

**PLANNING COMMITTEE 16 August 2011**  
**LIST OF LATE ITEMS RECEIVED AFTER PREPARATION OF MAIN AGENDA:**

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**ITEM 01**

**11/00029/OUT**

**Hallam Land Management Ltd**

**Consultations:-**

Representations received in relation to the amended plans received on 29 July 2011

No objection subject to conditions have been received from:-

Director of Environment and Transport (Highways)  
The Environment Agency  
Severn Trent Water

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

As a result of the Developers contributions consultation, Leicestershire County Council has the following comments:-

a) Director of Children and Young People's Services (Education)	
Total contribution (Primary School Requirement)	£314,574.26
Total contribution (High School Requirement)	£250,266.38
Total contribution	£564,840.64
b) Director of Environment and Transport (Civic Amenity)	
Any unit	£46.23
Total contribution	£6241.00
c) Director of Adults and Communities (Libraries)	
1 bed unit	£27.18
2 bed unit	£54.35
3 or more bed units	£63.41
Total contribution	£7340.00

Neighbouring properties have been re-notified. Five letters of objection and one letter of comment have been received raising similar issues to those already appraised, together with the following concerns:-

- u) heights of buildings
- v) three-storey dwellings will be out of keeping with existing residential development in Desford
- w) dumping of waste along the party boundary with Cambridge Drive
- x) there are already a number of empty properties within Desford
- y) the relocated bus stop should be sited closer to the site
- z) this site was only allocated for 82 dwellings in the Local Development Framework process
- aa) the installation of traffic lights will result in congestion on local roads
- bb) the proposed link footpath will encourage anti-social behaviour
- cc) external lighting along the footpath will result in light pollution to objector's property

The letter of comment stated that the hedgerow and trees along the southern boundary of the site should be retained.

No comments have been received from:-

Directorate of Chief Executive, LCC (Ecology)  
Director of Chief Executive (Archaeology)  
The Leicestershire Constabulary Crime Reduction Officer  
Head of Corporate and Scrutiny Services (Green Spaces)  
Desford Parish Council

## **Appraisal:-**

### Housing Need in Desford

The objector states that the application site has not been formally adopted for residential use. As previously stated the figure for new dwellings allocated for Desford stands at 116. As the Local Planning Authority is unable to demonstrate a five-year housing supply the in-principle refusal of development outside of the settlement boundary of Desford is outweighed. Therefore planning applications for development which exceed this figure of 116 dwellings (as in the case of this planning application) requires developers to demonstrate that the number, type and mix of housing proposed will meet the needs of Desford, irrespective of whether or not the site has been identified for residential development. Whilst it is advantageous for existing housing stock in Desford to be filled, this is not a material factor affecting the submission of a planning application for new residential development in Desford.

### Highways

No information has been submitted with the planning application showing the installation of traffic light controlled junctions on Newbold Road. The proposals show the provision of a new roundabout to gain access into the application site. Therefore there will be no traffic congestion occurring as a result of the installation of a traffic light controlled junction. The Director of Environment and Transport (Highways) has no objection to the proposals to provide a new roundabout onto Newbold Road.

### Impact on Neighbours

Issues raised in relation to heights of buildings, retention of hedgerows and trees, dwellings being out of keeping with the character and appearance of the area and external lighting will be a primary consideration at the reserved matters stage when the scale, layout, landscaping and appearance details are provided.

There is no evidence to substantiate the view that construction waste will be disposed of within the site or into ditches that surround the site.

The re-sited bus stop will be located within 55m of the proposed vehicular access off Newbold Road to the north of the application site. It is considered that this bus stop, at a distance of 55m is easily accessible on foot from the application site.

The Police Architectural Liaison Officer has not objected to the creation of a footpath link to St Martins Drive, as such it can not be substantiated that the link could create anti-social behaviour.

### Developer Contributions

In respect of the amended proposals, requests from Leicestershire County Council have been received for contributions towards libraries, education and civic amenity per dwelling. The contributions requested in respect of civic amenity and libraries fail to demonstrate the impact of the development and how this justifies the need for the contribution and or works and the value of it in order to comply with CIL. The request by LCC Education for financial contributions has been amended and increased since the original planning application was considered as a result of updated enrolment figures for local education establishments. The updated request from LCC Education is considered to be CIL compliant. The developers have been advised of this and are considering this request at this time.

Comments are awaited from Desford Parish Council in respect of financial contributions towards off-site public open space in Desford.

