepherd Gillespie dated January 2010. If further surveys confirm the presence of any protected species, no works shall commence on site until an appropriate scheme of mitigation has been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be carried out in accordance with the approved scheme.

- 9 Before development commences, a surface water drainage scheme to mitigate the increase in impermeable areas within the site and to reduce the risk of flooding shall be submitted to and approved in writing by the Local Planning Authority in accordance with the recommendations of the submitted Flood Risk Assessment and Surface Water Drainage Options Report by Simon Jones-Parry dated 10th November 2009. The development shall then be implemented in accordance with the approved scheme.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 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 ensure that the proposed development does not have an adverse impact on the amenities of the occupiers of surrounding dwellings in terms of noise to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure adequate internal storage facilities are available to service the garden centre and to restrict the expansion of further retail sales floorspace to accord with Planning Policy Statement 6: 'Planning for Town Centres'.
- 6 To enhance the appearance of the development and to ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure that the existing trees on site are retained and protected in the interests of visual amenity to accord with policy NE12 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that the development is not detrimental to protected species or their habitat to accord with Planning Policy Statement 9: Biodiversity and Geological Conservation.
- 9 To ensure adequate surface water drainage from the site and to reduce the risk of creating a flooding problem 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. 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 (0116 3052202).

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

**Item:** 03

**Reference:** 09/01000/FUL

**Applicant:** Mr Neil Chapman

**Location:** Land Off Potters Marston Lane Earl Shilton Leicestershire

**Proposal:** SITING OF RESIDENTIAL CARAVAN FOR USE AS DWELLING

#### **Introduction:-**

This application seeks full planning permission for the siting of a residential caravan to be used in association with a newly established calf rearing operation on an agricultural holding known as 'Dagleys Farm' on land to the east side of Potters Marston Lane, Earl Shilton and north of, and adjacent to, the M69 motorway. Illustrative details of the proposed caravan have been provided indicating a structure of approximately 10.5 metres in length by 3.6 metres width providing a lounge, kitchen, bathroom hall and two bedrooms and comprising of a coloured aluminium clad body built on a single axle steel chassis with integral steel support legs on concrete pads. The caravan would be located adjacent to the existing access track which runs from the field access close to the western boundary of the holding to the existing agricultural buildings. Rainwater would be piped to a soakaway, foul sewage would be piped to a treatment plant.

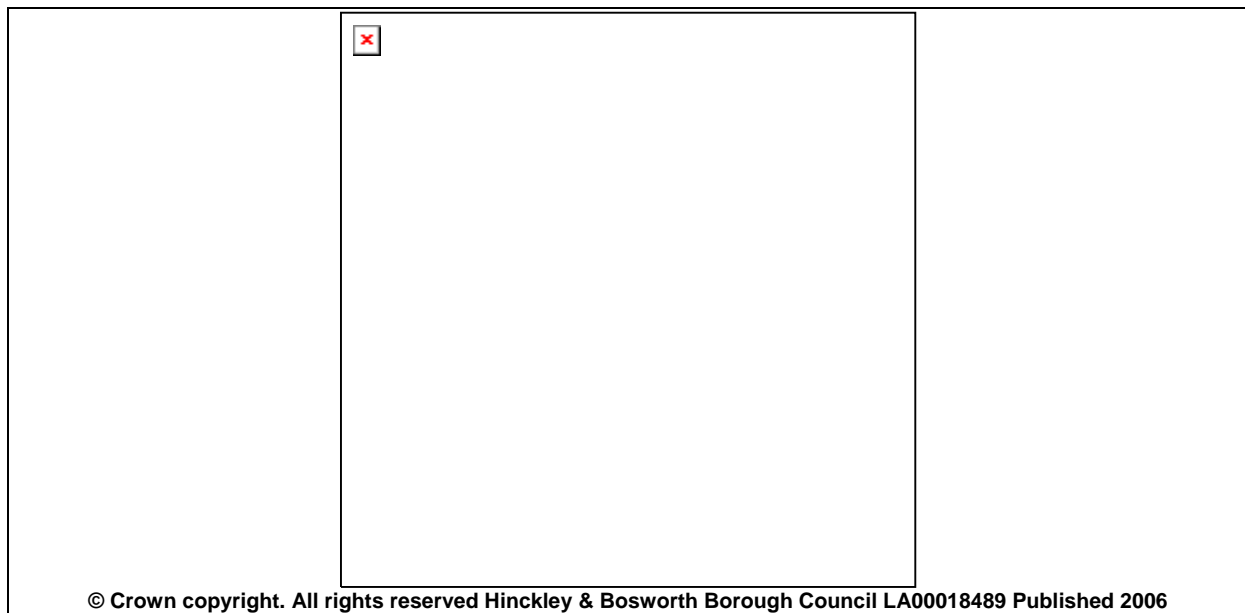
The landholding comprises of two fields and extends to some 2.8 hectares of mainly pasture land. There is a small complex of three agricultural buildings located close to the western boundary of the southernmost field. Planning permission has recently been approved for two additional agricultural buildings in proximity to this complex but they have not yet been erected. There is a large farm complex known as The Yennards to the west of the site and another farm complex further to the north east with agricultural fields surrounding them. The application site occupies a lower ground level than Potters Marston Lane to the west as it rises to bridge the M69 motorway that borders the south of the site. There is a mature hedgerow along the western boundary and other mature field boundary hedgerows with trees within the landholding.

A Design and Access Statement has been submitted with the application. This provides further details of the applicant's livestock business operation which involves the weaning and rearing of calves from approximately two weeks old to between three and seven months old before selling them on. In addition to the calf rearing enterprise the applicant also runs a small flock of 15 sheep and 150/200 chickens. The Statement outlines the planning policy framework and provides an assessment of the proposal in the context of these policies including an assessment of the functional need for a worker to live on site and the financial viability of the holding. It concludes that: (a) the applicant has exhibited a firm intention and commitment to develop the enterprise by his investment in stock, equipment and buildings;

(b) there is an essential need for the applicant to live on the site to properly care for the livestock in respect of animal welfare to prevent loss of young and vulnerable stock through illness and theft; (c) that the enterprise justifies the requirement for a full time worker; (d) that the unit has been planned on a sound financial basis and has a clear prospect of becoming viable and sustainable; and (e) that there is no other suitable and available accommodation. It is therefore considered by the applicant that the proposal complies with current local and national planning policy.

**History:-**

09/00646/FUL                  Erection of Two Agricultural Buildings                  Approved                  19.10.09



**Consultations:-**

No objection has been received from:-

- Environment Agency
- Earl Shilton Town Council
- Head of Business Development and Street Scene Services (Waste Minimisation)
- Head of Community Services (Pollution)
- Head of Community Services (Land Drainage).

Borough Council's Agricultural Appraisal Consultant advises that there is no agricultural support for the proposed siting of a temporary agricultural dwelling as the enterprise fails the functional test and based on current returns will not be able to pass the financial test after three years. In addition, there are other dwellings in the area which are both suitable and available that would fulfil the functional needs of the unit.

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

- Director of Environment and Transport (Highways)
- Blaby District Council
- Site notice
- Neighbours.

**Policy:-**



## Central Government Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' sets out the overarching planning policies on the delivery of sustainable development through the planning system. Paragraph 5 states that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by protecting and enhancing the natural environment and the quality and character of the countryside. Paragraph 17 states that planning policies should seek to protect and enhance the quality, character and amenity value of the countryside. Paragraph 19 states that planning decisions should be based on the potential impacts on the environment of development proposals. Significant adverse impacts on the environment should be avoided and alternative options which might reduce or eliminate those impacts pursued.

Planning Policy Statement 3 (PPS3): Housing sets out the national planning policy framework for delivering the Government's housing objectives. Paragraph 10 seeks to ensure that housing developments are in suitable locations, which offer a good range of community facilities, with good access to jobs, key services and infrastructure. Paragraph 16 outlines matters to consider when assessing design quality and includes the extent to which the proposed development is easily accessible and well-connected to public transport and community facilities and services.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' sets out the Government's planning policies for rural areas. Paragraph 1 advises that new building development in the open countryside outside existing settlements should be strictly controlled in order to protect the countryside for its intrinsic beauty. Paragraph 10 makes it clear that isolated new dwellings in the countryside require special justification for planning permission to be granted. Further advice is provided in Annex A to PPS7 which states that one of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural and certain other full time workers to live at, or in the immediate vicinity of, their place of work. Paragraph 12 of the Annex advises that if a new dwelling is essential to support a new farming activity, whether on a newly created agricultural unit or an established one, it should normally be provided by a caravan or other temporary accommodation and be subject to a number of other criteria including functional and financial requirements in addition to normal planning requirements. If permission for temporary accommodation is granted, the planning authority should make clear the period for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. Authorities should not normally give temporary permissions in locations where they would not permit a permanent dwelling. In assessing planning applications for new dwellings in the countryside Annex A requires a functional and financial test to be applied in order to give consideration to: the nature of the holding and the functional need/necessity for the person to live on site, having regard to the security and efficient operation of the holding (e.g. if a worker is needed day and night to provide essential care at short notice and deal quickly with emergencies that could otherwise cause serious loss); the financial viability of the holding to sustain the worker in full time employment; and the availability of suitable existing accommodation nearby. It is the requirements of the enterprise, not those of the owner or occupier that is of relevance in determining the size of the dwelling that is appropriate.

## Regional Policy

### East Midlands Regional Plan (2009)

Policy 1 seeks to protect and enhance the environment and avoid significant harm whilst encouraging patterns of new development that reduce the need to travel. Policy 2 promotes better design. Policy 3 states that the development needs of rural areas should be provided for and that new development should contribute to the vitality of rural communities and strengthening rural enterprise. Policy 26 seeks to protect and enhance the regions natural heritage and states that damage to such assets or their setting should be avoided wherever and as far as possible and unavoidable damage must be minimised and clearly justified by a need for development in the location that would outweigh the damage that would result.

#### Hinckley and Bosworth Local Plan (2001)

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

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 and materials; 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; and 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 NE12 states that proposals for development should make provision for further landscaping where appropriate.

Policy NE14 requires satisfactory arrangements to be made for the disposal of foul sewage, trade effluent and surface water.

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

## **Appraisal:-**

The main considerations in respect of this application are: the principle of the development; whether there is clear evidence of a firm intention and ability to develop the enterprise; whether it is essential for the proper functioning of the enterprise for a full time worker to be available at most times of the day and night; whether the enterprise is planned on a sound financial basis; whether suitable alternative accommodation exists nearby; and the visual impact of the proposed caravan on the character and appearance of the landscape.

### Principle of Development

Paragraph 10 of PPS7 makes it clear that isolated new houses in the countryside will require special justification for planning permission to be granted. Where this special justification relates to the essential need for a worker to live permanently at their place of work in the countryside, local planning authorities should follow the advice in Annex A to the PPS. Paragraph 12 of Annex A of PPS7 relates specifically to temporary agricultural dwellings and advises that if a new dwelling is essential to support a new farming activity, whether on a newly created agricultural unit or an established one, it should normally be provided by a caravan or other temporary accommodation and satisfy a number of other criteria discussed below.

There should be clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is cited as often being a good indication of intentions). In this case, there are three existing agricultural buildings within the holding: one livestock building of steel frame construction with block-work and Yorkshire boarding walls and corrugated sheet roof; and two smaller buildings of timber frame and corrugated metal sheet construction with a concrete apron between them. Whilst the applicant has recently been granted planning permission for the erection of two additional large agricultural buildings of permanent construction within the site in order to expand his farming activities, development has not yet commenced on these buildings. In the opinion of the Borough Council's Agricultural Appraisal Consultant, the applicant has, therefore, failed to demonstrate clear evidence of a firm intention to develop the enterprise at the present time and does not satisfy the criteria of paragraph 12(i).

There should be a functional test applied to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available on site at most times, for example, in case animals require essential care at short notice or to deal quickly with emergencies that would otherwise cause serious loss. The supporting information submitted with the application states that the greatest risk to the enterprise is loss of stock through illness and that young calves are particularly prone to certain illnesses that, if overlooked, can quickly lead to death. It is suggested by the applicant that constant monitoring throughout the day and night can reduce the risk of loss, provide medical attention where necessary and allow isolation of sick animals to reduce the risk of the spread of disease through the remainder of the stock and that it is essential to provide on-site accommodation for this purpose and to act as a deterrent to theft and vandalism. Whilst animal welfare and security are important considerations, given the current stock on the holding, in the opinion of the Borough Council's Agricultural Appraisal Consultant, there is no functional need for a dwelling at present to ensure the proper functioning of the enterprise and it fails the functional test of paragraph 4 of Annex A of PPS7 and, therefore, does not satisfy the criteria in paragraph 12 (ii).

There should be clear evidence that the proposed enterprise has been planned on a sound financial basis. The supporting information submitted with the application provides a financial projection for 2010 based on a throughput of 400 calves per annum together with additional income from sheep and chickens to demonstrate the viability of the enterprise. In the opinion

of the Borough Council's Agricultural Appraisal Consultant, from the financial evidence submitted and using standard figures, the enterprise would be unable to sustain the cost of a permanent dwelling after three years and would clearly fail the financial test set out in Annex A of PPS7. In his opinion, therefore, the proposed enterprise has not been planned on a sound financial basis, and does not satisfy the criteria in paragraph 12 (iii).

In addition to identifying a functional need, it is also necessary to consider whether that need could be accommodated by any other available accommodation within the locality. There is no other dwelling within the land holding or the immediate locality that is both suitable and available. However, in the opinion of the Borough Council's Agricultural Appraisal Consultant, the nearby settlements of Earl Shilton and Huncote are able to provide numerous dwellings that are both suitable and available to satisfy the functional needs of the enterprise and therefore the criteria of paragraph 12(iv) has not been satisfied.

Given the above, it is considered that the enterprise is unable to satisfy at least four of the five criteria in paragraph 12 and all five criteria must be satisfied to comply with the guidance contained in Annex A of PPS7.

#### Siting, Design and Impact on the Countryside

Although relatively small scale and temporary in nature, as no essential functional need and no financial support for a dwelling has been demonstrated, the proposal would constitute new residential development in the countryside that has no special justification. It is therefore considered that the proposed residential caravan would be contrary to central government guidance and adopted regional and local plan policies that seek to protect the character and appearance of the countryside from the adverse effects of unjustified new residential development.

#### Access

Access to the proposed residential caravan would be from Potters Marston Lane via a single width field gate set back approximately 5 metres behind the edge of the carriageway. Good visibility from the access is available to the south but less so to the north where there is a shallow bend in the road and existing hedgerows reduce visibility further. The comments of the Director of Environment and Transport (Highways) had not been received at the time of writing this report and will be reported as a late item.

#### Conclusion

Both central government guidance and adopted regional and local plan policies seek to protect the countryside for its own sake. There is no special justification to support the proposed temporary residential caravan in this countryside location as it fails to satisfy the criteria identified in Annex A of PPS7. It is considered, therefore, that the application should be refused.

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

##### **Reasons:-**

- 1 In the opinion of the Local Planning Authority the enterprise fails to satisfy the criteria contained within Annex A to Planning Policy Statement 7. The proposed residential caravan therefore represents an unwarranted and unacceptable intrusion of new residential development in an unsustainable location in the countryside to the detriment of the character and appearance of the landscape and visual amenity. The proposal is therefore contrary to policies BE1, RES12 and NE5 of the adopted

Hinckley & Bosworth Local Plan; Policies 1 and 26 of the East Midlands Regional Plan and to Central Government Guidance in: Planning Policy Statement 1 'Delivering Sustainable Development'; Planning Policy Statement 3: 'Housing'; and Planning Policy Statement 7 'Sustainable Development in Rural Areas'.

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

**Item:** 04

**Reference:** 10/00189/FUL

**Applicant:** Mr Lyndon Lewis

**Location:** 51 Waterfall Way Barwell Leicester Leicestershire LE9 8EH

**Proposal:** EXTENSIONS AND ALTERATIONS TO DWELLING.

**Introduction:-**

This is a full application for the erection of a two storey side and single storey rear extension to form a kitchen extension, W.C and workshop/garage at ground floor and bedroom extension at first floor at 51 Waterfall Way, Barwell.

The application property is a two storey, 3 bedroom, semi- detached, 1970's dwelling situated on a street of similar character. The property has an existing porch and canopy leading to the driveway along the side of the property.