## Conclusion

It should be noted that there have been no technical objections received to the proposed development in its amended form. Therefore subject to no new objections being received the planning application is recommended for approval subject to the imposition of planning conditions and a signed Section 106 Agreement.

## **Recommendation:-**

Change to recommendation

**Recommendation:- That subject to no objections being raised from the outstanding consultees, the Deputy Chief Executive (Community Direction) be granted delegated powers to grant outline planning permission 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 of affordable housing, the provision and maintenance of on-site and off-site public play and open space facilities and towards education.**

## **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 and the completion of a legal agreement, the proposed development would be in accordance with the development plan as it: would contribute towards the current shortfall in the five year housing land supply and to the need for new dwellings in Desford, would not have an adverse impact on the character and appearance of the landscape or highway safety and it would contribute to the provision of affordable housing and public open space.

Hinckley and Bosworth Council Local Plan (2001) :- BE1, IMP1, REC2, REC3, RES5, T5, NE2, NE5.

Hinckley and Bosworth Local Development Framework (2009) :- Policies 7, 8, 15, 16, 19.

## **Conditions :-**

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than 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 layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development
  - ii) the scale of each building in relation to its surroundings
  - iii) the appearance of the development including the aspects of a building or place that determine the visual impression it makes
  - iv) 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.
  - i) the external building materials
  - ii) the provision to be made for vehicle parking on the site
  - iii) the provision to be made for vehicle turning within the site

- iv) the method of disposal of surface and foul water drainage, which shall be on separate systems
- v) the existing trees and hedges on the site, which are to be retained
- vii) the provision to be made for screening by walls and fences
- viii) the floor levels of the proposed dwelling in relation to the existing ground level and the finished levels of the site
- ix) the phasing of the development
- x) the provision to be made for the storage of refuse and /or recycling facilities.

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 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 3890-L-01 B, 1096/DR/01 E and 3890\_SK\_01 received on 29 July 2011.
- 5 Any garage doors shall be set back from the Highway boundary a minimum distance of 5 metres for sliding or roller/shutter doors, 5.6 metres for up-and-over doors or 6 metres for doors opening outwards and thereafter shall be so maintained. All garages shall have minimum internal dimensions of 6 metres x 3 metres.
- 6 Before first use of the development hereby permitted, the existing footway across the site frontage shall be widened to 2.4m.
- 7 For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.
- 8 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 9 Before the development commences, details of the routeing of construction traffic shall be submitted to and approved by the Local Planning Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the Local Planning Authority.
- 10 Before first occupation of any dwelling, car parking provision shall be made within the curtilage of the dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.
- 11 Any garages, once provided, shall thereafter permanently remain available for car parking.
- 12 The development hereby permitted shall not be commenced until such time as a scheme incorporating Sustainable Urban Drainage to limit surface water run-off has been submitted to, and approved in writing by the Local Planning Authority. The scheme must ensure that surface water run-off generated by the 100 year storm (plus an allowance for climate change) will not exceed the run-off currently generated by the undeveloped site. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- 13 No development shall take place within the application area until the applicant has secured the implementation of a further programme of archaeological work, including trial trenching in accordance with a Written Scheme of Investigation which has been submitted to and approved by the planning authority. The development shall be undertaken only in full accordance with the approved written scheme. No variation shall take place without the prior written consent of the local planning authority.

- 14 The applicant shall notify the local planning authority of the intention to commence works (including site works of any kind) at least one week before such commencement. Thereafter, the programme of archaeological work shall be completed in accordance with the approved written scheme of investigation, including any necessary fieldwork, post-excavation analysis, report writing and archive deposition, as detailed in the approved scheme. The report and archive shall be prepared and deposited no later than six months after the commencement of fieldwork. No variation shall take place without the prior written consent of the local planning authority.

**Reasons :-**

- 1 To comply with the requirements of Section of the Town and Country Planning Act 1990 (as amended).
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 4 For the avoidance of doubt and in the interests of proper planning
- 5 To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 6 The Highway fronting the site has no separate facility for pedestrians and the proposal would lead to an increase in pedestrian movement along the Highway. The footway is therefore required for the safety of pedestrians in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users in accordance with policies T5 and BE1 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction in accordance with policies T5 and BE1 of the adopted Hinckley and Bosworth Local Plan
- 9 To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area in accordance with policies T5 and BE1 of the adopted Hinckley and Bosworth Local Plan.
- 11 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area in accordance with policies T5 and BE1 of the adopted Hinckley and Bosworth Local Plan.
- 12 To prevent flooding both on and off site by ensuring the satisfactory storage/disposal of surface water generated by the proposed development in accordance with the requirements of PPS25: Development and Flood Risk and policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 13 To locate any significant archaeological remains and to assess their preservation and significance in accordance with the requirements of PPS5: Planning and the Historic Environment and policy BE16 of the adopted Hinckley and Bosworth Local Plan.