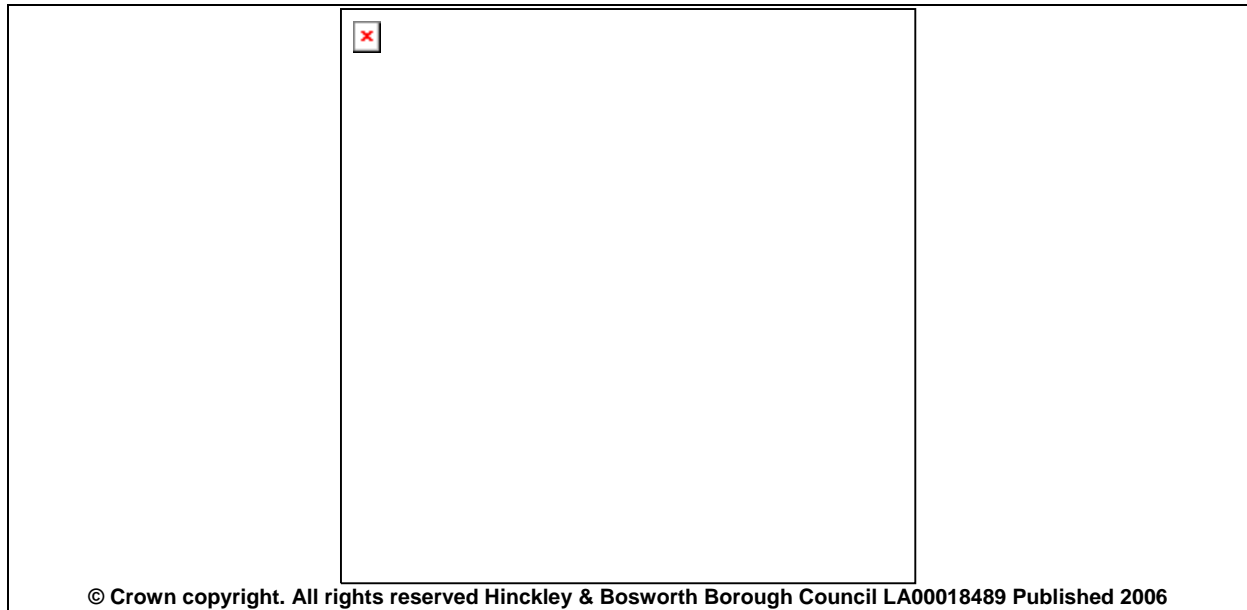
53 Waterfall Way shares the eastern side elevation of the applicant's property and 49 Waterfall Way stands to the east approximately 0.5 metres lower than the site. The front elevations of 42 and 44 Waterfall Way stand opposite the front of the property divided by the roadway. The side boundary of 14 Wensleydale Avenue stands to the rear of the property.

This application is being presented to planning committee because the applicant is a relation of a member of staff at Hinckley and Bosworth Borough Council.

This report relates to amended plans which adjusted the existing porch and windows on the property and included a chimney to more accurately reflect the property as it currently stands.

**History:-**

None



### **Consultations:-**

No objection has been received from:-

Director of Community Services (Ecology)  
Head of Community Services (land drainage)  
Barwell Parish Council.

A letter of objection has been received from a neighbouring property with the following concerns:-

- a) overbearing impact
- b) impact on light reaching side windows
- c) wind tunnel effects
- d) devaluation of property
- e) inconvenience of building works and maintenance
- f) potential damage to block paving
- g) overhanging features onto neighbouring property.

### **Policy:-**

#### Adopted Hinckley and Bosworth Local Plan

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

Policy BE1 states that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area; avoid loss of open spaces and important gaps in development which contribute to the quality of the local environment; ensure adequate highway visibility and parking standards; do not adversely affect the amenities of neighbouring properties; incorporate landscaping to a high standard.

Policy T5 requires the application of highway design standards set out in the current addition of Leicestershire's County Council's "Highway requirements for development" for new development proposals. It also requires the Authority to apply parking targets set out in Appendix D of the Local Plan.

## Other Policy Documents

Adopted Supplementary Planning Guidance: House Extensions Design Guidance (SPG) reinforces Local Plan Policy BE1 in regards to design principles and provides guidance on the acceptable limits of extension.

### **Appraisal:-**

The main considerations for the determination of this application are the principle, design of the development and its impact on the character of the area and street scene, neighbours amenity and highway safety and parking.

### The Principle

The site is located in a residential area within Barwell and the erection of a side/rear extension to a dwelling is considered acceptable in principle.

### Highway safety and Parking

Local plan policy T5 requires the provision of two off-street parking spaces for a three bedroom dwelling such as this. The proposal includes a garage but with an internal width of 2 metres would not be adequate to be classified as one of these off-street spaces. The dwelling has an existing block paved driveway at 7 metres long at approximately 2.5 metres wide with an additional area of hardstanding fronting the property. These combined are considered adequate to provide the two required off-street parking spaces to comply with local plan policy T5.

### Neighbours amenity

The proposed side extension will abut the boundary with adjacent property 49 Waterfall Way which has an opposing first floor landing window and ground floor kitchen window separated by a distance of approximately 2.5 metres. The landing is not considered a habitable room and the side kitchen window is the secondary window to this room with the primary window standing on the rear elevation. Given this, the side extension is not considered to adversely affect the amenities of the neighbouring property in terms of detrimental overbearing impact on these side facing windows.

The rear elevation of 49 Waterfall Way stands forward of the applicants by 1 metre which means the rear single storey section of the side extension will project 1.1 metres past that of this adjacent dwelling. This is in compliance with the House Extension SPG and is considered to have no adverse impact on the amenity of this property.

The proposed two storey side extension will not result in development coming either forward of the existing building line or beyond the existing rear building line and as such no additional impact is expected on the neighbour to the rear or properties on the opposite side of the roadway.

### Design and impact on the character of the area and street scene

The House Extensions SPG requires a 1 metre set back for two storey extensions and this scheme provides no set back at ground floor and a 0.9 metre set back at first floor from the existing front elevation of the dwelling. Whilst the required set back distances have not been met, the ground floor will not project beyond the existing canopy and porch and will essentially replace the existing mono-pitched structures fronting the property. The first floor

would fall short of the required 1 metre set back by 0.1 metres, however the set back creates a 0.3 metre set down from the existing ridge which will achieve subordination and prevent the terracing effect which the guidance is seeking to avoid. This subordination is further reinforced by means of a differentiation between the front elevation of the extension and the dwelling. The extension will comprise facing brick whilst the dwelling has a clay tiled first floor frontage.

The existing dwelling has horizontally emphasised windows indicative of 1970's dwellings which the proposed extension replicates. The existing porch will be demolished and replaced with a new porch on the same footprint. The proposed porch will have two smaller side windows than existing and the impact on the street scene is considered negligible.

These elements combined with other side extensions on the street which include ground floor projecting elements would not result in a detrimental impact on the character of the area or street scene and would be acceptable with a condition requiring materials to match.

#### Other issues

The Director of Community Services (Ecology) advises the development has the potential to disturb protected species and as such a Watching Brief which notes any protected species found on site should be maintained throughout the development.

The letter of objection has raised concerns over a potential wind tunnel effect between 51 and 49 Waterfall Way due to the reduction of the dividing space between the side elevations. The side extension will leave a 2.5 metre gap between the opposing two storey elevations. This is considered a common relationship between modern properties and is found between other properties on the estate and would not result in a detrimental wind tunnel effect.

Concerns raised over the devaluation of adjacent properties is not a material planning consideration and damage caused and access to neighbouring properties due to the development is considered a civil matter. A note to applicant will be placed on the decision advising of the Party Wall Act.

#### Conclusion

The proposed two storey side extension and porch is considered to be of an acceptable design which would not harm the character of the area or street scene or adversely affect neighbours amenity and would provide adequate parking.

#### **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 and would be of an acceptable design which would not harm the character of the area or street scene, neighbours amenity and would provide adequate parking.

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

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



2 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:-

- Drawing- LEC0040/001- P1 Received on 9th March 2010
- Drawing- LEC0040/003- P1 Received on 10th March 2010
- Drawing- LEC0040/004- P1 Received on 12th April 2010
- Drawing- LEC0040/005- P1 Received on 12th April 2010
- Drawing- LEC0040/002- P1 Received on 12th April 2010

**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 For the avoidance of doubt and in the interests of proper planning.

**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 (0116 3052202).
- 5 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 6 Bats, nesting birds, great crested newts and certain other species are protected by law. A watching brief (maintained by the applicant and all workers on site) for all protected species should be maintained throughout the development. 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.

**Contact Officer:-** David Kiernan Ext 5898

**Item: 05**

**Reference:** 10/00202/EXT

**Applicant:** The DRE Group Limited

**Location:** 18 Lancaster Road Hinckley Leicestershire LE10 0AW

**Proposal:** EXTENSION OF TIME FOR EXTANT PLANNING PERMISSION 06/00445/FUL FOR CHANGE OF USE OF FIRST AND SECOND FLOORS FROM INDUSTRIAL/OFFICE USE TO HOTEL INCLUDING EXTENSIONS AND ALTERATIONS TO FORM FIRST FLOOR BREAKFAST/DINER

**Introduction:-**

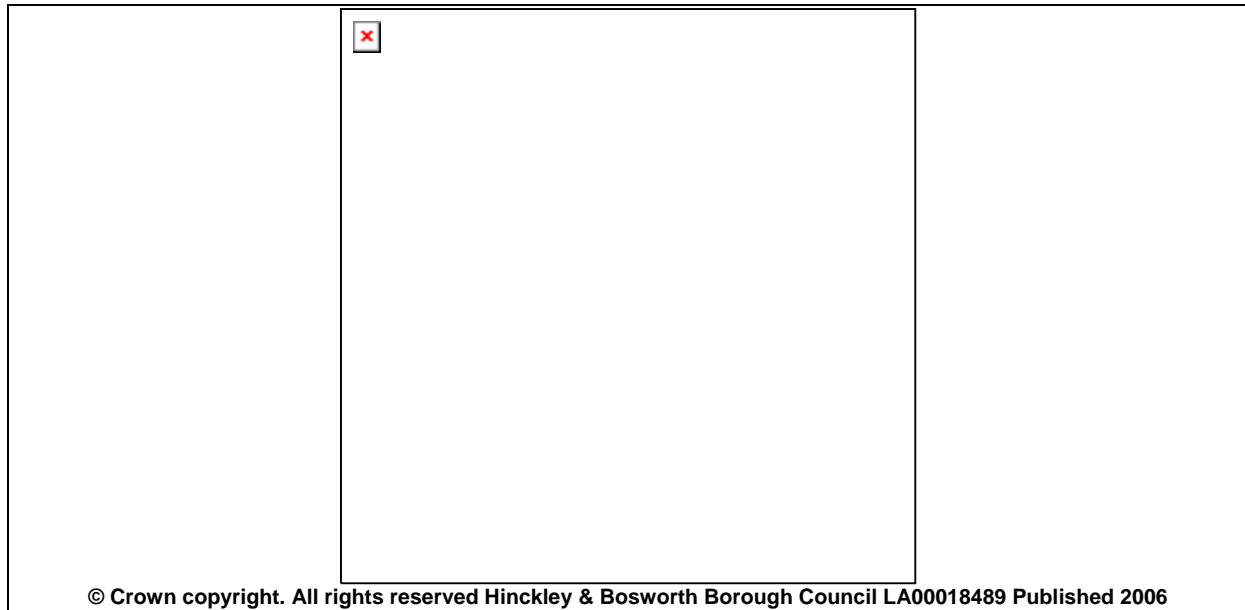
This is an application for the extension of time of extant permission 06/00445/FUL which was granted on appeal for the change of use of the two upper floors of High Cross, 18 Lancaster Road, Hinckley to a 70 bed hotel, including a new extension of 195 square metres floorspace to provide breakfast/diner accommodation on the first floor. The current permission expires on 30th April 2010.

The 3 storey application building and other adjoining buildings form a triangular parcel of land bounded by Regent Street, Lancaster Road and George Street. A small service road/loading bay area runs through the site between Lancaster Road and George Street. However, the access to/from George Street from this service road would be blocked off to provide the public entrance lobby and reception area to the hotel. The upper floorspace of High Cross, subject of this application, comprises of 2,620 square metres of industrial and office use, whilst the ground floor is occupied by a mix of retail and Class A3 uses (The 'Litten Tree' and 'Barracuda' public houses). The proposal also involves a first floor extension over an internal area of the site to provide additional floorspace as a dining area with the ground floor then being used for hotel services (laundry etc). The extension would not be visible from outside the site. New replacement windows are proposed, for which details have been submitted and approved.

The site is surrounded by mixed use developments comprising mainly retail and employment uses.

**History:-**

06/00445/FUL	Change of use of first and second floors from industrial/office use to hotel including extensions and alterations to form first floor breakfast/diner.	Allowed on Appeal	30.04.07
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### **Consultations:-**

No objections received from:-

The Director of Environment and Transport (Highways)  
The Head of Community Services (Land Drainage)  
The Waste Minimisation and Recycling Officer.

No objection subject to conditions:-

The Environment Agency  
Severn Trent Limited  
The Head of Community Services (Pollution).

The Director of Environment and Transport (Ecology) recommends a watching brief is maintained throughout the development.

As a result of the Developer Contributions consultation, Leicestershire County Council has confirmed that no contributions are required.

Site notice and Press notice were displayed and neighbours notified.

### **Policy:-**

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 4: Planning for Sustainable Economic Growth confirms that to help achieve sustainable economic growth, the Government's objectives for planning are to:

- i. Build prosperous communities by improving the economic performance of cities, towns, regions, sub-regions and local areas, both urban and rural Reduce the gap in economic growth rates between regions, promoting regeneration and tackling deprivation

- ii. Deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change
- iii. Promote the vitality and viability of town and other centres as important places for communities.

The PPS sets out a suite of development management policies that should be considered in making decisions on economic development.

Planning Policy Statement 9 : Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Planning Policy Guidance Note 13: Transport sets out national transport policy. It encourages the shared use of parking, particularly in town centres. Maximum, rather than minimum parking requirements should be applied, and developers should not be required to provide more spaces than they themselves 'wish' and that 'reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable transport choices'.

Planning Policy Statement 23: Planning and Pollution Control sets out national planning guidance on pollution of land air and water.

Planning Policy Guidance 24: Planning and Noise guides Local Authorities on the use of planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both noise sensitive developments and for those activities which generate noise.

#### Local Plan (adopted February 2001)

The site is designated as an 'Other Shopping Area', with a 'Secondary Shopping Frontage' on Regent Street, in the adopted Hinckley and Bosworth Local Plan.

Policies RETAIL 3, 4 and 13 of the adopted Local Plan essentially relate to proposals affecting ground floor shop uses and are, therefore, not particularly relevant here.

Policy RETAIL 12 of the adopted Local Plan states that planning permission will be granted for the use of vacant or under-used upper floors of shops and other commercial premises within the town centre to residential use provided it is acceptable in terms of residential amenity and highway safety. However, a hotel may not be considered a strictly residential use with regard to the spirit and intentions of this Policy.

Policy IMP1 requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

The main part of the building, fronting Regent Street, is also within the Hinckley Town Centre Conservation Area. Policy BE7 of the adopted Local Plan advises that development in Conservation Areas should preserve or enhance their special character.

Policy T5 of the adopted Local Plan states that appropriate parking standards as set out in the Local Plan will apply unless a different level of provision can be justified.

#### Local Development Framework - Adopted Core Strategy 2009

Policy 1: Development in Hinckley confirms that to support Hinckley's role as a sub-regional centre the council will inter alia, support the development of the tourism industry and require new development to respect the character and appearance of the Hinckley Conservation Areas by incorporating locally distinctive features of the conservation area into the development.

Policy 23: Tourism Development refers to the encouragement of holiday accommodation in suitable locations where, inter alia, the development add to the Borough's local distinctiveness and compliments tourism themes and adds to the economic wellbeing of the area.

Spatial Objective 13: Transportation and Need to Travel seeks to reduce high reliance on car travel within the borough.

The Council's Supplementary Planning Document on Hinckley Town Centre Strategic Transport Development Contributions states that the Borough Council will seek contributions from developers towards the provision of transport and public realm related improvements for Hinckley town centre when considering planning applications for major new development proposals emanating from the strategic development areas identified in the Hinckley Masterplan, as well as unidentified proposals which meet the requirements for major development.

#### Other Documents

The guidance document Greater Flexibility for Planning Permissions published in November 2009 states that in determining applications to extend the time limit for implementing planning permissions "Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date". The guidance continues "Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission".

#### **Appraisal:-**

This is an application for the extension of the time period for planning permission 06/00445/FUL, for this site which expires on 30 April 2010. The main consideration in determining this application is therefore whether any development plan policies or other material considerations have changed significantly since the grant of planning permission which may lead to a different conclusion on the acceptability of the application.

The original scheme was recommended for approval subject to a contribution towards the shortfall in parking provision on site. However, Members overturned the recommendation and the application was refused on the grounds that 'In the opinion of the Local Planning Authority, the lack of on-site parking provision for the development would lead to an unacceptable increase in vehicular movements in and around the town centre by reason of the limited capacity of the nearby public car parks. It is considered that this would result in serious traffic congestion in the locality, to the detriment of the environment of the town centre itself and to the highway safety of pedestrians and road users in general, contrary to Policies REC22, BE1 and T5 of the Hinckley and Bosworth Local Plan'. (REC22 related to hotels, motels, guest houses and conference centres, however, this policy was not 'saved' so can no longer be considered).

The applicants subsequently appealed and the Inspector considered that the main issue in the appeal was the effect of the lack of on-site parking on congestion, the town centre environment and highway safety. The Inspector referred to PPG13 and it was not contested that over 63% of vehicle movements would take place between 17.00 and 9.00 hours the next day, with almost 40% occurring in the evening after 19.00 hours. He concluded that there would be sufficient suitably located spaces on the identified car parks at the times that they would be sought by hotel guests. Consequently, there would be no significant increase in traffic movements arising from any need for hotel guests or others to search extensively for the opportunity to park and most unlikely (in his view) that their greater use would add noticeably to congestion. The Inspector allowed the appeal stating (para15) 'There is a Masterplan for the area and a car parking study is in hand. However the Council acknowledges that currently there are no firm proposals to increase the supply of off street parking in the town centre and that any financial contribution secured by means of a planning obligation were it to be spent soon would most likely be applied to car park improvements to quality and security. The Council do not submit that such improvements would be necessary for the development to be acceptable in planning terms. Therefore having regard to the tests set out in Circular 5/05 Planning Obligations, I conclude that an obligation in accordance with Policy IMP1 would not be appropriate in this case.'

The second consideration is therefore whether any material consideration is now applicable that would not have been considered in 2006/07. Since then National Planning Policy Statements have been issued on a number of topics, those considered to be of relevance would be PPS1 Delivering Sustainable Development, The Planning and Climate Change Supplement to PPS1, PPS9 Biodiversity and Geological Conservation and PPS4 Planning for Sustainable Economic Growth.

It is considered that whilst these documents set new broad national planning policies that would be applicable they do not raise issues that would now imply that the development would be unacceptable. Therefore it is concluded that the development plan and other material considerations have not changed in a manner that would now lead to the application being refused.

The other consideration is whether additional conditions or Section 106 requirements should be applied.

### Conditions

Conditions imposed by the Inspector covered details of materials, fenestration and noise. Fenestration details have since been approved. The Head of Community Services (Pollution) has commented that a similar condition in relation to noise should be imposed. It is considered that the remaining conditions are valid and should be carried forward to this permission. The Environment Agency has suggested a condition in relation to potential contamination but at the appeal, the Inspector did not consider that such a condition was required. Severn Trent Limited have suggested that drainage plans should be conditioned. Historically the development control process has sought to control the design of drainage systems, however in more recent years further control is now delivered through the Building Regulations, Severn Trent Water (as the service provider) and the Code for Sustainable Homes and the drainage scheme that has been approved by the planning authority is usually subject to change. In line with recent appeal decisions and Planning Inspector opinion, it has been agreed locally that drainage details will no longer be required to be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Accordingly, in this case no drainage conditions are considered necessary. Furthermore, they have commented that a sewer crosses the site and no building should be erected within 5 metres, since the only extensions proposed are at first floor level, this condition is also irrelevant.

### Contributions

Within the SPD, Hinckley Town Centre Strategic Transport Development Contributions, the County Council can request contributions via appropriate developments for infrastructure improvements within the Hinckley town centre. The Leicestershire County Council have confirmed that no contributions are required in this instance.

### Sustainability

This is a town centre location and is served by public car parks which the Inspector considered where sufficient and suitably located at the times that they would be sought by hotel guests. That situation is not considered to have changed since then.

### Conclusion

As this application is not to be considered as a new proposition, under the new regulations but considered in terms of changes to planning policy or other material considerations that have occurred since the previous permission, it is considered that the extension of the scheme for a further 3 year period is acceptable subject to the imposition of the previous conditions.

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

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

Having regard to the Inspector's decision, the changes to the development plan, other material considerations since that decision and representations received, 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 site is within the settlement boundary, would be of an acceptable design which would not harm the character of the conservation area, highway safety or parking.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE7, IMP1, RET12 and T5

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extensions and alterations hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3 No development shall take place until a scheme for protecting the proposed hotel accommodation from noise from existing ground floor A3 uses has been submitted to and approved in writing by the local planning authority; and all works forming part of the approved scheme shall be completed prior to the first occupation of that accommodation.
- 4 The development hereby permitted shall not be carried out otherwise than in complete accordance with the application details submitted in respect of the original application (reference no 06/00445/FUL) Drawings FP2.07-05-002-1, FP2.07-05-002-2, FP2.07-05-002-3, FP2.07-05-002-4, FP2.07-05-002-5 A, FP2.07-05-002-6 A, FP2.07-05-002-7 A, FP2.07-05-002-8 A, FP2.07-05-002-9 A and FP2.07-05-002-12 A received 20 April 2006 and Drawing FP2.07-05-002-11 received on 19 May 2010.

Drawings FP2.07-05-002-10 C, FP2.07-05-002-22A and FP2.07-05-002-24 discharging condition 3 of appeal decision APP/K/2420/A/06/2026915 received on 18 June 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 of the adopted Hinckley & Bosworth Local Plan.
- 3 To ensure that the occupiers of the hotel accommodation are adversely affected by noise emanating from the existing A3 uses at ground floor, to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 4 For the avoidance of doubt and in the interests of proper planning.

**Notes to Applicant:-**

- 1 A watching brief (maintained by the applicant and all workers on site) for all protected species should be maintained throughout the development. In the event of any protected species being discovered, works should cease whilst expert advice is sought.
- 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 (0116 3052202).

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



**Item:** 06  
**Reference:** 10/00204/FUL  
**Applicant:** Mr Guy Stripp  
**Location:** 15 Shenton Lane Dadlington Nuneaton Leicestershire CV13 6JD  
**Proposal:** ERECTION OF DOUBLE GARAGE AND CONVERSION OF EXISTING INTEGRAL GARAGE

**Introduction:-**

This is an application for the conversion of the existing integral garage into living accommodation and the erection of a detached double garage building. The new garage would be located within the cartilage and to the front of the site. The site consists of a two storey detached dwelling of individual design; the property is 'L' shaped, it has rendered walls and a steep roof featuring dormers. The dwelling was originally a bungalow and has previously been extended. It is elevated from the adjacent carriageway.

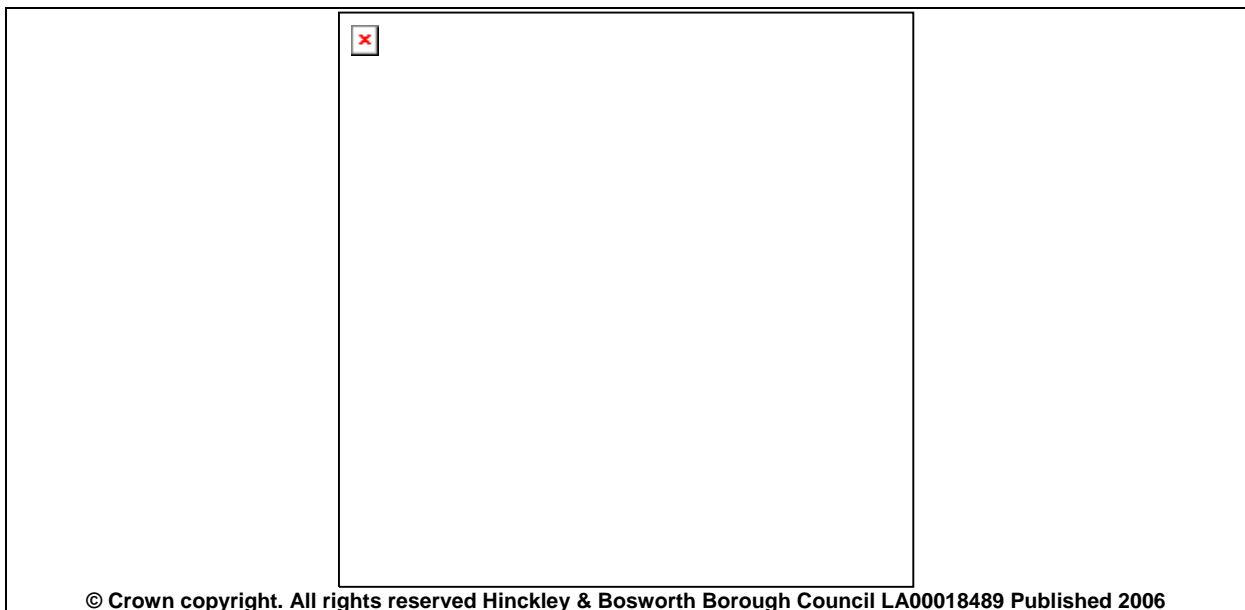
This site is located within the countryside beyond the settlement boundary. The area is characterised by individual residential properties on large plots with countryside beyond. The Ashby Canal and Conservation Area is located 165 metres to the west of the site.

The proposed double garage as amended has dimensions of 7 metres x 6 metres and has an overall height of 5.1 metre to the ridge.

Amended plans have been received which reduce the overall height of the proposed detached garage by 2.1 metres and amend the roof to provide a gable facing the street in order to reduce the impact on the area.

**History:-**

06/00011/FUL      Alterations and Extensions to bungalow      Approved      13.03.06



**Consultations:-**

No objections received from:-

The Inland Waterways Association

Ashby Canal Association

The Head of Community Services (Land Drainage).

The Director of Environment and Transport (Ecology) recommends a watching brief for bats and that works to any hedges etc. be carried out outside of the bird nesting season.

Five neighbour objections received on the grounds of:-

- a) the size and height of the proposal is excessive
- b) it will dominate Shenton Lane destroying the streetscene
- c) it will overshadow the neighbouring dwelling
- d) amended plans may be more appropriate.

### **Policy:-**

#### Hinckley and Bosworth Local Plan 2001

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

Policy BE1 states that the Borough Council will seek to ensure a high standard of design to secure attractive development and to safeguard and enhance the existing environment. The proposed works will need to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass and design.

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

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 NE12 states that proposals for development should make provision for further landscaping where appropriate.

#### Local Development Framework - Adopted Core Strategy 2009

Spatial Objective 13: Transportation and Need to Travel seeks to reduce high reliance on car travel within the borough.

The adopted Supplementary Planning Document on House Extensions offers guidance on the design of extensions, to ensure they have no adverse impacts on the amenity of surrounding residents, on the character of the street scene and on highway safety, among other things.

## **Appraisal:-**

The main considerations with regard to this application are the design of the proposals and the effect on neighbours amenity, streetscene and countryside.

### Design

The changes to the western elevation of the dwelling consist of the removal of the existing garage doors and replacement with windows that match the design of the existing windows to the dwelling, they line up with the existing dormer windows above. The proposed design is considered acceptable.

As the proposed detached garage is to be located close to the front boundary, it will be visible from the adjacent Shenton Lane. The original design proposed a steep roof to match the design of the dwelling but this would have resulted in a far more prominent building. The applicant has submitted amended plans which reduce the height of the proposal by 2.1 metres and amend the roof in order to make its impact within the streetscene less obtrusive. The amended scheme is considered acceptable in terms of design but it is considered that the materials should be conditioned as a suitable brick or a combination of brick and render may be more appropriate in this case rather than render to match the dwelling on site.

### Effect on Neighbours Amenity and Streetscene

The changes to the western elevation of the dwelling proposed will have no effect on neighbours amenity and will not be significantly visible from the street.

Neighbours have raised concerns regarding the size and height of the original proposed garage together with its effect on Shenton Lane and neighbouring properties. The neighbouring dwellings most affected by the proposal are located on the opposite side of Shenton Lane to the north east. They will view the rear of the proposed detached garage but due to the orientation, will not experience any over shadowing. The building is set in from the highway boundary by 2.5 metres and will be located 18 metres from the nearest dwelling on the opposite side of Shenton Lane. There is some existing planting along the highway boundary and this helps to soften the effect of the new building when viewed from the lane. It is not considered that a further planting scheme is required in this case.

The proposal complies with the guidance contained within the Council's adopted SPG and is considered acceptable.

### Countryside

Although the site is located within an area of countryside, it is surrounded by other residential properties. The erection of a detached garage within the curtilage of the dwelling will not have any significant effect on the countryside.

### Sustainability

This application is for householder extensions and as such, there are no significant sustainability issues associated with the proposal.

### Conclusion

The amended scheme provides a more acceptable proposal in terms of the effect the detached garage will have on the streetscene. The changes to the western elevation and

detached garage as amended are acceptable in terms of the effect on the countryside and neighbours amenity.

**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 virtue of its design and location is an acceptable design and there is considered to be no material detrimental impact to neighbouring residents or the countryside location. the proposed development would therefore be in accordance with the development plan.

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 detached garage shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drawing 10/15 02E received on 26 April 2010.

**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 For the avoidance of doubt and in the interests of proper planning.

**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 (0116 3052202).

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

**Item:** 07

**Reference:** 10/00195/DEEM

**Applicant:** Hinckley And Bosworth Borough Council

**Location:** Land Adj 7 Alexander Gardens Hinckley Leicestershire

**Proposal:** RESIDENTIAL DEVELOPMENT (RESERVED MATTERS)

#### **Introduction:-**

This is a deemed application made under Regulation 3 of the Town and Country Planning General Regulations (1992). The site benefits from Outline planning permission for residential development with all matters reserved (09/00587/DEEM). This application seeks permission for the reserved matters of access, appearance, landscaping, layout and scale for land between 6 and 7 Alexander Gardens, Hinckley. The land is currently in the ownership of the Borough Council, who are the applicants and was until recently heavily overgrown and inaccessible.

The site is surrounded by residential properties with the rear gardens of 76 and 78 Burleigh Road adjoining the sites western boundary and the rear gardens of 33, 35 and 39 King Richard Road adjoining the southern boundary. 7 Alexander Gardens shares the site's northern boundary and 6 Alexander Gardens shares its eastern boundary. The site is accessed via a proposed 4-metre-wide access between 6 and 7 Alexander Gardens for a length of 12.5 metres before opening up into the site. The properties on Alexander Gardens are 1950s, two-storey, hipped-roof, semi-detached and terraced properties set back from the road.

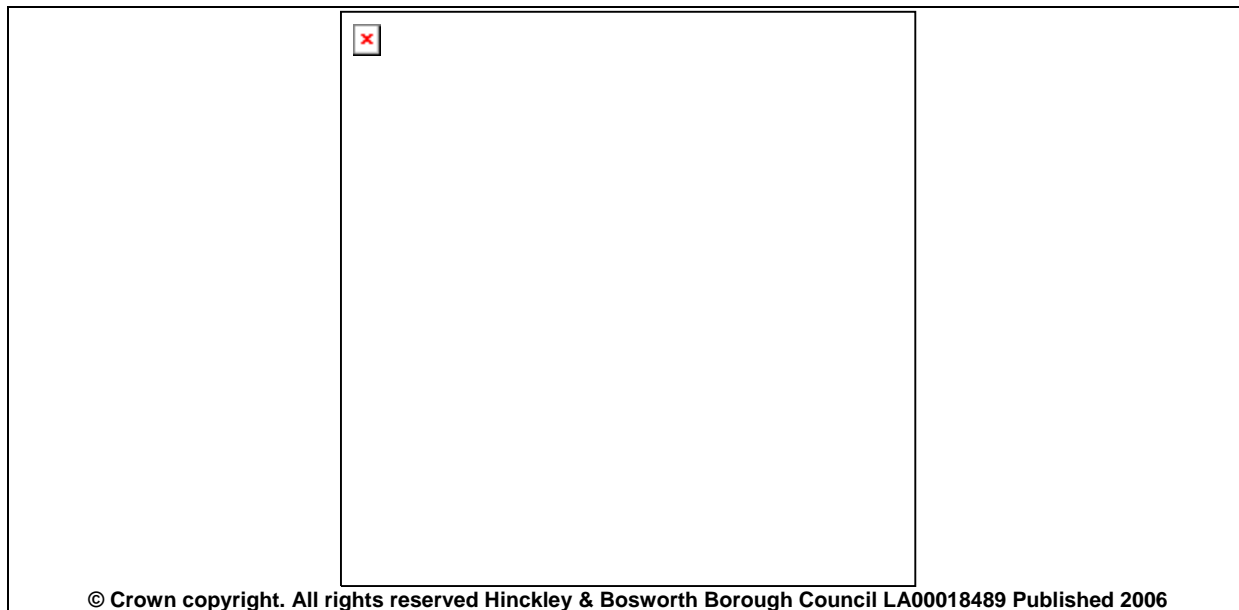
The proposal will provide a pair of 3 bedroom, semi-detached dwellings with internal floor areas of 90.54 square metres each on a flat site with an area of approximately 0.08 hectares. The dwellings will be constructed on behalf of the Borough Council and will provide two social housing units for rent.

The application is accompanied by a Design and Access Statement which defines the site characteristics and relationship with its surroundings including local facilities and neighbouring properties in Alexander Gardens. The design of the dwellings will relate to neighbouring properties in regards to scale, features and materials and includes landscaping of the site. The Statement denotes the proposed dwellings will be constructed to a Lifetime Homes Standard and will achieve a Code for Sustainable Homes Level 4 through the introduction of a number of sustainable features.

This report relates to amended plans received on 22nd April 2010 which added a chimney and increased the dimensions of the off-street parking spaces.

#### **History:-**

09/00587/DEEM	Residential Development (Outline- All Matters Reserved)	Approved	30.09.09
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### **Consultations:-**

No objection has been received from:-

Director of Community Services (Ecology)  
The Environment Agency.

No objection subject to conditions have been received from:-

Head of Community Services (land drainage)  
Severn Trent Water.

Head of Business Development and Street Scene Services (Waste) has commented the placement of wheeled bins on the driveway adjacent the highway could obstruct visibility. A collection area adjacent the highway is proposed to resolve this issue.

At the time of writing the report comments have not been received from The Director of Highways, Transportation and Waste Management (Highways)

One letter of objection has been received from a neighbouring property on the following grounds:-

- a) large poplar tree removed without prior permission
- b) impact on view
- c) overdevelopment of the site.