- 14 To ensure satisfactory archaeological investigation and recording accordance with the requirements of PPS5: Planning and the Historic Environment policy BE16 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 6 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 The central island width of 5.5m is too large for a mini roundabout therefore the type of roundabout is either normal or compact.
- 6 For a compact roundabout, there should be only single lane entries and exits. The circulatory carriage way should not be wide enough that two cars can pass one another. I would therefore recommend the reduction of ICD or increasing the diameter of the central island and/or over-run area.
- 7 It is not clear if the triangular islands are to be painted or kerbed. If kerbed, they should be large enough to accommodate pedestrians with dropped kerbs and tactile paving. If the islands are to be painted it would seem no provision is to be made for pedestrians.
- 8 If the intention is the roundabout to be normal type, the exit widths need to be 7m tapering down to 6m (currently range from 4-6m).
- 9 In principle the design is acceptable but a more detailed design drawing would need to be submitted showing kerbing details, flush kerbs and tactile paving, road markings and traffic signs/bollards.
- 10 At the High Street/Main Street mini roundabout, the proposal is to move a central island on the High Street approach. This will give a small benefit to capacity by allowing two vehicles to sit side by side at the give way line. In reality however this potential storage space may frequently be blocked by queuing traffic and become a "dead area". If the splitter island is to be moved checks would be needed to ensure swept paths of large vehicles can still be accommodated.
- 11 Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the highway authority.

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**ITEM 02**

**11/00431/FUL**

**Midlands Co-operative Society**

#### **Introduction:-**

Additional information was received via email from the applicant's agent on 05 August 2011 in respect of noise from external plant and machinery, bin storage, deliveries and additional uses of the external storage area.

Amended plans were received on 05 August 2011 showing alterations to the southern elevation of Plot 1 proposed to the terraced houses along the Main Street frontage. The plans show the stepping in of the end gable on the southern elevation to Plot 1 to provide distinction between the front and rear sections of the dwelling.

Amended plans were received on 16 August 2011 from the applicant's agent showing alterations to the first floor layout of dwelling 4 proposed to the rear of the site. These proposals involve the re-siting of bedroom 3 to the front of the dwelling and it being replaced with a bathroom to the rear. The amended plans also show the removal of the window to serve bedroom 2 from the rear elevation of the dwelling and it to be replaced by a new bedroom window positioned in the eastern elevation of dwelling 4.

### **Consultations:-**

Following receipt of the additional information from the applicant's agent the Head of Community Services (Pollution) has raised no objections subject to conditions being imposed.

Following receipt of the amended plans on 16 August 2011 neighbours have been re-notified. The consultation period expires on 26 August 2011.

### **Appraisal:-**

#### Impact on neighbour amenity- Insert after paragraph 1

The additional information received from the applicant's agent on 05 August 2011 states that the bin storage area will be sited away from residential properties on Main Street and closer to dwellings on Neville Drive. The Head of Community Services (Pollution) has commented that the impact on residential amenity through odour can be addressed through good management. This is reinforced in the code of practice document submitted with this planning application which is adopted by the Midlands Co-operative Society in all of its stores.

In respect of noise and deliveries the additional information provided on 05 August 2011 states that refrigeration and air conditioning equipment is to be installed and a noise assessment was submitted with the planning application. The information states that the use of the scissor lift will be dependent upon the size and type of deliveries and that a typical delivery schedule for Co-operative food stores was submitted for consideration with the planning application. It should be noted that the delivery schedule submitted with the planning application is a typical delivery schedule and is not specific to these proposals. Following receipt of the additional information The Head of Community Services (Pollution) has recommended conditions in respect of deliveries and noise from delivery vehicles and the scissor lift.

The typical delivery hours schedule submitted with the planning application states that newspapers are delivered between 4am-6am on a daily basis and that all other deliveries typically take place after 6am. As the delivery area to the proposed food retail store is to be sited to the rear, this will bring delivery vehicles and noise associated with unloading these vehicles closer to a number of residential properties bordering the site. Therefore careful consideration of the delivery hours is required in this case. As the majority of deliveries take place after 6am on a daily basis, and only two deliveries take place on a Sunday it is considered that in order to protect residential amenity the following delivery times are considered reasonable:-

6am-6pm Monday to Saturday  
8am-12pm Sundays and Bank Holidays.