## **Policy:-**

### Central Government Guidance

Planning Policy Statement 1- Sustainable Development and Climate Change, outlines the government's objectives for the land use planning system with a focus on protecting the environment.

Planning Policy Statement 3- Housing explains how the government's objectives on housing such as providing housing in suitable locations which offer a good range of community facilities with access to jobs and key services can be delivered through the planning system. Planning Policy Statement 3 states this can be achieved through the effective use of land which includes the opportunity for housing provision on surplus public sector land. It states priority for development should be given to previously developed land, in particular vacant and derelict sites.

### Core Strategy Policy

Policy 1: Development in Hinckley seeks to support Hinckley's role as a sub-regional through the provision of new residential dwellings.

Policy 15: Affordable Housing supports the provision of mixed sustainable communities and provides a minimum number of affordable homes to be provided in the Borough up to 2026.

Policy 24: Sustainable Design and Technology sets the level of the Code for Sustainable Homes that new dwellings should meet. .

### Local Plan Policy

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

Policy RES5 relates to residential development on unallocated sites and supports the principle of development providing the site is within the settlement boundary and complies with other policies of the Local Plan.

Policy BE1 requires the design and siting of new development to be of a high standard of design, incorporate a high quality landscaping scheme, have regard to highway safety and the amenities of neighbouring residents.

Policy IMP1 requires new developments to contribute towards infrastructure and facilities to serve the development commensurate with the scale and nature of the proposal.

Policy REC3 ensures that there is an adequate standard of play and open space to serve new residential development.

Policy T5 requires new development to apply the highway design standards as published by Leicestershire County Council.

### Supplementary Planning Guidance/Documents

Supplementary Planning Guidance relating to new residential developments gives guidance on the design of new residential development and the separation distances that are required to ensure privacy and adequate amenity spaces for the new dwellings.

The Play and Open Space Supplementary Planning Document sets out the Council's Play and Open Space strategy and justification from policy and government guidance.

Supplementary Planning Document on Sustainable Design aims to promote sustainable developments within the Borough.

### **Appraisal:-**

The main considerations for the determination of this application are the design of the properties including their scale and mass, layout, architectural features and materials; the provision of adequate amenity space; parking and highway safety; the developments impact on neighbours amenity; and the impact on the character of the area and street scene.

The proposed dwellings are in conformity with the indicative layout plan submitted and approved with the Outline application.

### The Principle

Outline planning consent for residential development with all matters reserved was granted on the 30th September 2009. This application is in conformity with this permission and forms a reserved matters application. The principle of development therefore has already been agreed under the previous permission.

### Neighbours amenity

The submitted block plan illustrates the proposed dwellings will have an east- west orientation with the front elevations facing the side boundary to the rear garden of 6 Alexander Gardens separated by a distance of between 10 and 13 metres, with no. 6 itself a further 10 meters beyond the boundary. Proposed windows on the front elevation of the dwellings stand behind this adjacent property however the separation distance and the existing 3 metre high hedging on this boundary would negate views into their rear garden.

The front elevations of the proposed dwellings will stand 4 metres behind the rear elevation of adjacent property 7 Alexander Gardens. The proposed front windows will be separated from the rear windows of No.7 by 14 metres at an oblique angle, mitigating impact on privacy. The side elevation of the proposed northern semi-detached property will face toward the side boundary to the rear garden of this property. This elevation includes a ground floor toilet window and a small first floor obscure glazed bedroom window which are not considered to raise an overlooking concern. The side elevation will be separated from the boundary with No.7 by a distance of 6 metres which is considered adequate to mitigate any potential overbearing impact on this property.

The rear elevation of the proposed dwellings will be separated from those of 76 and 78 Burleigh Road by distances of between 23 to 27 metres. The southern side elevation of the proposed dwellings will be separated from the rear elevations of 33, 35 and 39 King Richard Road by a minimum distance of 45 metres. These separation distances are considered adequate to ensure the amenity of these properties are not adversely affected.

### Amenity Space

The proposed dwellings include private rear amenity space equating to 114 square metres. This exceeds the 80 square metres provision required by the New Residential Development SPG and is considered acceptable.



### Parking and Highway Safety

The development seeks to provide a private access road leading to the two dwellings via an existing gated access situated between 6 and 7 Alexander Gardens. The submitted plan illustrates the access will have 2 metre by 2 metre visibility splays and will be surfaced with a hardbound material. The existing lamppost close to the access will be repositioned as part of the development.

Local Plan Policy T5 requires the provision of two off-street parking spaces for three-bedroom properties. The submitted details illustrate two spaces each at the required dimensions situated on driveways along the side of each property. The scheme also includes a hammerhead driveway enabling cars to leave the site in a forward direction. This is considered adequate to meet the dwellings off-street parking requirements and ensure highway safety.

At the time of writing this report comments from the Director of Highways, Transportation and Waste Management (Highways) have not been received and will be reported as a late item.

### Design and layout

The proposed dwellings will be semi-detached with hipped roofs and chimneys, stone cills and headers and constructed of facing red brick and clays tiles which are all features found on nearby residential properties on Alexander Gardens. The Outline permission requested sample submission of the proposed facing materials to ensure the development matches the appearance and complements other properties on Alexander Gardens. These samples have not been received at the time of writing this report and will be reported as a late item.

The dwellings will have a frontage of 3 metres wide each which is slightly smaller than the 3.7 metre wide frontage of adjacent properties in the cul-de-sac. However with a ridge height of 7.8 metres which stands level with these adjacent properties the overall the massing of the scheme is considered comparable.

The properties are situated centrally on this corner plot to provide an adequate level of rear amenity space and parking and turning space to the front. Existing properties on the cul-de-sac are set back 2.8 metres from the footpath and form a consistent building line. The proposed dwellings, due the sites corner position and slim access point, will not respect this building line however the buildings are not expected to appear prominently in the street scene due to this set back and proposed landscaping.

### Impact on the character of the area and street scene

The ridge and eaves of the dwellings will correspond to those on Alexander Gardens and will respect the residential character of the area by providing two three bedroom residential units. The thin access to the site and significant set back of the dwellings would lead to an inconspicuous development within the street scene and would complement the character of the area once the material samples have been agreed.

### Sustainability

In order to comply with Core Strategy Policy 24 the scheme also includes several sustainable design features. These features include solar thermal panels on the southern and eastern roof slopes to provide a minimum of 50% of the properties hot water requirements and air source heat pumps on the northern and southern elevations to provide space heating. These features combined with energy efficient construction, clothes drying space provision and surface water management will provide a scheme which reaches Code for Sustainable

Homes Level 4. This will be ensured through a condition requiring the provision of a Code Level 4 Final Certificate prior to first occupation.

The Head of Community Services (Land Drainage) and Severn Trent Water raise no objection to the proposal but conditions in respect of drainage details to be submitted have been requested. Historically the development control process has sought to control the design of drainage systems, however in more recent years further control is now delivered through the Building Regulations, Severn Trent Water (as the service provider) and the Code for Sustainable Homes and the drainage scheme that has been approved by the planning authority is usually subject to change. In line with recent appeal decisions and Planning Inspector opinion, it has been agreed locally that drainage details will no longer be required to be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Accordingly, in this case no drainage conditions are considered necessary.

### Landscaping

This application has been accompanied by a landscaping plan which illustrates the retention of the existing southern and eastern boundary vegetation which aids in screening the site from the rear gardens of 6 Alexander Gardens and properties on King Richard Road.

This screening and the overall improvement of the site is reinforced through the provision of 2 metre high close boarded fencing along the entirety of the sites boundaries. The proposed northern fence will replace an existing damaged timber fence separating the site from 7 Alexander Gardens.

Existing apple trees and two poplar trees have been removed from the site prior to the submission of this application. These trees do not stand on a site of ecological importance and are not protected under Tree Preservation Orders and their removal did not require any form of consent.

### Other issues

The objection to this application related to overdevelopment of the site and the impact on views. Views are not protected under planning and as such do not form part of the consideration for this proposal. The scheme provides more than adequate level of private amenity space for three-bedroom properties with an adequate level of off-street parking provision and turning facilities. The development meets the specifications in the New Residential Design Guidance and is therefore not considered overdevelopment.

The scheme includes an area to the side of the properties adjacent to the shed for the storage of wheeled bins and other waste storage receptacles. Comments received from the Head of Business Development and Street Scene Services (Waste) indicate that these wheeled bins will be required to be placed adjacent to the highway at the end of the drive. At a height of 1.1 metres the bins could obstruct visibility during collection day. This potential obstruction is considered to have a negligible impact on highway safety considering the frequency of bin collection day and the low numbers of vehicles expected to use the access.

The application site is located within 400m of Richmond Park and the proposed development does not include any on-site play and open space provision. Richmond Park is identified as an area of formal open space. Due to the size of the development, contributions were conditioned on the outline permission for improvements for informal children's play space under Local Plan Policy REC3 to be paid prior to the commencement of development.

## Conclusion

The proposed creation of two new dwellings built to Sustainable Home Code Level 4 would provide an adequate level of off-street parking, would not impact on highway safety or adversely affect neighbours amenity. The scheme would be of an acceptable design and layout and includes local architectural features and is considered to complement the character of the area and street scene.

### **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 and would be of an acceptable design which would complement the character of the area and street scene, would not adversely affect neighbours amenity or highway safety and parking and includes sustainable features to reach Sustainable Homes Code Level 4

Hinckley & Bosworth Borough Council Local Plan (2001) :- RES5, BE1, IMP1, REC3 and T5  
Hinckley & Bosworth Borough Council Core Strategy (2009)- Policy 1, 15 and 24

- 1 The development hereby permitted shall be constructed from the following facing materials unless otherwise agreed in writing by the Local Planning Authority.
- 2 Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment demonstrating that the dwelling hereby approved can be constructed to a minimum of Code Level 4 shall be provided to the Local Planning Authority. In addition, prior to the first occupation of the dwelling hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 4 shall be provided to the Local Planning Authority.
- 3 The landscaping of the site shall be carried out in accordance with the details shown on Drawing number 6338/11 received by the local planning authority on 15th March 2010. The landscaping shall be completed within the first planting following the first occupation of the dwellings hereby approved. The landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 4 The windows to be inserted in the northern elevation shall be obscure glazed and retained as such at all times thereafter.
- 5 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drawings- 6338/10, 6338/ 11 Rev A and 6338/12 Rev A received on 22nd April 2010.

#### **Reasons:-**

- 1 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

- 2 In the interests of sustainable development to accord with policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy
- 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 ensure that the development is not detrimental to the privacy and of the neighbouring property 7 Alexander Gardens.
- 5 For the avoidance of doubt and in the interests of proper planning.

**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 (0116 3052202).

**Contact Officer:-** David Kiernan Ext 5898

**Item:** 08

**Reference:** 10/00207/FUL

**Applicant:** Mr Gary Hawkins

**Location:** 20 Hilary Crescent Groby Leicester Leicestershire LE6 0BG

**Proposal:** EXTENSIONS AND ALTERATIONS TO DWELLING.

**Introduction:-**

This is an amendment of the application 10/00047/FUL, which was withdrawn before determination earlier this year. The amended scheme proposes the erection of a pair of pitched roofed dormers to the front and a 1 ½ storey extension and dormer window to the rear. The scheme also proposes to hard surface the front garden to provide an additional parking space.

The application property comprises a run-down semi-detached rendered bungalow which is currently vacant. This is situated at the end of a cul-de-sac. To the front, the property is set off the highway by approximately 8 metre, with this land being sub-divided into garden and a driveway. To the eastern side of the property is a walkway which leads to the rear garden. There is a lean to conservatory which projects 2.4 metres from the rear of the property. The

garden is enclosed by a 1.8 metre high close boarded fence that steps up with the ground level, which rises to the north east. There are a couple of mature trees within the garden and a greenhouse adjacent to the rear boundary. Further beyond the rear boundary is a strip of land owned by the applicant, on which there is a dilapidated single garage. This is to be demolished and will provide a further parking space. This land is accessed via Lawnwood Road.

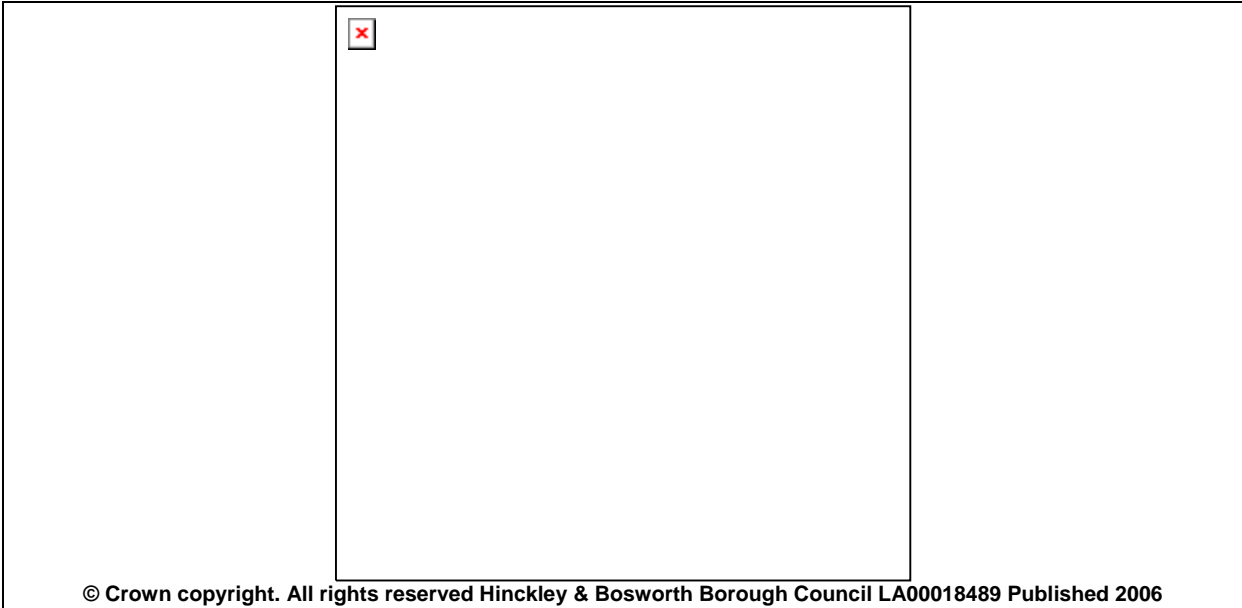
Surrounding properties are predominantly bungalows, some detached and some, semi-detached. The adjoining semi has been extended to the rear; this extension projects approximately 2.5 metres along the common boundary. The property to the west comprises a detached hipped roofed bungalow, which has also been extended to the rear. This property is set off the common boundary by 1.5 metres. Properties to the rear of the site comprise both flats and houses, but are separated from the application site via the private driveway.

Since submission an amended plan has been received and has been subject to reconsultation. This illustrates a revised boundary line, because the original plan included area to the rear of the site which was not owned by the applicant.

The scheme has been amended since the consideration of the original application. A two-storey gable was originally proposed to the rear, which was to project 3 metres.

**History:-**

10/00047/FUL                      Extensions and Alterations to Dwelling                      Withdrawn



## **Consultations:-**

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

Eight neighbour letters of objection have been received. These raise the following issues:-

- a) that the development is out of keeping with the application property and surrounding properties
- b) the development will be out of character with the area
- c) the development will have an adverse impact on the privacy of surrounding properties
- d) will block the access to the garages to the rear
- e) result in parking problems
- f) have concerns over construction traffic accessing the site
- g) and will overshadow neighbouring properties.

At the time of writing this report, no comments have been received from Groby Parish Council.

## **Policy:-**

### Local Development Framework (Core Strategy) Adopted December 2009

None relevant.

### Hinckley and Bosworth Local Plan 2001

Policy BE1 '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 with regard to scale, layout, design and materials; ensure adequate highway visibility and parking standards; do not adversely affect the amenities of neighbouring properties; incorporate landscaping to a high standard.

The adopted Supplementary Planning Document on House Extensions offers guidance on the design of extensions, to ensure they have no adverse impacts on the amenity of surrounding residents, on the character of the street scene and on highway safety, among other things. The guidance also contains specific criteria concerning the scale and size of side and rear extensions.

## **Appraisal:-**

The main issues in this application are the impacts of the proposal on the character of the street scene, the application property, residential amenity, and parking issues.

### Street Scene, Residential Amenity and Design

Resultant of their design and position, the two pitched roofed dormers to the front of the property are considered in keeping and compatible with the scale of the property, and are comparable to those found on properties within the vicinity. Further; they add interest to this otherwise bland elevation. As no properties directly face the application property to the front, the proposed dormers will have no impacts in terms of overlooking.

The existing scheme has been amended significantly to that originally proposed. At ground floor the proposal will project 4m, and its mono-pitched roof will slope to just below the ridge of the main property. To provide first floor accommodation, a large single dormer is proposed.

Although the proposal is to the rear of the property, owing to the position of the property within the street scene, glimpses of the proposal may be visible from the left hand side of the turning head. However, because of the sloping roof design, views will be limited and impacts are not considered to be of detriment to the street scene.

To ensure that proposals are not overdominating, and that they do not have an adverse impact on light to neighbouring properties, the SPD on House Extensions suggests that at ground floor, proposals should not extend any further than 3m along a common boundary, and at first floor no more than 2m, unless material considerations indicate otherwise. In this case, in respect of loss of light and overshadowing, although the ground floor extension will project 4m along the common boundary, due to the length of the neighbouring extension; there will be only a 1.5m projection beyond this. Accordingly although some early morning sunlight will be lost and there will be an element of overshadowing, due to the marginal projection of the proposal past the rear building line of the adjoining property, the impacts are not considered material. The first floor proposal will have a projection of 2m, however this will be set off the common boundary by 1m, and thus is not considered to have any material impacts on loss of light. In respect of possible overbearing impacts, as the proposal will only project 1.5m beyond the rear building line of the adjoining property, and due to the fact that there is a 1.8m close boarded fence along the boundary, only a small element of the proposal will be visible from the adjoining property and thus the proposal is not considered over-dominating. In this regard the scheme is considered to be in accordance with the adopted Supplementary Planning Guidance on House Extensions.

In respect of overlooking, the first floor windows serving bedrooms to the rear of the property are not considered to result in any material impact on the privacy of surrounding properties, due to their distance from the properties to the rear and the fact that they will not directly face any windows serving habitable rooms. Further, views from the side facing ground floor kitchen window will be obscured by the 1.8m high close boarded boundary fence beyond which is the blank elevation of the neighbouring property.

In respect of impacts on the character of the property, the footprint and scale of the proposal are large in comparison with the small scale of the application property, however this said, due to its design, and the fact that the proposal is situated to the rear of the property; the principal elevation of the property will not be compromised. Further, the development is not considered as overdevelopment of the plot as there is sufficient remaining amenity space for the size of property proposed.

### Highways

The garden to the front is to be hard surfaced with a permeable material, to provide an additional off road parking space. Accordingly, the total number of off road parking spaces provided will be 3, which is sufficient for a property proposing 5 bedrooms.

In respect of the issues raised by neighbours concerning construction traffic, how these vehicles will access the site is not a material planning consideration.

### Conclusion

Resultant of the amended design of the proposal, the scheme now appears more comparable and in scale with the principal property and is considered to have no adverse impacts on residential amenity in terms of over-dominance, loss of light or overlooking and does not compromise the character of the area.

**RECOMMENDATION:-** That subject to no significant additional objections being received before the end of the consultation period expiring on 13th May 2010, the Deputy Chief Executive (Community Direction) be granted delegated powers to issue planning permission subject to the conditions below.

**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, layout and scale of the proposal there are considered no material impacts in terms of either visual or residential amenity, or on highway safety. Therefore the proposal is considered acceptable.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.
- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Not yet known as awaiting amended plans

**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 For the avoidance of doubt

**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 (0116 3052202).



- 5 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

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

**Item:** 09

**Reference:** 10/00213/FUL

**Applicant:** Mr And Mrs Everson Crane

**Location:** The Pool House Newtown Linford Lane Groby Leicester  
Leicestershire

**Proposal:** CONVERSION, EXTENSIONS AND ALTERATIONS OF BUILDINGS TO  
FORM THREE DWELLINGS

**Introduction:-**

This resubmitted application seeks full planning permission for conversion, extensions and alterations to buildings to form three dwellings. The previous application was withdrawn to allow the applicant to seek to address issues raised through the consultation process in respect of flood risk, foul drainage, ecology and archaeology. The buildings form part of a larger complex of buildings known as Pool House, accessed via a secure, gated road off Newtown Linford Lane, Groby. The application includes:- the extension and conversion of an existing outbuilding to provide a two bedroomed dwelling (referred to as Pool House Barn); the extension and alterations of an existing building to provide a two bedroomed dwelling (referred to as Maids Cottage); and extensions and alterations of an existing outbuilding to provide a three bedroomed dwelling (referred to as Pool House Lodge). An application for listed building consent has also been submitted (reference 10/00214/LBC) and is reported as the next item on this agenda.

Pool House is located to the north of Groby, adjacent to the southern edge of Groby Pool and set within 2.1 hectares. The complex comprises of Pool House itself (a Grade II listed building, unoccupied since the 1970's and in need of extensive and significant renovation work), together with curtilage buildings comprising of: an annexe known as Maids Cottage; Pool House Cottage (a residential conversion of a range of outbuildings occupied by the applicants); Pool House Barn (an additional range of outbuildings currently used for domestic storage purposes) and Pool House Lodge (the former lodge to the main Pool House). There is a belt of mature trees to the south, west and north of the complex that provides effective screening, some of which are protected by a Tree Preservation Order. Beyond this to the south and west are agricultural fields.

A Planning Statement and Design and Access Statement have been submitted in support of the application. They describe the individual proposals in detail, describe the site and surroundings and outline relevant development plan policy and national planning guidance. They conclude that the proposals present a sensitively designed scheme which does not have a detrimental impact upon the appearance or amenity of the open countryside; secures the setting of the listed buildings; seeks to preserve and reflect original architectural and historic features of the buildings and provides an attractive and suitable use for the existing vacant buildings. The proposals are in accordance with both national and local plan policy. A Structural Engineers Report has been submitted in respect of the 'Lodge' building which concludes that overall the structure is generally in very good condition for its age and type of

construction and could be returned to residential use subject to general repair and refurbishment and localised rebuilding to the left rear corner.

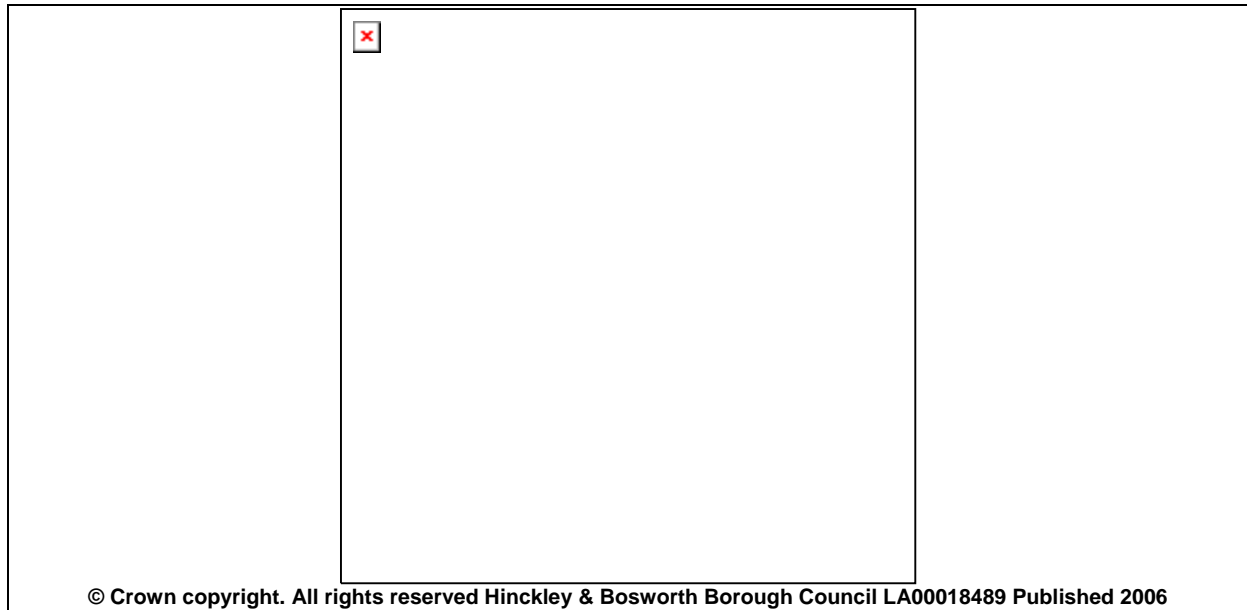
A Site Specific Flood Risk Assessment Report has been submitted to support the application. The report analyses flood risk and outlines a drainage strategy for the management of surface and foul water disposal from the site.

An Arboricultural Survey submitted with the application appraises eleven trees within the vicinity of the proposed development and recommends that five of these be removed due to very limited safe life expectancy and substantial sections of dead wood. A landscaping scheme has been submitted with the application that proposes twenty four replacement trees, including twenty two specimens along the access drive (already planted) and a further two replacement specimens in the vicinity of those to be removed.

A Protected Species Survey has also been submitted. The survey findings indicate that Pool House and the 'Lodge' are likely to have been used at a low level and intermittent nature by bats, such as for foraging and as a night perch and there is nothing to suggest that a roost is present.

#### **History:-**

09/00762/LBC	Part Demolition, Extensions and Alterations of Buildings to form Three Dwellings	Withdrawn	22.12.09
09/00761/FUL	Part Demolition, Extensions and Alterations of Buildings to form Three Dwellings	Withdrawn	22.12.09
98/00746/LBC	Alterations and Extension to Outbuildings	Approved	11.11.98
93/01056/LBC	Alterations to Garage	Approved	07.02.94
93/00744/4L	Alterations and Extensions to Outbuildings	Approved	30.09.93
93/00743/4	Alterations and Extensions to Outbuildings	Approved	30.09.93
93/0474/4	Change of Use of Outbuildings and Part of Main House to Conference, Design and Audio/Visual Production Offices	Approved	01.07.93



**Consultations:-**

No objection has been received from:-

Groby Parish Council  
Head of Community Services (Pollution)  
Head of Community Services (Land Drainage)  
Head of Business Development and Street Scene Services.

No objections subject to conditions have been received from:-

Director of Environment and Transport (Highways)  
Director of Environment and Transport (Ecology)  
Borough Council's Arboricultural Consultant.

At the time of writing the report no response has been received from:-

Directorate of Chief Executive (Archaeology)  
Environment Agency  
Natural England  
Severn Trent Water Limited  
National Forest Company  
Friends of Charnwood Forest  
English Heritage  
Council for British Archaeology  
Victorian Society  
Georgian Group  
Groby Village Society  
Press notice  
Site notice.

**Policy:-**

Central Government Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' in paragraph 5 states that planning should facilitate and promote sustainable and inclusive patterns of development by: protecting and enhancing the natural and historic environment, the quality and character of the countryside and existing communities; and ensure high quality development through good and inclusive design and efficient use of resources.

Planning Policy Statement 5 (PPS5): 'Planning for the Historic Environment' sets out the Government's planning policies on the conservation of the historic environment. Paragraph 7 recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term and seeks to ensure that such assets are put to an appropriate and viable use that is consistent with their conservation. It also seeks to contribute to our knowledge and understanding of the past by ensuring that opportunities are taken to capture evidence from the historic environment. Policy HE10.1 of this PPS states that when considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal, the significance of the asset. Policy HE7.5 of this PPS states that local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' outlines the Government's objectives for rural areas. 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. The criteria for permitting such conversion and re-use should take account of the potential impact on the countryside and wildlife, local social needs, the suitability of different types of buildings and of different scales for re-use and the need to preserve, or the desirability to preserve buildings of historic or architectural importance or interest, or which otherwise contribute to local character.

Planning Policy Statement 9 (PPS9): 'Biodiversity and Geological Conservation' seeks to protect and enhance sites of ecological and geological importance. Paragraph 8 refers to proposed development on land within or outside a SSSI and states that conditions should be used to mitigate any harmful aspects of development and where possible ensure the conservation and enhancement of the sites biodiversity or geological interest.

Planning Policy Statement 25 (PPS25): 'Development and Flood Risk' aims to ensure that flood risk is taken into account at all stages of the planning process and to reduce flood risk to and from new development through location, layout and design incorporating sustainable drainage systems (SUDS). Paragraph 10 requires flood risk assessments to be carried out to the appropriate degree.

## Local Policy

### Hinckley and Bosworth Local Development Framework: Core Strategy (2009)

The Core Strategy sets out the overarching strategy and core policies to guide future development in the borough. Paragraph 3.28 highlights the need to safeguard valuable assets such as listed buildings and sites of cultural heritage interest. Spatial Objectives 10 and 11 seek to protect the borough's archaeological heritage and safeguard, enhance and where necessary regenerate the borough's distinctive built environment including listed buildings.

Policy 21: 'National Forest' requires the siting and scale of development to be related to its setting within the Forest and respect the character and appearance of the wider countryside. Developments are required to provide on site or nearby landscaping that meets the national Forest planting guidelines. Policy 22: Charnwood Forest requires development to retain local character and compliment the local landscape, enhance woodland and habitat provision and manage and enhance the cultural heritage of the area.

### Hinckley and Bosworth Local Plan (adopted 2001)

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

Policy BE1 of the adopted Local Plan 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.

Policy BE3 of the adopted Local Plan requires special justification for the demolition or partial demolition of listed buildings. Policy BE4 of the adopted Local Plan requires applications for alterations and additions to listed buildings to demonstrate that the proposal would not detract from the architectural or historical character of the building. Policy BE5 of the adopted Local Plan seeks to preserve and enhance the settings of listed buildings through the design of new development in the vicinity, having regard to the scale, form, siting and design of the proposal. Policy BE6 states that the change of use of listed buildings will be granted where the change would represent the best reasonable means of conserving the character, appearance, fabric, integrity and setting of the building and would not necessitate alterations considered to be detrimental to its character as a building of special architectural or historic interest.

Policy BE20 of the adopted Local Plan supports the re-use and adaptation of rural buildings in principle subject to: there being no adverse impact on the appearance or character of the landscape; the building being structurally sound and capable of conversion without significant adaptation and rebuilding; there being no adverse effect on the design, character, appearance or setting of the building; and there being no extensions that would significantly alter the form and general design of the building that would detract from its character or appearance. Extensions and alterations should match or compliment the original building material.

Policy NE5 of the adopted Local Plan 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 (particularly those of historic value) 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 NE6 of the adopted Local Plan states that planning permission will not be granted for proposals which would damage Sites of Special Scientific Interest (SSSI's). Where development is permitted conditions will be imposed to minimise and compensate for any adverse effects on the sites nature conservation.

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

Policy NE14 of the adopted Local Plan 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 NE20 of the adopted Local Plan states that planning permission will not be granted for any speculative new building that does not relate to the development or use of the Pool House and Groby Pool within the area or would be detrimental to the area covered by the Site of Special Scientific Interest (SSSI).

Policy T5 of the adopted 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.

#### Other Documents

Groby Pool and Pool House Planning Brief (adopted 1988) provides supplementary guidance on the site and requires that new development including alterations, extensions and new buildings should be of the highest standards in terms of design and materials. Private residential use of Pool House and the outbuildings is listed as an acceptable use.

Further guidance is provided within the Borough Council's Supplementary Planning Guidance on the Conversion of Rural Buildings and the Supplementary Planning Document concerning Sustainable Design.

#### **Appraisal:-**

The main considerations with regards to this application are the principle of development; its impact on the listed building and its setting; its impact on the character and appearance of the surrounding landscape within the Charnwood Forest and National Forest; flood risk, drainage; ecology; sustainable design and technology and highway safety.

#### Principle of Development

Both government guidance (in PPS7) and policies NE5 and BE20 of the adopted Local Plan support the reuse or change of use of suitable existing buildings within rural locations for residential purposes subject to a number of criteria being met, including the buildings being structurally sound and capable of conversion without significant adaptation and rebuilding. Whilst written some years ago the Groby Pool and Pool House Planning Brief of 1988, in its list of potentially acceptable uses, included private residential use along with a number of other possibilities including a number of commercial type uses. The current proposals are limited to residential uses rather than any commercial uses due to the size and location of the three buildings and their immediate proximity to the existing dwelling, Pool House Cottage. This does not, however, prejudice other potential uses, including commercial, for the more suitable larger main house in the future. Maids Cottage and Pool House Barn are

both in good structural condition in terms of the external structures. Maids Cottage was previously occupied for residential purposes but currently requires significant internal repair and renovation. Pool House Barn was renovated following previous planning permission for change of use in the 1990's and is currently used for domestic storage by the applicants in association with their occupation of the adjoining Pool House Cottage.

The structural survey carried out on Pool House Lodge confirms that the external stone walls are generally in good condition requiring good cosmetic repair but highlights the need for some localised rebuilding to one corner. The Swithland Slate roof covering has been removed by the applicant to prevent loss following earlier loss of building materials from the site and the roof is currently covered by a tarpaulin sheet to prevent water ingress. However, the Survey confirms that the structure is capable of carrying the loads on it and shows no indication of roof spread. Given the above the principle of residential development is considered to be acceptable in this case.

### Impact on the Listed Building and its Setting

The main part of Pool House has been vacant for a number of years and as a result its condition has deteriorated considerably. Following their purchase of the property the applicants have undertaken significant works to make the property water tight and to secure it from further deterioration, vandalism and theft. The significant and most historically important element of Pool House will not be directly affected by the proposed development.

The proposals for Maids Cottage (two-storey) include the demolition of a small lean-to and its replacement with a modest two-storey extension to the northern elevation (facing Groby Pool) to provide a kitchen/dining room and second bedroom. As a result of the lower ground level at this point the extension creates a subordinate gable to the existing gable at first floor and replicates the form of the existing monopitch roof structure at ground floor. As a result of the siting, scale and design of the extension, it would not significantly alter the overall form and general design of the building or adversely affect its character or appearance or that of the wider setting. The alterations include the demolition of two small relatively recent unsympathetic flat roof extensions that link the cottage to the main house and replacement and additional timber cottage style windows in keeping with the previous conversion of Pool House Cottage to enhance the overall character and appearance of the building.