The Head of Community Services (Pollution) recommended that deliveries on a Sunday and Public Holidays should not commence until 9am. However given that the opening hours are proposed to be from 9am onwards it is considered reasonable to allow deliveries to take place prior to the proposed food retail store being open to the public, thereby ensuring that the store is stocked with newspapers and magazines.

In terms of the refrigeration equipment, air conditioning units and scissor lift a condition will be imposed for a scheme for the protection of dwellings from noise disturbance to be submitted prior to development commencing on site.

#### Insert after paragraph 4

The amended plans received on 16 August 2011 show alterations to the first floor layout of dwelling 4. The substitution of the bedroom window for a bathroom window in the first floor rear elevation of dwelling 4 will ensure that there will be no overlooking from this window to 27 Poplar Avenue to the rear. A condition will be imposed requesting that this bathroom window be obscure glazed **and to ensure** no overlooking to 27 Poplar Avenue can occur. The removal of the window serving bedroom 2 in the first floor rear elevation of dwelling 4 and it being re-positioned in the eastern elevation will remove the potential for overlooking to the lounge of No 27 Poplar Avenue to the rear. There will be separation distances of 23m and 24m to the rear elevations of numbers 23 and 25 Poplar Avenue from the re-positioned bedroom window in the eastern elevation of dwelling 4, it is considered that this separation distance is sufficient to mitigate the potential for overlooking to the rear elevations of these neighbouring properties.

#### Impact on the conservation area- Insert after paragraph 4

The amended plans received from the applicant's agent on 05 August 2011 show the stepping back of the gable projection to plot 1. These amendments are consistent with the comments made by the council's conservation officer in respect of the southern elevation to plot 1 to allow distinction between the front and rear sections of this dwelling to be made. It is considered that this amendment to the southern elevation of plot 1 preserves the character and appearance of the Markfield conservation area.

The removal of the bedroom window to the rear elevation of dwelling 4 and it re-positioning within the eastern elevation will ensure that the mass of brick in the gable of this property is broken up by a further window opening. This amendment to dwelling 4 will preserve the character and appearance of the Markfield conservation area.

#### Other issues

##### CCTV Provision

With regard to the comments made by The Leicestershire Constabulary Crime Reduction Officer in respect of CCTV Coverage a condition will be imposed requesting that a scheme for crime prevention, including CCTV provision be submitted for consideration prior to development commencing.

#### Conclusion

The consultation period remains open at the time of writing this report. Therefore subject to no new significant objections being received the planning application is recommended for approval subject to the imposition of planning conditions and a signed Section 106 Agreement.

#### **Recommendation:-**

##### Change to recommendation

**RECOMMENDATION: That subject to no new significant objections being received from the consultation process, the Deputy Chief Executive (Community Direction) be granted delegated powers to grant planning permission 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 of affordable housing and financial contributions towards play and open space. Failure to complete the said agreement by 31 August 2011 may result in the application being refused**

## Changes to the following conditions

### Condition 2

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

6671PO1A, 6671P02A, 6671P03, 6671P04, 6671P05B, 6671P06B, 6671P08A, 6671P12A, 6671P15A, 6671P16, 6671P17, MCS/HMP/DHB/TS/01 and MCS/HMP/DHB/LP/02 received on 01 June 2011, amended plans 6671P09B 6674P10B, 6671P11C received on 05 August 2011 and amended plans 6671P13B and 6671P14C received on 16 August 2011.

### Condition 21

Notwithstanding the submitted plans no development shall take place until details of an acoustic fence to be provided along the southern boundary of the site has been submitted to and agreed in writing by the Local Planning Authority. The acoustic fence shall be installed in accordance with the agreed details and shall thereafter be retained.

## Additional conditions

### Condition 25

No deliveries shall be made to the proposed food retail store between the hours of 6pm and 6am Monday to Saturday and 12pm and 8am on Sundays and Public Holidays.

#### Reason

For the avoidance of doubt and to ensure that the proposed use does not become a source of annoyance to surrounding residential properties in accordance with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

### Condition 26

Development shall not commence until a scheme for protecting nearby dwellings from noise from the proposed development has been submitted to and agreed in writing by the Local Planning Authority and all works which form part of the approved scheme shall be completed in their entirety before the proposed food retail store is first brought into use. The scheme shall include noise mitigation measures associated with the use of the scissor lift and refrigeration and air conditioning units as designed specifically for the proposed development.