The proposals for Pool House Barn (single and 1½ storey) include a modest 1½ storey extension to the west elevation to provide a living area and an en-suite facility to a bedroom. By virtue of the accommodation to be provided at first floor the extension is still subordinate to the existing 1½ storey element of the existing building and the same scale to the single storey range. Existing openings are used where available and replicated in the extension on the courtyard (south) elevation. Additional fenestration is included on the north elevation to provide improved amenity. Whilst additional openings are not normally encouraged, the previous conversion of the adjoining Pool House Cottage also includes windows to this elevation and it would not, therefore, appear to be unreasonable in this case. The extension will involve the loss of the existing openings in the west elevation (a door and hayloft door). Whilst the loss of these openings is not considered to be so significant to justify refusal of the application, they should be recorded prior to any works commencing as they contribute to the understanding of the historic use of the building and such evidence should be captured in line with advice contained in PPS5. As a result of the siting, scale, design and appearance of the extension, it would not significantly alter the overall linear form and general design of the building or adversely affect its character or appearance or that of the wider setting.

The proposals for Pool House Lodge (1½ storey) include a 1½ storey extension to the north elevation to provide additional accommodation comprising of a kitchen/dining room area, utility, toilet, and third bedroom. Although the extension is relatively large in relation to the

existing stone structure, it is within the footprint of previously existing buildings in this location. In addition, as a result of the lower ground level at this point the extension is also subordinate to the original stone structure which therefore remains the dominant element. In this instance, the use of weatherboarding to the walls of the extension is considered acceptable as it emphasises and compliments the stone material of the original structure and softens its appearance in relation to the historic structure. The extension has been designed to reflect the form of the raised glass roof light, particularly when viewed from the north. The demolition of the large unsympathetic flat roof garage from the east/south elevations and the replacement of the roof and glazed raised roof light will restore the Lodge to its previous form and dominance guarding the former access to the main house from the A50.

The amount of new building and alterations proposed for Pool House Lodge would normally be considered to be excessive in respect of compliance with guidance and adopted policies relating to the conversion of buildings in the countryside. However, this building is considered to be an important historic element within the context and setting of the listed building. In order to prevent its complete loss through structural deterioration and secure its structural integrity and long term viability, in this exceptional case the inclusion of a sympathetic extension and alterations is supported. Policy HE10.1 of PPS5 states that applications that preserve those elements of the setting that make a positive contribution to, or better reveal, the significance of the asset should be treated favourably.

The consultation responses from English Heritage and the Directorate of Chief Executive (Archaeology) have not been received at the time of writing this report and will be reported as a late item.

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

The complex of buildings is set within large grounds at some distance from the public highway and is well screened from the surrounding landscape to the south, west and north by existing topography and mature landscaping including a large number of trees, some of which are subject to a Tree Preservation Order. Long distance views of the complex are available from the north east on Newtown Linford Lane but the development would not be prominent and is well designed and sympathetic to its surroundings such that it would not adversely affect the character or appearance of the overall setting, the surrounding landscape, the National Forest or Charnwood Forest.

The submitted Arboricultural Survey recommends works to a number of trees within the site due to their limited future life expectancy, including the removal of five specimens. The consultation response of the Borough Council's Arboricultural Consultant confirms that the proposed landscaping scheme proposing 24 replacement trees would be acceptable in order to mitigate the resultant loss of visual amenity to the National and Charnwood Forests from those lost.

#### Flood Risk, Drainage and Ecology

A site specific Flood Risk Assessment has been undertaken and submitted in support of the application to address concerns raised by the Environment Agency in their response to the previous application. This concludes that the proposed development will not have a significant impact on the receiving watercourse (Slate Brook and Groby Pool) downstream of the site and that the modelling of Slate Brook has established that there is no risk of flooding of the development for the nominal 1 in 100 event plus climate change.

As a result of concerns raised by Natural England to the previous application in respect of the proposed use of a private package treatment plant to dispose of foul water drainage, the applicant has identified the potential for connection to an existing main public sewer located



in the field to the south of the site, subject to agreement with Severn Trent Water Limited and the landowners (Hanson UK) who have been served notice of the application.

The application site is adjacent to Groby Pool and Woods Site of Special Scientific Interest (SSSI) and in order to protect this site of ecological significance during development works, an appropriately worded condition has been included within the recommendation as previously recommended by Natural England. In addition, the recommendations and mitigation measures contained within the Protected Species Survey in respect of bats and other protected species should be implemented as part of the development and is to be secured by a further condition included within the recommendation.

The Director of Environment and Transport (Ecology) raises no objections subject to the development being implemented in accordance with the recommendations of the Protected Species Survey. The consultation responses from the Environment Agency, Natural England, and Severn Trent Water Limited have not been received at the time of writing this report and will be reported as a late item.

### Sustainable Design and Technology

Given the visually sensitive nature of the buildings and their setting, it is considered that the scope for the inclusion of measures that contribute to sustainable design and technology above and beyond current Building Regulation requirements is limited and in such areas is not a local policy requirement. As already stated, it was the applicant's original intention to provide a contribution to sustainable development by the use of a bio disc package sewage treatment plant to serve the proposed dwellings. However, in light of the previous objections from Natural England this proposal has had to be removed from the scheme.

### Highway Safety

Given the scale and nature of the development and the location and design of the existing access to Newton Linford Lane that provides good visibility, the development is considered unlikely to have an adverse impact on highway safety. Adequate car parking will be provided within the site. The Director of Environment and Transport (Highways) did not raise any objections to the previous application subject to there being no direct access to the A50. These accesses to the A50 are not within the ownership of the applicant, and are already fenced off at the boundaries of the applicant's land ownership following a closure condition on a previous planning permission relating to the site. The consultation response from the Director of Environment and Transport (Highways) on the current application has not been received at the time of writing this report and will be reported as a late item.

### Other Issues

As the site is not within 400 metres of a designated recreational area no play and open space contribution can be sought in accordance with policy REC3 of the adopted Local Plan.

### Conclusion

The principle of development in respect of Maids Cottage and Pool House Barn is acceptable in policy terms. The conversion of Pool House Lodge is less straightforward given its condition but is strongly supported in this case by virtue of the importance of the building within the context of the listed building and its setting in terms of cultural heritage value.

Overall, the proposed conversion, extension and alterations of the curtilage buildings within the complex would secure their structural integrity and long term viability. These buildings make a significant contribution to the local cultural heritage and context of the site and the

proposals would be sympathetic to and enhance the character and appearance of the setting of the listed building. At the time of writing this report there are no objections to the proposed development and it is considered that the proposals would not have an adverse effect on the character or appearance of the surrounding landscape, drainage, ecology or highway safety. The application is therefore recommended for approval subject to a number of conditions.

**RECOMMENDATION:- That subject to no significant additional objections being received before the end of the consultation period expiring on 18 May 2010, the Deputy Chief Executive (Community Direction) be granted delegated powers to issue planning permission subject to the conditions below.**

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

Having regard to the historic fabric, character and setting of the Grade II listed building and its setting, designs and uses of materials, surrounding development, 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 relates to the re-use of existing buildings of historic importance with sympathetic extensions and alterations that would secure their long term viability and enhance the character and appearance of the buildings and the setting of the Listed Building; and would not have an adverse effect on the character or appearance of the surrounding landscape, drainage, ecology or highway safety.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policies 21 and 22

Hinckley & Bosworth Borough Council Local Plan (2001):- BE1, BE3, BE4, BE5, BE6, BE16, BE20, NE5, NE6, NE12, NE14, NE20, and T5.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:1250 scale; Amended Block Plan at 1:500 scale; Plan Nos. EC/PHG/01; EC/PHG/02; EC/PHG/03; EC/PHG/04; EC/PHG/05a; EC/PHG/06a received by the Local Planning Authority on 16th March 2010.
- 3 Notwithstanding the submitted details, all materials to be used in the development hereby permitted shall be in accordance with a schedule of materials and finishes including bonding and pointing which shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be maintained as such thereafter.
- 4 All works making good to the existing fabric of the building shall be carried out in reclaimed materials which shall match the existing materials in size, colour and texture and which shall be bonded and pointed in the manner prevailing in the building.
- 5 Notwithstanding the submitted details, before the works hereby permitted commence full details of all rainwater goods, windows, conservation roof light and doors including detailed drawings to a scale of 1:10, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

- 6 All services including meter boxes, flues and soil and waste down pipes shall be accommodated within the building unless included on the submitted approved plans.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2: Part 1, Classes A - H inclusive and Part 2 shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 8 Before any development commences a working design, methods statement and timetable of works to prevent any undue adverse effects to Groby Pool and Woods Site of Special Scientific Interest during construction shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.
- 9 The development hereby approved shall be implemented in accordance with the Tree Plan received by the Local Planning Authority on 21st April 2010 and shall include the planting and retention of twenty two Lime Trees and two Alder trees (*Alnus glutinosa*) in the locations specified on the plan. The development shall be fully implemented during the first appropriate planting season following first occupation of any dwelling hereby approved.
- 10 The development hereby approved shall be carried out in accordance with the recommendations and mitigation plan contained within the submitted Protected Species Survey dated July 2009 carried out by Philip Irving.
- 11 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording of the buildings at Pool House, Groby. This work shall be conducted in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.
- 12 Notwithstanding the details submitted, this permission relates to conversions of, and extensions and alterations to, the existing buildings as submitted in detail in the approved plans and in no way gives consent for extensive demolition and rebuilding of the existing buildings. Prior to any development commencing, full details of the method by which the existing structures are to be supported and retained whilst the works for conversions, extensions and alterations hereby permitted are carried out and constructed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statements.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3-6 To enable the Local Planning Authority to retain control over this important detail in the interests of preserving the historic character and appearance of the buildings and their setting to accord with policies BE4, BE5 and BE6 of the adopted Hinckley and Bosworth Local Plan.

- 7 In the interests of preserving the historic character and appearance of the buildings and their setting to accord with policies BE1, BE4, BE5 and BE6 of the Hinckley and Bosworth Local Plan.
- 8 To ensure adequate protection is provided to Groby Pool and Woods Site of Special Scientific Interest for the period of construction and in the interests of visual amenity to accord with Planning Policy Statement 9 and policies BE1, NE6 and NE20 of the adopted Hinckley and Bosworth Local Plan.
- 9 To enhance the appearance of the site and to ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies BE1, NE5 and NE20 of the adopted Hinckley & Bosworth Local Plan and policies 20 and 21 of the Core Strategy of the Local Development Framework.
- 10 To ensure adequate protection of species protected by law and to ensure that any necessary mitigation measures are implemented throughout the development to accord with Planning Policy Statement 9.
- 11 To ensure satisfactory historic building recording to comply with Planning Policy Statement 5 and policy BE16 of the adopted Hinckley and Bosworth Local Plan.
- 12 For the avoidance of doubt and to ensure that the proposed conversions, extensions and alterations are carried out in accordance with the approved plans to accord with Planning Policy Statement 5, Planning Policy Statement 7 and policies BE1, BE3, BE4, BE6, BE20, NE5 and NE20 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats have been recorded within the site and are protected by law. A watching brief (maintained by the applicant and all workers on site) for all protected species should be maintained throughout the development. 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 5, the details shall include window and door styles, reveals, cill and header treatments and shall include the use of anti-glare glazing in accordance with the recommendations of Natural England.
- 5 The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively assembled from units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

- 6 In relation to Condition 8, the details should include all methods of protection of the SSSI and may include aspects such as hours of operation, noise control, protective barriers, storage and disposal of materials and spoil etc.
- 7 In relation to Condition 11, the "Programme of Work" referred to will in this case be historic building recording prior to alteration to a level based upon the level 2 record outlined in English Heritage guidance and in accordance with the Specification to be agreed.

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

**Item:** 10

**Reference:** 10/00214/LBC

**Applicant:** Mr And Mrs Everson Crane

**Location:** The Pool House Newtown Linford Lane Groby Leicester  
Leicestershire

**Proposal:** PART DEMOLITION, EXTENSIONS AND ALTERATIONS OF  
BUILDINGS TO FORM THREE DWELLINGS

#### **Introduction:-**

This application seeks Listed Building Consent for partial demolition, extensions and alterations to three curtilage buildings of Pool House, Groby, a Grade II Listed Building with attached stable range and cottage dating from the early 18th Century with late 19th Century alterations and additions. It is located to the north of Groby, on the south side of Groby Pool. Pool House is one of the earliest foxhunting boxes to survive and was also used for fishing. The house's form reflects its specialised uses and unusual history and context as being closely associated with the beginnings of the wide popularity of foxhunting in this country as well as the recreational pursuits of wealthy landowners in the 18th Century.

Maids Cottage is a two storey rendered annex with Swithland Slate roof located to the north west corner of the main house. Proposed works include demolition of a single storey lean-to structure incorporating a toilet and store on the north elevation together with two unsympathetic and relatively recent flat roof links to the main house on the south elevation. A two-storey extension would be added to the north elevation. Additional windows and doors are to be created and existing windows frames replaced. The first floor and all internal fittings have been removed following deterioration and damage as a result of the building being unoccupied therefore the proposals would require comprehensive internal fittings for residential use but the internal chimney stack/fireplaces would be retained.

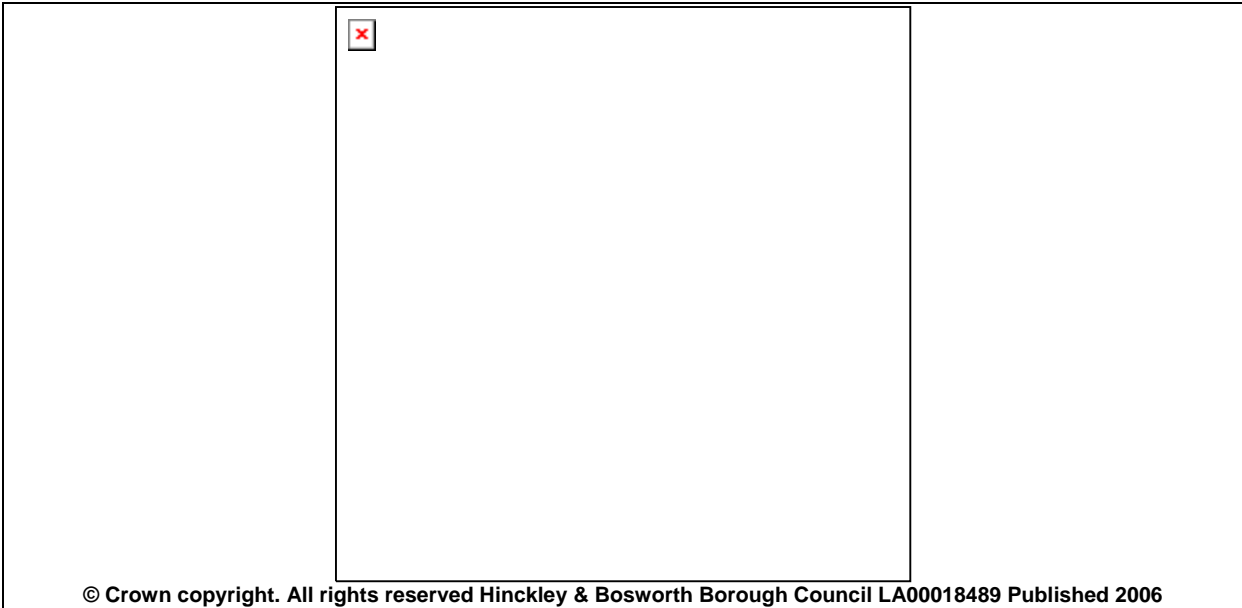
Pool House Barn is part of a longer range of brick built outbuildings of single and 1½ storeys located west of Maids Cottage consisting of former stables and tack rooms also having a Swithland Slate roof. Proposed works include a 1½ storey extension to the west elevation involving the removal of the existing west elevation external wall at ground floor to allow internal circulation. Additional windows and doors are to be created and existing windows frames replaced. The building was renovated in the 1990's but the proposals would still require comprehensive internal fittings for residential use.

Pool House Lodge is a detached building of 1½ storeys being of stone construction currently without a permanent roof covering. Proposed works include demolition of the derelict brick buildings to the north of the main stone structure, a 1½ storey extension to the north

elevation of the stone structure to replace them, replacement of the roof structure including renovation and repair of the raised glass roof light. Additional windows and doors are to be created and existing windows frames within existing openings replaced.

**History:-**

09/00762/LBC	Part Demolition, Extensions and Alterations of Buildings to form Three Dwellings	Withdrawn	22.12.09
09/00761/FUL	Part Demolition, Extensions and Alterations of Buildings to form Three Dwellings	Withdrawn	22.12.09
98/00746/LBC	Alterations and Extension to Outbuildings	Approved	11.11.98
93/01056/LBC	Alterations to Garage	Approved	07.02.94
93/00744/4L	Alterations and Extensions to Outbuildings	Approved	30.09.93
93/00743/4	Alterations and Extensions to Outbuildings	Approved	30.09.93
93/0474/4	Change of Use of Outbuildings and Part of Main House to Conference, Design and Audio/Visual Production Offices	Approved	01.07.93



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## **Consultations:-**

No objection has been received from:-

Groby Parish Council  
Director of Environment and Transport (Highways)  
Head of Community Services (Land Drainage).