#### Reason

For the avoidance of doubt and to ensure that the proposed use does not become a source of annoyance to surrounding residential properties in accordance with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

### Condition 27

Prior to commencement of the development hereby permitted full details of the measures to address crime and terrorism, with particular regard to CCTV shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out with the approved details.

#### Reason

To ensure the development provides a safe and secure environment to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

## Condition 28

The bathroom window to be inserted in the northern elevation of Dwelling 4 shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the bathroom in which the window is installed and retained as such at all times thereafter.

Reason : To ensure that the development is not detrimental to the privacy and amenity of the neighbouring properties in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

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### ITEM 04

11/00353/FUL

Ideal Care Homes Ltd & Punch  
Partnership (PTL) Ltd

#### Appraisal:-

##### Loss of the public house- additional paragraph

Additional information was received from the applicant's agent on 05 August 2011 to justify the loss of the public house. The justification states that the Middlefield Inn closed in October 2010. Since October 2010 the applicant has marketed the site through its network of agents and national pub buyers to try and establish interest. In the case of the Middlefield Inn no interest has been generated to purchase the site for continued use as a public house. The information also states that a measure taken to keep the pub running by the applicant was to let the Middlefield Inn on short term contracts to management companies on nil rents until a tenant can be found. The Middlefield Inn has been let on two separate occasions to management companies since October 2010 and the current management company is considering terminating their occupation. The first management company leased the site from October 2010 to February 2011 when it was leased to another management company. In support of their case the applicant's agent has also highlighted three factors affecting the viability of the Middlefield Inn, these being:-

- a) the public house and its surrounding land is a costly site to maintain due to the size of the building and gardens
- b) there is in excess of 30 other public houses within a 1.5 mile radius of the Middlefield Inn
- c) there is a public bar known as 'Jackies Bar' sited within the Hinckley Club for Young People located within 100m of the site.

Therefore, following receipt of this additional information it is evident that the Middlefield Inn has become an unviable venture for a number of reasons and on balance it is considered that it has been satisfactorily demonstrated that the loss of this public facility is justified and there is an alternative public facility of this nature located within 100m of the site.

##### Developer Contributions

The requirement for financial contributions towards public open space is set out in policies REC2 and REC3 of the Hinckley and Bosworth Local Plan. Both of these policies state that financial contributions are sought based on the number of dwellings proposed on a residential development scheme. As this development doesn't propose any dwellings then a financial contribution towards open space and play is not a requirement in this case.

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### ITEM 05

11/00396/FUL

Mr Byron Pountney

#### Introduction:-

An amended plan has been received. This illustrates the existing roof light on the side elevation of number 333 Rugby Road, which faces the proposal.

## **Consultations:-**

Two additional letters of representation have been received, these raise the following concerns:-

- a) That the plans are inaccurate as they do not illustrate the roof lights on the host property,
- b) Impacts of the roof lights on the privacy of the proposed property,
- c) That the development will set a precedent
- d) Concerns that the new development to the rear of the site is not shown on the plans and thus the true density of development is not illustrated.

## **Appraisal:-**

The concerns raised within the representation letters, not addressed within the main report will be considered below:-

In respect of the concerns raised in relation to the roof lights not being illustrated on the main property, amended plans have been provided illustrating these. Although these windows were not shown on the original plans, they have been seen during the site inspection and their impacts in terms of residential amenity will be considered below.

There is a roof light in the side elevation of the host property, which faces towards the proposed garage conversion. However, due to the height and position of this, there will be no material impacts in terms of overlooking of the proposed property.

Concerns have been raised that the development will set a precedent. In relation to this, each proposal is considered on its own specific merits and as each proposal has its individual unique circumstances, none can set a precedent.

It is stated that the new development to the rear has not been illustrated on the plans. For clarity, a plan of the development approved to the rear of the site has been made available. This illustrates subdivision of the plots and the proposals proximity to the application site.

The wording within the final paragraph of the appraisal has been amended as follows:-  
"and it provides a smaller, more affordable unit which is needed within the local area."

## **Recommendation:-**

Amended Condition 3: The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg No. 333\_GC\_01 received by the Local Planning Authority on the 16 August 11.

Additional Condition

- 5 The hedge along the north western boundary of the garden of the proposal shall be retained, and maintained thereafter.

Reason: To safeguard the privacy of the rear amenity space of the proposed property. To accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

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**ITEM 06**

**11/00471/FUL**

**Mrs Jayne Barnes**

## **Introduction:-**

Additional supporting information has been received from the agent, this states the following:-

Boyslade Road East consists of 45 properties, all of which are detached and vary between single storey bungalows to two houses.

The single storey bungalows are located in between the larger two storey houses creating a street scene with a rich variety of ridge and eaves heights. In several cases two storey gables sit close to single storey hipped roofs.

There is no consistent house design, nearly all of the properties are individually designed, with a variety of elevation treatments. Some properties have hips, others gables, windows, roof design, massing, etc all vary, creating a unique street scene.

The use of materials is also varied with houses using a variety of facing bricks, some use render and even vertical tile hanging.

We would argue that there is no common architectural language along the street, each property is unique in its approach to design.

Given the above analysis it would be difficult to argue that our proposed design does not fit in with the street scene when we have established that the street does not have any common language to reflect, the very fact that our design is different, in effect reinforces the fundamental principles of the streets design.

In terms of scale, the height difference between our proposal and its neighbours is not as significant to many of the other properties along the street. The ridge height difference between the bungalows and houses is much greater.

An amended plan has been received. This has addressed the inaccuracies on the original plan.

#### **Consultations:-**

Burbage Parish Council have no objections.

In response to the consultation on the revised scheme 5 letters of representation have been received. These raise the following concerns:-

- a) detrimental impacts on the privacy of surrounding properties
- b) the proposal is too large and comprises over-development of the site
- c) the design is not in keeping with surrounding properties
- d) the proposal will be overbearing
- e) the amended proposal appears bulkier than the original scheme
- f) the amendments do not address the original grounds for objection
- g) the proposal will result in a loss of light
- h) there are inaccuracies on the plans

#### **Appraisal:-**

In response to the letters of representation received in relation to the amended plans, concerns remain that the proposal is overbearing, comprises over development, will cause a loss of light, will still have an adverse impact on the privacy of surrounding properties and that the design is not in keeping with other properties on the street. These issues have all been addressed in the main agenda report. In addition to these issues, it has been suggested that there are inaccuracies on the plans, it has been stated that on the street scene elevation, the chimney on the neighbouring property has been shown too high and there are concerns over the position of the roof lights and the dimensions of the adjacent property to the right. Accordingly amended plans have been submitted to address this.

#### **Recommendation:-**

Amended Condition 3: The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg ref:- 6415P - 11C received by the Local Planning Authority on the 16 August 11.

**Introduction:-**

An amended plan has been received, which depicts the car park within the existing sports complex to the south of the site.

**Consultations:-**

The Director of Environment and Transport (Rights of Way) states that the public footpath will abut the north eastern boundary of the site and is unlikely to be directly affected by the proposed development.

**Appraisal:-**

The development is not considered to be detrimental to the rights of way network and as such is in compliance with Saved Local Plan Policy REC4 (f).

**Recommendation:-**

Amend Condition 2 as follows:-

The development hereby permitted shall not be carried out otherwise than in complete accordance with the details: Location Plan Drawing No. 07/2072-02; Planning – Elevations & Floor Plans Drawing No. PL001 Rev C received by the Local Planning Authority; Planning-Car Park Layout Drawing No. PL002 received by the Local Planning Authority on 20 July 2011 and amended details: Site Plan entitled Proposed Extension to Sports Facilities at Sport in Desford Received on 27 July 2011.

Reason: - For the avoidance of doubt and in the interests of proper planning.

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**Consultations:-**

Barlestone Parish Council has no objections

One additional letter has been received this raises the following concerns:-

- a) that there is insufficient parking
- b) Highway safety concerns

**Appraisal:-**

The additional letter of representation received raises no new issues.

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**PUBLIC SPEAKING ITINERARY**

**16 AUGUST 2011**

<b>Item</b>	<b>Application</b>	<b>Speaker(s)</b>	<b>Applicant/objector</b>
01	11/00029/OUT	Stephen Walker	Objector
02	11/00431/FUL	Paul Taylor	Objector
04	11/00353/FUL	Emma Heron	Agent
06	11/00471/FUL	David Travers James Botterill	Objector Agent
08	11/00477/FUL	John Cawrey	Agent
09	11/00490/COU	Catherine Ruskin	Applicant