No objections subject to conditions have been received from Director of Environment and Transport (Ecology).

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

Directorate of Chief Executive (Archaeology)  
English Heritage  
Council for British Archaeology  
Victorian Society  
Georgian Group  
Historic Buildings Panel  
Ancient Monuments Society  
Society for the Protection of Ancient Buildings  
Groby Village Society  
Press notice  
Site notice.

## **Policy:-**

### National Guidance

Planning Policy Statement 5 (PPS5): 'Planning for the Historic Environment' sets out the Government's planning policies on the conservation of the historic environment. Paragraph 7 recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term and seeks to ensure that such assets are put to an appropriate and viable use that is consistent with their conservation. It also seeks to contribute to our knowledge and understanding of the past by ensuring that opportunities are taken to capture evidence from the historic environment. Policy HE10.1 of this PPS states that when considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal, the significance of the asset. Policy HE7.5 of this PPS states that local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

### Local Policy

#### Hinckley & Bosworth Local Development Framework: Core Strategy (2009)

The Core Strategy sets out the overarching strategy and core policies to guide future development in the borough. Paragraph 3.28 highlights the need to safeguard valuable assets such as listed buildings and sites of cultural heritage interest. Spatial Objectives 10 and 11 seek to protect the borough's archaeological heritage and safeguard, enhance and where necessary regenerate the borough's distinctive built environment including listed buildings.

## Hinckley & Bosworth Local Plan Policy (2001)

Policy BE3 of the adopted Local Plan requires special justification for the demolition or partial demolition of listed buildings. Policy BE4 of the adopted Local Plan requires applications for alterations and additions to listed buildings to demonstrate that the proposal would not detract from the architectural or historical character of the building. Policy BE5 of the adopted Local Plan seeks to preserve and enhance the settings of listed buildings through the design of new development in the vicinity, having regard to the scale, form, siting and design of the proposal. Policy BE6 states that the change of use of listed buildings will be granted where the change would represent the best reasonable means of conserving the character, appearance, fabric, integrity and setting of the building and would not necessitate alterations considered to be detrimental to its character as a building of special architectural or historic interest. Policy BE16 requires appropriate archaeological investigation and recording to be carried out where necessary.

### **Appraisal:-**

The main consideration of this application is the impact of the proposed demolitions, extensions and alterations on the historic fabric, character and appearance of the listed building, its curtilage buildings and its setting. The most important building on the site and main reason for the buildings listed status in terms of architectural merit is the southern element of the main Pool House and this would be unaffected by the proposed works. The proposals are the result of extensive pre-application discussions.

### Impact of works on the Grade II Listed Building Complex

In terms of the impact on the special interest and fabric of the Pool House complex, overall the proposals are considered to preserve the buildings architectural and historic qualities. The demolition and removal of a number of unsympathetic extensions would enhance its character and appearance and the proposed extensions and alterations are well designed and sympathetic to the original structures with the use of quality materials. The proposals would enable these buildings to be given a new lease of life and secure their long term viability and retention for their historical importance in the context of the site as a whole.

There are a number of proposed changes to the external fenestration. Principally these involve additional windows (including conservation style roof lights) and doors and the replacement of existing frames that are in a poor state of repair. Internally there are few remaining fixtures and fittings that would contribute to the architectural interest of the buildings, the Maids Cottage and Pool House Lodge having been previously stripped out and Pool House Barn having been renovated in the 1990's. Officers have worked closely with the applicant's to ensure that each element of the proposal has been carefully considered so as to have minimum impact on the historic fabric whilst still ultimately achieving a high quality scheme with character.

### Conclusion

The buildings have deteriorated considerably over a number of years and subject to criminal damage despite the best efforts of the current owners to arrest that decline and protect the buildings. Unless measures are taken to bring the buildings back into use, it is likely that the decline will continue and they may be lost completely. Overall and on balance, it is considered that the proposed scheme of works would have a positive impact on the listed buildings whilst improving their structural integrity and securing their long term viability to help preserve them for their historical importance within the context of the site as a whole. The proposals would enhance not detract from the architectural or historical character or appearance of the listed building and its setting and as such it is considered that the



proposed works should be supported. The proposals would therefore accord with Planning Policy Statement 5 and policies BE3, BE4, BE5 and BE6 of the adopted Local Plan.

**RECOMMENDATION:- That subject to no significant additional objections being received before the end of the consultation period expiring on 18th May 2010, the Deputy Chief Executive (Community Direction) be granted delegated powers to issue listed building consent subject to the conditions below.**

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

Having regard to the historic fabric, character and setting of the Grade II listed building and its design and use of materials, 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 secure the structural integrity and long term viability of historically important curtilage listed buildings with part demolition, extensions and alterations that would be sympathetic to, and would not adversely affect, the remaining historic fabric of special architectural or historic interest; and it would enhance the character and appearance of the listed building and its setting.

Hinckley & Bosworth Borough Council Local Plan (2001):- BE3, BE4, BE5, BE6 and BE16

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:1250 scale; Amended Block Plan at 1:500 scale; Plan Nos. EC/PHG/01; EC/PHG/02; EC/PHG/03; EC/PHG/04; EC/PHG/05a; EC/PHG/06a received by the Local Planning Authority on 16th March 2010.
- 3 Notwithstanding the submitted details, all materials to be used in the development hereby permitted shall be in accordance with a schedule of materials and finishes including bonding and pointing which shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be maintained as such thereafter.
- 4 All works making good to the existing fabric of the building shall be carried out in reclaimed materials which shall match the existing in size, colour and texture and which shall be bonded and pointed in the manner prevailing in the building.
- 5 Notwithstanding the information submitted, before the works hereby permitted commence full details of all rainwater goods, windows, conservation roof light and doors including detailed drawings to a scale of 1:10, shall be submitted to and first agreed in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved details.
- 6 All services including meter boxes, flues and soil and waste down pipes shall be accommodated within the building unless otherwise included on the submitted approved plans.
- 7 Prior to the commencement of works hereby permitted a detailed method statement and drawings for the construction of all new fixtures, fittings and services shall be submitted to and approved in writing by the Local Planning Authority. The statement

shall include the impact and mitigation works on the existing building fabric. All works shall be carried out in accordance with the approved scheme.

- 8 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording of the buildings at Pool House, Groby. This work shall be conducted in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.
- 9 Notwithstanding the details submitted, this permission relates to conversions of, and extensions and alterations to, the existing buildings as submitted in detail in the approved plans and in no way gives consent for extensive demolition and rebuilding of the existing buildings. Prior to any development commencing, full details of the method by which the existing structures are to be supported and retained whilst the works for conversions, extensions and alterations hereby permitted are carried out and constructed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statements.

**Reasons:-**

- 1 To comply with the requirements of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3-6 To enable the Local Planning Authority to retain control over this important detail in the interests of preserving the historic character and appearance of the buildings and their setting to accord with policies BE4, BE5 and BE6 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure a satisfactory standard of external appearance and ensure that the mortar mix is appropriate in the interests of the condition of the building in the long term to accord with policies BE4 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure satisfactory historic building recording to comply with Planning Policy Statement 5 and policy BE16 of the adopted Hinckley and Bosworth Local Plan.
- 9 For the avoidance of doubt and to ensure that the proposed conversions, extensions and alterations are carried out in accordance with the approved plans to accord with Planning Policy Statement 5, Planning Policy Statement 7 and policies BE1, BE3, BE4 and BE6 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats have been recorded within the site and are protected by law. A watching brief (maintained by the applicant and all workers on site) for all protected species should be maintained throughout the development. 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 5, the details shall include full details of all rainwater goods, window and door styles, reveals, cill and header treatments and shall include the use of anti-glare glazing in accordance with the recommendations of Natural England.
- 5 In relation to Condition 7, the method statement shall include a timetable for the commencement of works on site.

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

**Item:** 11

**Reference:** 10/00241/FUL

**Applicant:** Mr Jogi Singh

**Location:** 102 Rugby Road Hinckley Leicestershire LE10 0QE

**Proposal:** CHANGE OF USE FROM RETAIL TO HOT FOOD TAKEAWAY AND RETENTION OF EXTERNAL EXTRACTOR FLUE (RETROSPECTIVE)

**Introduction:-**

This application seeks permission for the change of use of these premises to a hot food takeaway (Class A5) with the retention of an extractor flue. The proposed hours of operation are 7 am to 8pm Monday to Saturday and closed on Sundays and Bank Holidays. The commercial part of the property is currently vacant but the residential part is inhabited. The extraction flue has been erected and was the subject of a previous application which was refused by committee on 25 November 2009 (09/00749/FUL).

The property is a hipped roof, 1920's-30's semi-detached residential property which was converted into a commercial unit more than 20 years ago. The property has a shop front which spans across the front elevation with a roller shutter. The first record of this property's use is through an application to extend the shop at 102 Rugby Road in 1971.

The property is situated in a predominately residential area interspersed with commercial premises to the north, on the eastern side of Rugby Road. The property is situated on the junction with Rugby Road and Willowbank Road and the derelict Flude factory stands on the adjacent corner to the site to the south with an industrial unit to the rear. The residential property of 100 Rugby Road shares the applicant's northern boundary and the front elevations of residential properties 157-161 Rugby Road are opposite the site.

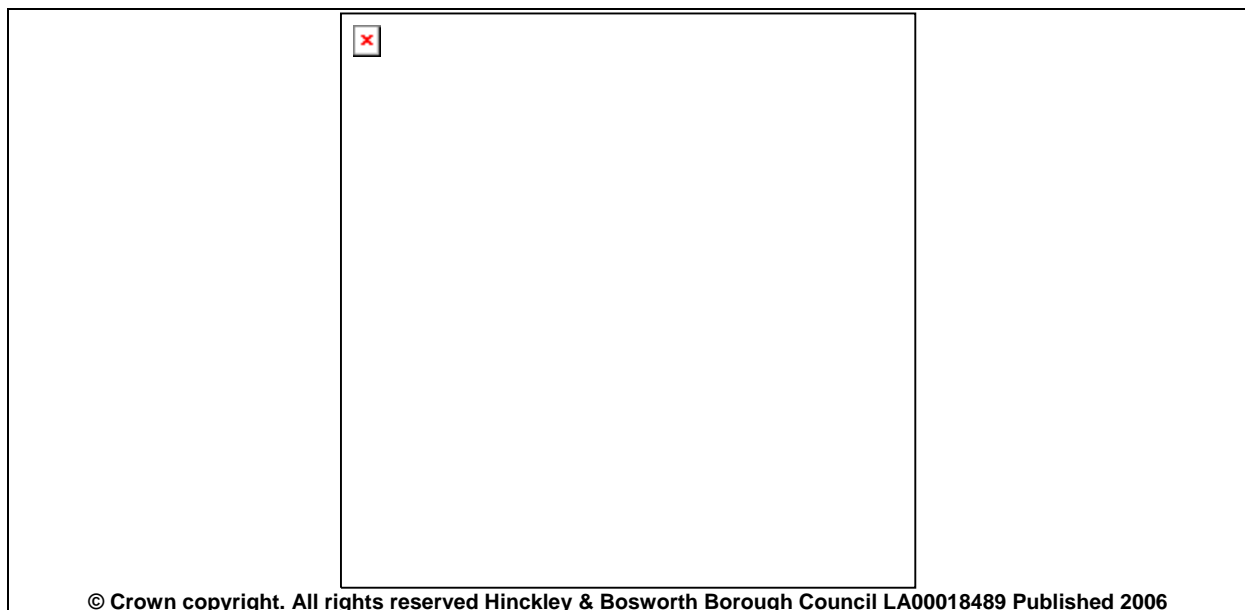
A Design and Access Statement has been submitted in support of this application which states that the commercial use records for these premises relate back to August 1989. The premises were formerly known as 'The Pantry' and were in operation between 1987 and 2003. The then owner has stated that hot food was sold on a takeaway basis but a formal change of use was not applied for. The property changed ownership in June 2003 and as part of a 'Certificate of Lawful Use' application, this operator signed a sworn statement to say that the property was operated with hot and cold food sold for consumption on and off the premises. The statement refers to records and visits by Environmental Health Officers during the period which note that the premises were operated 'without incident or nuisance to

the adjacent residential properties'. The Certificate application was, however, refused, as the applicant was unable to demonstrate that the use of the property for the sale of hot food had taken place in excess of ten years. The current hours proposed are similar to those operated during this period.

The statement goes on to say that the internal floor area of the shop will remain unchanged. The retention of the existing flue was deemed acceptable by environmental health and planning officers in terms of residential amenity and character of the area, as part of the consideration of the previous application to retain it. However, the owner is prepared to amend the design of the flue in order to attempt to overcome the previous refusal reasons.

**History:-**

09/00755/CLU	Certificate of existing lawful use of A3 hot food takeaway and restaurant	Refused	15.12.09
09/00749/FUL	Retention of extractor flue pipe	Refused	25.11.09
90/00484/4	Extension to provide residential accommodation	Approved	21.06.90
87/01158/4	Entrance lobby toilet and lounge	Approved	21.12.87
84/00602/4	Store and WC extension	Approved	21.08.84



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## **Consultations:-**

No objections subject to condition received from:-

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

Two neighbour objections (One submitted with a petition containing 23 names) received on the grounds that:-

- a) flue eyesore/spoils view
- b) noise, smells and air pollution
- c) increase in litter
- d) invasion of privacy
- e) already parking issues in area
- f) highway safety issues
- g) detrimental to quality of life
- h) concern for residents of neighbouring property
- i) residential area
- j) previous owner states that no business has taken place from premises after 5.00pm

At the time of writing this report comments have not been received from the Director of Environment and Transport (Highways).

## **Policy:-**

### National Government Policy

Planning Policy Statement (PPS) 1- Sustainable Development and Climate Change. Sets out the Government's objectives for delivering sustainable development and the principles behind the planning system in seeking to provide a good quality environment for people to live in.

### Local Plan Policy

The site is within the Hinckley Settlement Boundary as defined within the adopted Hinckley and Bosworth Local Plan.

Policy BE1- Design and siting of development, seeks amongst others to protect the amenities of residents.

Policy T5 of the adopted Local Plan states that appropriate parking standards as set out in the Local Plan will apply unless a different level of provision can be justified.

Local Development Framework Core Strategy 2009 - no specific policies in relation to this application.

The Council's Supplementary Planning Document on Shopping and Shop Fronts states that the best location for hot food takeaways, pubs, bars and restaurants and cafes is normally within main and local shopping centres. Where an A3, A4 or A5 use is considered acceptable (outside of these areas), opening hours will be controlled by the imposition of conditions and in the majority of cases, the hours of service to the public will be restricted to 11:30pm, or earlier where the proposed use is in a primarily residential area, and such a restriction would be in the interests of residential amenity. It refers to Policy Retail 8 although this relates to proposals within local centres and allows for non-retail uses, including food

and drink uses, subject to considerations of amenity, traffic and parking, storage, its overall impact on the retail development and the retention of a shop type frontage. Drinking establishments and hot food takeaways (Class A4 and A5 respectively), can be harmful to adjoining neighbours, and are not likely to be favourably considered in a predominantly residential area or in locations where existing houses are adjoining or are in close proximity to the proposed premises. This principle will be strictly applied to the type of food and drink outlets that intend to serve customers into the late evening/early morning.

### **Appraisal:-**

The main considerations with regard to this application are the principle, the effect of the change of use on the character and amenities of the local area.

#### Principle

The Council's Supplementary Planning Guidance on Shopping and Shop Fronts acknowledges that the best location for hot food takeaways and similar uses is normally within main and local shopping centres rather than in predominantly residential areas. There are existing Class A5 uses which exist on Rugby Road within the secondary shopping frontage to the north of this site and A3 uses have been approved as part of the Flude development site.

This particular part of Rugby Road has no designation identified within the adopted Hinckley and Bosworth Local Plan, the character of this area is generally mixed with industrial premises to the rear and south with residential properties to the north, north east and west. Commercial properties are also interspersed with residential properties to the north of Rugby Road on the eastern side. These properties include takeaways which have flues installed to the rear of their establishments which can be viewed from Rugby Road but are located within the area designated as secondary shopping frontage as designated within the adopted local plan.

Environmental Health records show that the premises have previously been used as an A1 shop and that there was an element of hot and cold food sold which was consumed on and off the premises. The position with regard to whether a change of use of the building to either an A3 (cafe) or A5 (takeaway) had occurred previously for a continuous period of ten years, was not established within the Certificate of Lawful Use application that was refused last year, therefore the existing use of the premises is A1 (shop).

It is considered that whilst the last use of the premises was as a shop, this is a relatively low key, local facility, however, the use as a hot food takeaway would be likely to cause a more significant detrimental effect on the local area and the amenities of the area.

#### Neighbours Amenity

This property is located in a residential area and is attached to a dwelling. Given the proximity of the site to neighbouring residential properties, it is likely that customers to the takeaway will give rise to increased noise and disturbance to residents from general comings and goings of pedestrians and cars.

Opening hours can be controlled by condition to reduce the impact on the surrounding area. Supplementary Planning Guidance suggests that opening should be restricted to 11.30 pm. The proposed hours of operation with this application are 7 am to 8pm Monday to Saturday and closed on Sundays and Bank Holidays. The main concern with this proposal is the use during the evenings in terms of additional traffic which may cause noise and disturbance to residents when traffic levels would generally be subsiding.

## Other Issues

### Extraction Flue

The existing flue is unauthorised and enforcement action is pending. The agent has offered to amend the flue in order to make it more acceptable in terms of visual amenity, the current flue is silver and erected on the rear of the premises and has a 'dog leg' towards the corner of building. The flue is visible from Rugby Road, although the site has mature boundary treatment to Willowbrook Road which screens the majority of the flue from view. Since the flue has previously been refused, it is considered that the previous refusal reason should be repeated within this decision.

### Neighbour Issues

Neighbours have raised concerns about the view of the flue and anticipated smells nuisance. The Head of Community Services (Pollution) has confirmed that the current flue is acceptable in terms of dealing with potential smells nuisance from the proposed use of the premises. The issue of litter caused by the use has also been raised, however, this cannot be controlled through planning legislation.

### Highway Considerations

Neighbours have raised concerns about parking if the application is approved. There is no off-street parking for customers provided within the site. The comments of the Highway Authority are awaited and will be reported as a late item.

### Sustainability

The site is located on a main road, on the edge of the Hinckley Town Centre close to residential properties, in terms of sustainability, there are no issues.

### Conclusion

With regard to the character of the surrounding area, it is considered that the proposed use would detrimentally affect to a significant extent the amenities of the adjoining and neighbouring residents contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan. The comments of the Highway Authority will be reported as a late item.

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

### **Reasons:-**

- 1 In the opinion of the Local Planning Authority the proposed hot food takeaway in terms of general disturbance, and traffic generation is likely to detrimentally affect the amenities of neighbouring residents and the general character of the area, contrary to policy BE1 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Document on Shopping and Shop Fronts.
- 2 In the opinion of the Local Planning Authority the extractor flue pipe, by virtue of its siting, scale and design would have an overbearing impact on residential properties in the immediate vicinity and have a detrimental impact on the visual amenity of the locality, therefore would be contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

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

**PLANNING COMMITTEE AGENDA - 11 May 2010 - NUMERIC INDEX**

<b>REF. NO.</b>	<b>APPLICANT</b>	<b>SITE</b>	<b>ITEM</b>	<b>PAGE</b>
09/00901/OUT	Mr Bill Hood	96 Factory Road Hinckley	01	
09/00940/FUL	The Garden Centre Group	Woodland Nurseries Ashby Road Stapleton	02	
09/01000/FUL	Mr Neil Chapman	Land Off Potters Marston Lane Earl Shilton	03	
10/00189/FUL	Mr Lyndon Lewis	51 Waterfall Way Barwell	04	
10/00202/EXT	The DRE Group Limited	18 Lancaster Road Hinckley	05	
10/00204/FUL	Mr Guy Stripp	15 Shenton Lane Dadlington	06	
10/00195/DEEM	Hinckley And Bosworth Borough Council	Land Adj 7 Alexander Gardens Hinckley	07	
10/00207/FUL	Mr Gary Hawkins	20 Hilary Crescent Groby	08	
10/00213/FUL	Mr And Mrs Everson Crane	The Pool House Newtown Linford Lane Groby	09	
10/00214/LBC	Mr And Mrs Everson Crane	The Pool House Newtown Linford Lane Groby	10	
10/00241/FUL	Mr Jogi Singh	102 Rugby Road Hinckley	11	



**PLANNING COMMITTEE – 11 MAY 2010**

**REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)**

**LOCAL DEVELOPMENT FRAMEWORK: HINCKLEY TOWN CENTRE AREA  
ACTION PLAN DEVELOPMENT PLAN DOCUMENT – PROPOSED SUBMISSION  
DOCUMENT**

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**1. PURPOSE OF THE REPORT**

To seek Members agreement to consult on the Hinckley Town Centre Area Action Plan proposed submission document and Sustainability Appraisal in accordance with the Town and Country Planning Regulations (Local Development) (England) 2004 (as amended 2008) and the Local Development Scheme. The Draft Hinckley Town Centre Area Action Plan proposed submission document is attached as an Appendix to this report. A copy of the accompanying Sustainability Appraisal is available in the Members Room.

**2. RECOMMENDATION**

That Members endorse:

- (i) The undertaking of a six-week period of consultation on the Hinckley Town Centre Area Action Plan proposed submission document and Sustainability Appraisal during June and July 2010.
- (ii) Submission of the Hinckley Town Centre Area Action Plan to the Secretary of State following analysis of the representations received during the six-week consultation period.

**3. BACKGROUND TO THE REPORT**

As a result of the 2004 Planning and Compulsory Purchase Act all Local Authorities are now required to produce a Local Development Framework. The Council has focussed on a number of key development plan documents:

The Core Strategy;  
Site Allocations and Generic Development Control Policies;  
Hinckley Town Centre Area Action Plan; and  
Barwell and Earl Shilton Area Action Plan

The centrepiece of the new Local Development Framework will be the Core Strategy Development Plan Document. This sets out the spatial objectives, directions for growth and strategic core policies for Hinckley and Bosworth and forms the basis for subsequent Development Plan Documents produced by the Council.

All draft Local Development Framework documents are subject to periods of public consultation in accordance with Government Guidance in Planning Policy Statement 12 and the Town and Country Planning Regulations (Local

Development) (England) 2004 (as amended 2008). These should follow the procedures set out in the Borough Council's Statement of Community Involvement and are also subject to a Sustainability Appraisal.

### **Hinckley Town Centre Area Action Plan Proposed Submission Document**

The Hinckley Town Centre Area Action Plan forms an integral part of the Local Development Framework. It will support the policies set out in the Core Strategy and will set out key development control policies for use in day-to-day decision-making on planning applications within Hinckley Town Centre.

This document also sets out a number of proposals for future development in Hinckley Town Centre and forms an important stage in shaping the future of the town centre.

Any changes suggested through this consultation period will be assessed and considered. Following this, it is anticipated that the document will be submitted to the Secretary of State in August 2010. An independent inspector will then test the 'soundness' of the document at a public examination. It is anticipated that the document will be adopted in May 2011, in accordance with the Council's latest Local Development Scheme.

In summary, the Council's proposals for the nine Strategic Development Areas as detailed in the Hinckley Town Centre Area Action Plan Proposed Submission Document are:

- **Stockwell Head/Concordia Theatre:** Mixed-use development with a consolidated car park.
- **Atkins Factory:** Redevelopment of this site; retaining the Grade II Atkins building for mixed-use development and a creative enterprise centre, and a new high quality landmark building to accommodate community or employment uses. It is noted that the redevelopment of the Atkins Factory is largely complete but as it has always been a key regeneration site within the Renaissance Masterplan and this AAP it therefore still needs to be included.
- **Britannia Centre/Castle Street:** Through the redevelopment of this site there is an opportunity to improve the retail offering within the town centre core and link a number of the town centre's Strategic Development Areas.
- **Land North of Mount Road:** Creation of a mixed-use site for employment, various residential uses including a care home, community and retail uses.
- **Leisure Centre Site:** Redevelopment of the existing leisure centre site for residential uses upon relocation of the current facility to the sporting hub.
- **Rugby Road/Hawley Road:** Development of the site for mixed-use development, including a landmark building.
- **Train Station/Southfield Road:** Redevelop the land previously occupied by the former Richard Roberts factory for an office led scheme. The refurbishment of the existing railway station, including a transport interchange is also included within this policy.
- **Bus Station:** Redevelopment of the existing bus station and the introduction of mixed-use development including retail, commercial, leisure and restaurant/café uses.

- **North Warwickshire and Hinckley College:** Redevelopment of site for mixed uses upon relocation of the College to the Atkins site.

#### **4. FINANCIAL IMPLICATIONS (DB)**

The total cost of seeking approval of the Hinckley Town Centre AAP is estimated to be £50,000. This was identified in a report to Council on 15 December 2009 which covered the costs of the whole LDF Process. No provision has been made for this expenditure in the 2010/11 budget but money has been set aside in the past in the Local Development Framework Reserve to meet this expenditure. It will be necessary to obtain a Supplementary Budget financed by the reserve from Council at its next meeting

#### **5. LEGAL IMPLICATIONS (AB)**

As stated in the report there is a statutory duty on the Council to consult in respect of all draft Local Development Framework documents

It is also a requirement of the Town and Country Planning Regulations (Local Development) (England) 2004 (as amended 2008) be submitted to the Secretary of State for approval.

#### **6. CORPORATE PLAN IMPLICATIONS**

The Hinckley Town Centre Area Action Plan supports the following aims of the Corporate Plan 2009 - 2014

- Cleaner & greener neighbourhoods
- Thriving economy
- Safer and healthier borough
- Strong and distinctive communities
- Decent, well managed & affordable housing

#### **7. CONSULTATION**

The production of the Hinckley Town Centre Area Action Plan began with initial consultation exercises undertaken for the Hinckley Town Centre Renaissance Masterplan. The initial Masterplan evidence base consultation took place between 20<sup>th</sup> November and 5<sup>th</sup> December 2003. The results from this Stage One consultation were fed back and used to refine the Masterplan, which was then presented to the public as the second stage of consultation.

The second stage of consultation was the Masterplan Issues and Options public consultation. This took place between 14<sup>th</sup> June and 19<sup>th</sup> July 2004 at a series of exhibitions and workshops supported by press publicity and questionnaires. There was clear 'sign up' for all aspects of the Masterplan with local people supporting a major initiative to revitalise the town's economy and change the ambience of the centre.

Consultation on the Preferred Options document took place between Monday 24<sup>th</sup> September and Monday 5<sup>th</sup> November 2007. The vision and strategic objectives received a positive response as a result of this consultation. Most of the proposals put forward for the key development sites received a positive reaction from the public with the majority of respondents favouring the Council's

preferred options. The comments received during the Preferred Options consultation have shaped the submission Hinckley Town Centre Area Action Plan.

The Hinckley Town Centre Area Action Plan Proposed Submission Document undertook further consultation between 31<sup>st</sup> October and 12<sup>th</sup> December 2008. Following this consultation period, representations were received which highlighted the need for further work to be completed on the Area Action Plan before the Borough Council could consider it sound for submission to the Secretary of State. As this additional work was deemed to involve potentially significant changes to the AAP, it was considered necessary for an additional round of public consultation to take place before the document is submitted.

On 29<sup>th</sup> March 2010, Strategic Leadership Board endorsed the Hinckley Town Centre Area Action Plan to be sent to consultants WYG to update the Sustainability Appraisal that was produced for the original Submission version of the Area Action Plan.

The Hinckley Town Centre Area Action Plan Proposed Submission Document was circulated to the Local Development Framework Working Party on 22<sup>nd</sup> April 2010. At the time of writing, no comments were received.

## **8. RISK IMPLICATIONS**

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

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

<b>Management of Significant (Net Red) Risks</b>		
<b>Risk Description</b>	<b>Mitigating actions</b>	<b>Owner</b>
Members do not accept the recommendations within this report, leading to a delay in the submission of the AAP and the potential for missed deadlines.	Strategic Leadership Board agreed the AAP on 29 <sup>th</sup> March 2010.	Sally Smith

## **9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

As the Hinckley Town Centre Area Action Plan is wholly concerned with the town of Hinckley, it is considered that there are no direct rural implications arising from this report.

## **10. CORPORATE IMPLICATIONS**

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

Community Safety Implications - the Hinckley Town Centre Area Action Plan aims to improve community safety.

Environmental implications – the Area Action Plan aims to minimise the environmental impact of development and make development more sustainable.

ICT Implications – None

Asset Management Implications - The Estates and Asset Manager has been involved in the consultation of this document.

Human Resources Implications – None

Planning Implications – Contained within the report

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Contact Officer: Andy Killip - Planning Policy Officer (x5732)

Appendices (available on the Council's website, in the Members' Room, or by contacting the report author): Draft Hinckley Town Centre Area Action Plan Proposed Submission Document

**PLANNING COMMITTEE – 11 May 2010**

**REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)**  
**RE: APPEALS LODGED AND DETERMINED**

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1. **PURPOSE OF REPORT**

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

2. **RECOMMENDATION**

That the report be noted.

3. **BACKGROUND TO THE REPORT**

3.1 Appeals Lodged

3.1.1 Appeal by Jelsons against the refusal of outline planning permission for residential development (outline) with access (09/01009/OUT) on land south of London Road, Markfield. (Public Inquiry).

3.2 Appeals Determined

3.2.1 Appeals by Mr Gill against the refusal of consent to carry out works to protected trees at Rotherwood, Station Road, Desford (09/00758/TPO).

3.2.2 The works proposed the felling of two sycamores T2 and T3. The Inspector considered the main issues to be; the impact the proposals would have on the appearance and character of the locality and whether the reasons given for felling the sycamores are sufficient to justify that course of action.

3.2.3 The Inspector first considered the existing tree cover in the vicinity of the site and the visual amenity the trees offer. The Inspector noted that the trees subject to the appeal form part of a group that provides a woodland feel to this area of Station Road and is therefore an important feature within the landscape. The canopy of T2 is constrained by surrounding trees. T3 is only constrained to the east and southeast leaving scope for future growth to the west and northwest. The Inspector concluded that due to its position in the centre of the wood the removal of T2 would cause minimal erosion to the landscape value of the woodland belt. The removal of T3 due to its position on the edge of the canopy was considered to detrimentally reduce the size of the canopy, harming the landscape values of the group. The Inspector considered that to remove both trees would cause significant harm to the wood's landscape value.

3.2.4 The Inspector then considered whether the reasons given for the removal of the trees is sufficient justification for their removal. The appellants stated that the removal of both trees were required to allow a nearby early-mature beech tree to grow into a better shaped tree. The Inspector considered that the removal of T2 would allow this to occur. Due to the location of T2 between T3

and the beech tree the removal of T3 was not considered to have a beneficial impact at this time.

3.2.5 The Inspector agreed with the Local Authority that a replacement tree should be sought and suggested suitable species and a location in which it should be planted.

### **3.2.6 INSPECTORS DECISION**

**Allow the removal of sycamore T2 however dismisses the appeal to remove sycamore T3. (Written Representatives)**

## **4. FINANCIAL IMPLICATIONS (AB)**

4.1.1 It is anticipated that all the costs incurred and costs recovered will be met from existing revenue budgets

## **5. LEGAL IMPLICATIONS (MR)**

5.1.1 None

## **6. CORPORATE PLAN IMPLICATIONS**

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

- Safer and Healthier Borough.

## **7. CONSULTATION**

None

## **8. RISK IMPLICATIONS**

None

## **9. KNOWING YOUR COMMUNITY – EQUALITY AND 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 |

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Background papers: Appeal Decisions

Contact Officer: Sarah Humphries ext 5680

**PLANNING COMMITTEE - 11 MAY 2010**

**REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)**

**RE: APPEALS PROGRESS**

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**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

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Background Papers:

Contact Officer: Simon Wood, extension 5692



## PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 30.04.10

**WR - WRITTEN REPRESENTATIONS**

**IH - INFORMAL HEARING**

**PI - PUBLIC INQUIRY**

FILE REF	CASE	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
	LF	09/00735/CONDIT	WR	Mr H Alti	7 The Horsefair Hinckley	<i>Awaiting Start Date</i>	
10/00005/PP	SH	09/01009/OUT	PI	Mr T McGreal (Jelson Ltd)	Land off London Road, Markfield	<i>Start Date</i> Rule 6 Final Comments Proof of Evidence Inquiry Date (3 days)	09.04.10 21.05.10 18.06.10 29.06.10 27.07.10
10/00003/PP	SH	09/00995/COU	IH	Mr P Finney	Land Heath Road Bagworth	<i>Start date</i> Final comments Hearing Date	16.03.10 18.05.10 07.07.10
10/00004/PP	LF	09/00997/FUL	WR	Timothy Payne	7 Stockwell Head Hinckley	<i>Start Date</i> Final Comments	17.03.10 19.05.10
10/00001/PP	LF	09/00703/FUL	WR	Mr T Barton	23 Cherry Orchard Estate Higham on the Hill	<i>Start Date</i> Awaiting Decision	11.01.10
09/00017/ENF	JC/ES	07/00031/BOC	PI	Mr P Godden	Land at Upper Grange Farm Ratby Lane Markfield	<i>Start Date</i> Statement of Case Public Inquiry (4 days) Temporarily Suspended	06.11.09 18.12.09 09-12.03.10

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

10/00002/TREE	NC	09/00758/TPO	WR	Mr Gill	Rotherwood, Station Road, Desford	<b>Split Decision</b>	<b>13.04.10</b>
09/00023/CLD	DK	09/00802/CLU	WR	Mr & Mrs Davies	49 Wykin Road Hinckley	<b>ALLOWED</b>	<b>27.04.10</b>

09/00024/PP	RW	09/00660/FUL	PI	Crest Nicholson (Midlands) Ltd	Former Greyhound Stadium Nutts Lane Hinckley	<b>ALLOWED</b>	<b>28.04.10</b>
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**Rolling 1st April 2010 / 30th April 2010**

**Planning**

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

**Enforcement**

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn