

**PLANNING COMMITTEE**

**1 May 2012**

**RECOMMENDATIONS OF HEAD OF PLANNING**  
**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**

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**Item:** 01  
**Reference:** 11/00791/OUT  
**Applicant:** Mr Konrad Skubala  
**Location:** Glebe Farm Kirkby Road Barwell  
**Proposal:** ERECTION OF BESPOKE CARE HOME WITH 48 BEDROOMS, ASSOCIATED AMENITIES AND STAFF FACILITIES (OUTLINE - LAYOUT, SITING, APPEARANCE AND ACCESS FOR APPROVAL)  
**Target Date:** 27 February 2012

**Introduction:-**

Members will recall that this application came before them in February 2012 where the following resolution was made:-

*The Head of Planning be granted delegated authority to determine the application subject to his agreeing to an amended design. Should the Head of Planning not be satisfied with the outcome of the changes to the design of the building, the application be brought back to the Committee.*

Following discussions with officers a final design has been submitted that has reduced by 3.5m the length of the eastern elevation to Kirkby Road. Other amendments to the design have resulted in a regular positioning of the projecting gables creating rhythm and breaking up the elevations. The dormer windows have been removed and the fenestration amended to provide more rhythm. Details have been added to the cills and headers to provide character and interest to the elevations. These plans are currently the subject of re-consultation with neighbours, the Parish Council and Ward Councillors which closes on the 4 May 2012.

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major development.

Application Proposal

The application is for demolition of the existing dwelling and erection of a 48 bedroomed care home at Glebe Farm, Kirkby Road, Barwell. This is an outline application, with all matters to be considered excluding landscaping.

It is proposed to demolish the existing farm house and construct a 48 bedroomed care home which would include associated facilities, including communal lounge and dining area and staff accommodation. The building would be located along the eastern boundary of the site facing Kirkby Road and would be generally rectangular in shape with the communal dining area projecting to the west. Access to the site would be via the existing access that runs along the southern boundary of the site.

The accommodation would be provided over three floors with the second floor contained within the roof space and lit by rooflights. The long elevations would be broken up by gable features. The proposal includes an internal courtyard garden and an external garden area to the west of the site. This adjoins the car park that provides 21 spaces. The design and

access statement states that as part of the development the access drive and bell mouth junction will be hard surfaced.

Due to the depth of the proposal the majority of the building would have a flat roof with a mansard appearance to the courtyard elevations. Windows set within the plane of the roof slope would provide light into the rooms on the second floor facing the internal courtyard garden.

The home would employ 30 staff consisting of 20 full time posts and 10 part time. It is understood that there would be no more than 8 members of staff present at any one time.

### The Site and Surrounding Area

Glebe Farm currently consists of a three storey dwelling house and associated amenity area. The farm house has been renovated and is currently used as a private dwelling house. The outbuildings associated with the farm house have been demolished and there are piles of rubble left over from this demolition around the site.

Glebe Farm is located on the west side of Kirkby Road, opposite the junction with Charnwood Road. The site is located outside the settlement boundary of Barwell, which follows the line of Kirkby Road, and then expands to the west to the south of the site to encompass the residential development to the south. Farmland adjoins the site to the north and west, whilst residential properties are located to the east.

### Technical Documents submitted with application

Design and Access statement  
Ecological report has been submitted in support of the application.

### **Relevant Planning History:-**

10/00025/OUT	Residential care home with associated parking	Withdrawn	07.07.10
09/00017/COU	Change of use to residential care home	Approved	29.06.09



## **Consultations:-**

No objection has been received from:-

Directorate of Chief Executive (Ecology)  
Barwell Parish Council.

No objection subject to conditions have been received from:-

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

Director of Environment and Transport (Rights of Way) raises no objection but has requested and extension to the footpath to link with the public right of way.

As a result of the Developer Contributions consultation, Leicestershire County Council have not requested any contribution.

The Leicestershire Constabulary Crime Reduction Officer – has requested a contribution of £14,544 to offset the impact on the increase in population on the Police force.

Councillor Mrs Smith has written in support of the proposal stating that the proposed care home will bring employment to Barwell and will be good for Barwell.

Site notice and Press notice were displayed and neighbours notified.

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

- a) requests that attention is paid to the parking arrangements as at present they park on the road and cause obstruction on the highway.

## **Policy:-**

### National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012  
The Community Infrastructure Levy (CIL) Regulations 2010

### Regional Policy Guidance East Midlands Regional Plan 2009

Policy 2: Promoting Better Design

### Local Development Framework Core Strategy 2009

Policy 3: Development in Barwell

### Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions towards the provision of Infrastructure and Facilities  
Policy NE5: Development within the Countryside  
Policy BE1: Design and Siting of Development  
Policy T5: Highway Design and Vehicle Parking Standards  
Policy CF8: Residential Care and Nursing Homes

## **Appraisal:-**

The main considerations with regards to this application are the principle of development, design, scale and the size, scale and appearance of the proposed residential home and highway safety.

### Principle of Development

The NPPF supports sustainable development which the Government considers has 3 dimensions, economic, social and environmental.

The site is located on the edge of the settlement and within 100m of a bus stop that has service every 20 minutes to Barwell village centre and Hinckley town centre. The location of the proposal within close proximity of bus routes and local shops is considered to be sustainable. The care home would provide a social role by providing accommodation for future generations.

The environmental role of sustainable development, seeks to protect the natural, built and historic environment. This site is a former farmyard which is excluded from the definition within Annex 2 of the NPPF of previously developed land. This repeats the advice in PPS3 which has now been cancelled. There is a presumption in favour of the development of previously developed land before other land, and therefore there is conflict between the development and this dimension of sustainable development and this element of sustainable development is in accordance with restricting development outside of settlements and policies NE5 and RES5. However, at the February Committee Councillors accepted the principle of the development having regard to the development outside the settlement boundary. It is therefore considered that in this instance the Council have accepted that the need outweighs the harm to the countryside and the principle of development is acceptable in this instance.

### Design

The NPPF expects Local Planning Authorities to seek a high standard of design and good standard of amenity (policy BE1 is considered to be in accordance with this principle of the NPPF and therefore carries significant weight) and accordingly the NPPF does not change the consideration of the design.

### Scale and Mass

Since the application was last before the planning committee the discussions have resulted in an amended design. This has reduced the footprint of the proposed care home by 3.5m however the length to the frontage to Kirkby Road is still 42m long.

Kirkby Road, at the point of the application site begins to take on a rural character especially on the west side of the road, as the footpath ends and the highway edge takes on a softer appearance with grassed verge and a thick hedgerow. On the east side of Kirkby Road development comprises semi-detached 1930's dwellings set back from the highway edge. These dwellings are typical of their time with hipped roofs, projecting gables some bay windows and chimneys. The existing dwelling within the application site has the appearance of a traditional farm house and presents the gable end to Kirkby Road, with the principle elevation facing south.

Policy CF8 requires new residential care homes to complement and enhance the character of the surrounding area by having regard to the scale and mass and architectural details. Policy BE1 relates to all development, and requires development to complement or enhance

the character of the surrounding area by having regard to scale, layout, mass and design features.

The proposal in extending along the frontage to Kirkby Road would dramatically alter the character of the area; the scale of which does not reflect the other development in the area. It is considered that the amount of built form along the frontage would dominate this area. When viewed from the countryside to the west and north, whilst seen against existing built form the mass of the proposal would be an incongruous feature within the landscape. Accordingly the proposal is not considered to compliment or enhance the character of the area and is therefore considered contrary to Policies CF8 (a) and BE1.

Whilst some attempt has been made to reduce the scale of the proposal, to make the scheme financially viable it has to provide a certain number of rooms which dictates the size and scale. Given the confines of the site there are no opportunities to reduce the height through creating a larger footprint. The objection in terms of scale and massing of the proposal still remains.

### Appearance

The majority of the changes relate to the details within the elevations. The dormers have been removed and chimneys added. Consideration has been given to the design, scale and position of windows within the elevations and this along with the position of the gables has resulted in a more cohesive approach resulting in a design with rhythm and symmetry. Discussions have also taken place with regard to the materials to be used and it is understood that the elevations can be further broken up by using a mixture of brick and render. This could be secured by way of a suitably worded condition.

It is considered that within the context of the building the appearance of the proposal is now acceptable.

### Other issues

#### Historical Use

Previous application (09/00017/COU) found the change of use of the existing dwelling to a care home acceptable however to date this approval has not been implemented. This consent included landscaping and parking provision within the same application site but retained the existing building and rebuilding the single storey outbuildings attached to the dwelling. Accordingly, the scale was much less and therefore the visual impact was minimal and seen within context to the original building.

#### Highways and Parking

The application proposes 21 off street parking spaces. Leicestershire County Council as Highway Authority has issued guidance requiring 1 parking space per 4 bedrooms and one space per every staff member on site. The applicant has stated that at any one time there would only be a maximum of 8 staff members on the premises at any one time. Accordingly a total of 20 spaces are required to meet Highway standards. The provision of 21 is therefore considered acceptable.

The applicant proposes works to the existing bell mouth junction, including extending the highway footway to link with the public footpath, and narrowing the bell mouth slightly and hard surfacing it. The visibility from the junction with Kirkby Road is good and the intensification of the access at this point is not considered to result in a danger to users of the

highway. The proposal is therefore considered to comply with Policy T5 of the adopted Local Plan.

### Infrastructure Improvement

The Director of Environment and Transport (Highways) has requested that through an agreement under S106 of the Town and Country Planning Act 1990, that the provision of travel packs be provided for each resident, and improvements are carried out to the nearest bus stops including raising and dropping of the kerbs to allow level access and the erection of shelters. This is in the interests of encouraging sustainable travel to and from the site.

The request for any developer must be considered in light of the Community Infrastructure Levy Regulations 2010 (CIL) and the NPPF. The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

The purpose of travel packs is to encourage alternative forms of transport. It is unlikely that residents of the care home would have access to a car and therefore if they were capable of going out by themselves would have to use public transport. In this instance it is not considered the request is justified.

A request for £14,544 has been received from the Leicestershire Constabulary Crime Reduction Officer. They have calculated that the proposal would increase the settlement population by about 0.5% which would result in a corresponding increase in crime and demand from the new residents for Policing Services. This has been equated to 0.25 full time extra staff. The Crime Reduction Officer has highlighted that the client group would be particularly vulnerable.

This request has been considered with regard to the requirements of the CIL regulations. It is considered that the request does not analyse the impact of the development on the policing of Barwell nor does it state whether there is existing capacity to deal with any impact. The request does not specify whether the staff required by the development would be frontline officers or support staff. It is considered that the request has been generated by using a formulaic approach.

The applicant has confirmed that the Care Home would be staffed 24hrs a day and premises and grounds made secure at night. It is considered that the request does not demonstrate how the development is necessary to the development or how the request directly relates to the development. It is considered that the request is not compliant with the CIL regulations and therefore no request can be made.

### Effect on Proposed Sustainable Urban Extension

The site is located adjacent to land that is allocated as part of the Sustainable Urban Extension to Barwell and the design and access statement suggests that once implemented the development would result in infill development. The emerging Earl Shilton and Barwell SUE Area Action Plan (AAP), is currently at the preferred options stage and was informed by a master planning exercise. Regard was given to the wishes of Barwell residents that a green buffer be maintained between the existing and proposed urban form. This is within the AAP as out door sports provision and would surround the application site to north, south and west.

Given the stage at which the AAP is currently at, little weight can be given to its contents, however should it come forward and be adopted in its current form, the proposal would still



sit uncomfortably within the proposal for the SUE and be unlikely to be considered as infill development.

### Landscape

Details of the landscaping proposal are reserved for later consideration as part of a reserved matters application and therefore are not for consideration at the current time. The indicated provision of a courtyard garden and garden to the west of the main built form is considered appropriate and complies with the requirement within Policy CF8 for adequate residential amenity area. It is important to note that whilst landscaping is not proposed at present, it is considered that with a high quality landscaping scheme the development would remain contrary to the requirements of policies BE1, NE5 and Policy as stated above.

### Impact on Neighbours

It is considered that given the distance between the proposal and neighbouring dwellings, in excess of 40m to the closest property number 4 Charnwood Road, the proposal would not detrimentally affect the amenities of near by neighbours.

### Pollution

Due to the former use of the site, should planning permission be granted, the Head of Community Services (Pollution) has requested that conditions be imposed to ensure that there is no contamination remaining on the site that could be harmful to future residents.

### Conclusion

It is considered that the design and appearance has improved since the scheme was previously before committee. However the scale and mass of the proposal would still result in a development out of character with the area. It is understood that due to the nature of the proposals and confines of the site it is not possible to amend the scale and massing of the proposal and therefore the applicant has not been able to overcome the officer's objections on design grounds. In accordance with the Committee resolution on 7 February 2012 is the application is therefore brought back before the committee for determination.

**RECOMMENDATION:- That subject to no significant representations being received before the 4 May 2012, that the application be delegated to the Head of Planning to refuse planning permission, for the following reason:-**

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

#### **Reasons:-**

- 1 In the opinion of the Local Planning Authority the proposed development would by virtue of its scale, mass, and siting would result in incongruous form of development within the countryside. It is considered that such development will have an adverse effect on the appearance and character of the landscape and is out of keeping with the scale and character of the existing site and general surroundings. It is therefore contrary to policies BE1 and CF8 of the adopted Hinckley and Bosworth Local Plan.

**Contact Officer:-** Sarah Fryer Ext 5682

**Item: 02**  
**Reference: 12/00075/FUL**  
**Applicant: Emmaus Community Leicestershire & Rutland**  
**Location: Elm Lea Ashby Road Hinckley**  
**Proposal: CHANGE OF USE FROM A HOTEL TO AN EMMAUS COMMUNITY**  
**Target Date: 23 March 2012**

**Introduction:-**

Members will recall that this application came before them in February where the following resolution was made:-

*The application be deferred and a meeting between the applicant and residents be facilitated.*

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as 5 or more objections from different addresses have been received.

Application Proposal

This application seeks change of use of the Elm Lea Hotel from a hotel to an Emmaus Community. Emmaus describes itself as a charity that offers homeless people a home, work and the chance to rebuild their lives in a supportive environment. No alterations or extensions are proposed as part of the application.

Planning permission is required because the proposed use of the building does not fall within any existing Use Class as defined by the Town and Country Planning (Use Classes) Order 1987, and, therefore, there is a change of use constituting development. Should permission for the change of use be granted and should the approved use subsequently cease and an alternative use be proposed then planning permission would be required. Additionally should the approved use materially change in any way, then planning permission would also be required.

The change of use would provide accommodation for 14 residents and 1 member of staff. The home would operate with a communal eating and living room with each resident having an en-suite room and the staff member occupying the current caretakers flat.

The Site and Surrounding Area

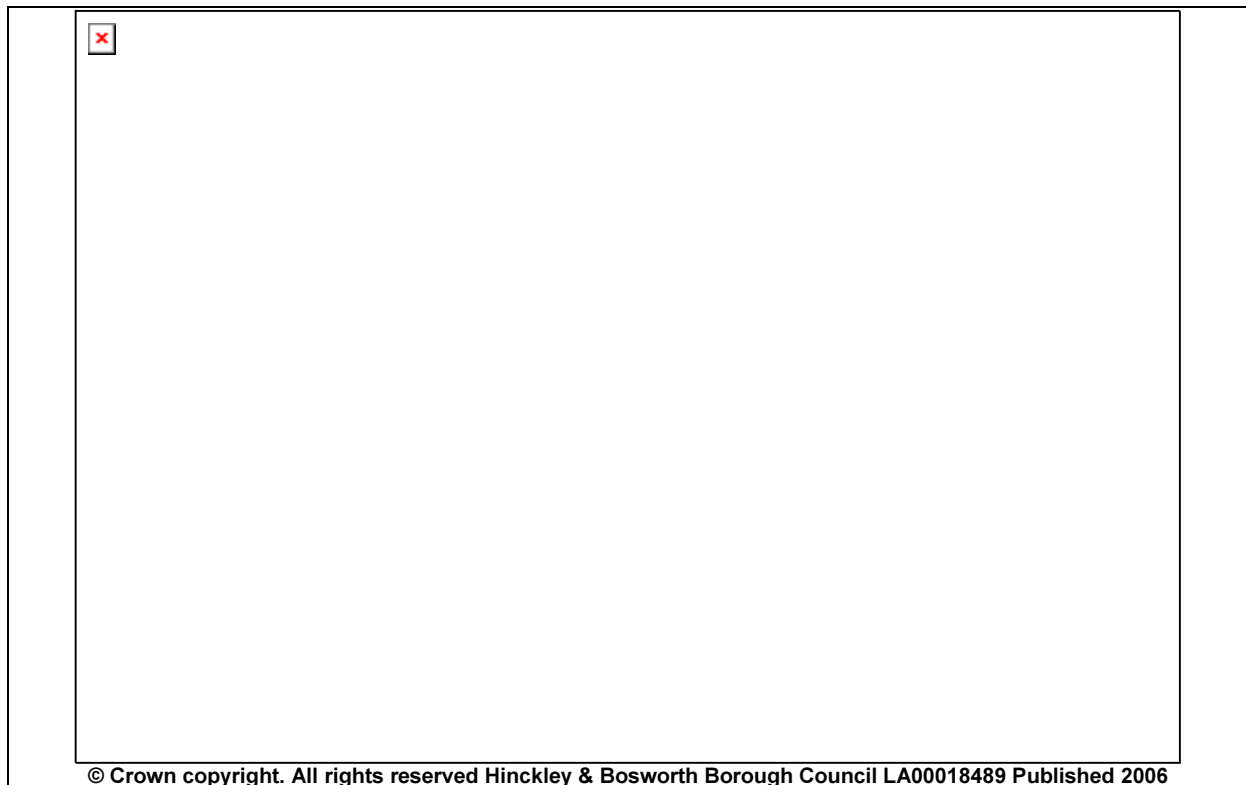
Elm Lea is located at the junction between the Ashby Road and Middlefield Lane. It is a three storey large detached traditional brick and tile building located in a prominent position on a road junction. The hotel sits within its own grounds that contain several trees subject to a Tree Preservation Order. Vehicular access is from Ashby Road and leads to a parking area of 13 spaces.

Technical Document submitted with application

Planning, parking and landscaping statements have been submitted in support of the application.

**Relevant Planning History:-**

10/00834/EXT	Extension of time for extant planning permission APP/K2420/A/07/2056151 Demolition of existing hotel and 2 no flats and erection of 24 no residential apartments including vehicular access and car parking	Approved	30.03.11
07/00620/FUL	Proposed demolition of existing hotel and 2 no flats and erection of 24 no residential apartments including vehicular access and parking	Refused Approved at appeal	05.09.07
06/00668/FUL	Demolition of existing hotel and 2no flats and erection of 31 Apartments including parking and access	Refused	08.03.07
00/00568/FUL	Change of use to guest house Including single storey extension and creation of one residential unit for staff occupancy	Approved	08.11.00



## Consultations:-

No objection has been received from Director of Environment and Transport (Highways) and The Borough Council's Arboricultural Consultant.

David Tredinnick writing as the local MP objects to the proposal due to the following reasons:-

- a) Elm Lea is a property of some character near the heart of Hinckley and was sold in controversial circumstances by the Borough Council in the 1990's
- b) residents have concerns about quality of life issues and fear this proposal is likely to lead to a significant loss of well-established community amenity for local people
- c) residents have expressed significant misgivings in respect of community safety and antisocial behaviour especially given the number of children and young people walking to and from school
- d) the Borough Council will be aware of its obligations with regard to public safety under the Local Government Act (2000)
- e) residents believe property value to be a legitimate concern and no doubt one which the councillors who will make this decision should reflect upon
- f) none of the residents who have contacted me are against the aims of the organisation however many residents simply believe Elm Lea is a wholly inappropriate location for a facility of this type.

Site notice was displayed and neighbours notified.

54 letters of objection and two petitions with 191 signatures have been received raising the following concerns:-

- a) detrimental impact on quality of life due to the housing of ex-alcoholics and ex-offenders
- b) primarily a residential area; future residents will bring some problems issues with them which will have a huge impact on local residents
- c) Coventry Emmaus is set in acres of ground away from local residents and it is understood that community residents there have been banned from local pubs and clubs
- d) how is it known that residents will not revert to their old ways
- e) loss of property value
- f) will lower the tone of their community
- g) what about the safety of school children?
- h) will become a magnet for drug dealers
- i) beautiful building inside and out and it will become run down
- j) where will the commercial side to Emmaus be located?
- k) safety concerns
- l) hard to sell properties without this across the road
- m) should be located out of town
- n) loss of privacy and security
- o) there are lots of elderly people living alone in the area
- p) the proposal is in close proximity to the Limes, Dorothy Goodman School and Ashby Road Nursery
- q) Elm Lea has been left to the people of Hinckley and should be used for Hinckley people
- r) it was the choice of the individual to do whatever they did and put themselves in this situation
- s) too close to people living in the area
- t) increase in traffic
- u) the safety and security of children
- v) most unwise for the council to place more vulnerable people directly in to this area
- w) six months of being clean of drugs and alcohol is not long enough

- x) there are pubs, a supermarket and shops in close proximity of the site where alcohol is easily accessible
- y) the proposal is in close proximity to schools, nursery's and a dance academy
- z) noise and disturbance.

13 letters of support have been received, (one containing the names of seven other people expressing their support for the proposal) raising the following points:-

- a) sick of letters saying we must object to this proposal
- b) people should be given a chance
- c) no evidence that any addicts will be housed
- d) should not judge people before they even get here
- e) building and location is completely appropriate
- f) link between employment and accommodation is particularly valuable
- g) well run with safeguards in place made with the welfare of local residents in mind
- h) will retain the building in its current format
- i) will support people working towards integration back into the community without the negatives that others in the area are predicting
- j) example of 'Big Society' in action
- k) well respected organisation with 60 year experience
- l) as people will be off drugs and alcohol before they move in, it is an appropriate location
- m) homeless people are ordinary people who have fallen on hard times.

Since the additional consultation meeting no further representations have been received.

**Policy:-**

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance: East Midlands Regional Plan 2009

None relevant.

Local Development Framework Core Strategy 2009

Whilst there are no relevant policies Spatial Objective 4 and 5 seek social inclusion and housing for everyone respectively.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development.

**Appraisal:-**

The main considerations with regards to this application are the impact of the proposal on highway safety and amenities of neighbouring residents with regard to noise generated by any comings and goings. Since the application first went before members of the planning committee the Government has published the NPPF. The report will also consider the implications of this policy documentation on the proposal.

### Principle of development

The site is located within the settlement boundary of Hinckley where there is a presumption in favour of development. Therefore the principle of the change of use of the building is acceptable providing other relevant policies of the local plan are adhered to.

### Policy Consideration

The NPPF superseded all national policy on the 28th March 2012. As a consequence this application now has to be considered in accordance with the policy contained within the NPPF.

The NPPF has a strong presumption in favour of sustainable development. Within paragraph 7 this considers that there are three strands to sustainability including a social role. Paragraphs 47- 55 inclusive consider housing under the title 'Delivering a wide choice of high quality homes'. This section of the NPPF discusses how housing can contribute to sustainable, inclusive and mixed communities.

Paragraph 58 considers that local plans should 'create safe and accessible environments where fear of crime does not undermine community cohesion'.

Previously the application was considered against PPS1 which supported sustainable development and safe communities, and PPS3 which sought to provide everyone with the opportunity of living in a decent home. Accordingly it is considered that the NPPF has not resulted in a material change in Policy affecting this application that would result in a different conclusion being reached.

### Consultation

Following the committee resolution, officers facilitated a consultation event held on the 29 March 2012. Everyone who had submitted representations was invited to attend. The event was attended by over 60 people including representatives from Coventry Emmaus, Ward and County Councillors. Residents were given the opportunity to ask questions of the applicant and Emmaus representatives.

As a result of this event, it was suggested that a further meeting take place between local residents, including those in favour and against the proposal, the applicants and planning officers to discuss how the Emmaus community could be operated and if there were any planning controls that could be applied to help overcome residents concerns. At the time of writing this is yet to take place and any outcomes will be reported as a late item.

### Highway Safety

There are no proposed changes to the access and parking arrangements. The proposed use would generate less vehicle movements than the existing hotel. The Director of Environment and Transport (Highways) has no comment on the proposal. The proposal would not affect highway safety and therefore complies with Policy T5 of the Hinckley and Bosworth Local Plan.

### Amenities

The nature of comings and goings of the community is considered not to be dissimilar to a hotel with people checking out in the morning and arriving in the evening. Residents of the hotel had the opportunity to use the grounds in the evening or during the day. This is considered no different to the use now proposed.

An objection has been received on the basis of loss of privacy. There are no external changes proposed and it is understood that internal changes will be kept to a minimum, therefore the proposal would not result in an increase in overlooking from the site.

However, following discussions at the committee meeting of the 6 March regarding privacy and security due to gaps in the northern boundary to the site, the applicants have submitted a landscape report which recommends work to this boundary. This recommends infilling a gap in the existing beech hedge with a feather edged section of fence and a lockable gate to be erected. This would allow access for maintenance. It is also proposed to demolish the existing retaining wall and fence located at the end of the parking bay and rebuild, stabilising the ground and reinforcing the boundary at this point. It is considered that these measures would address the weak points within the boundary treatment addressing fears raised regarding security and privacy. A condition is recommended to secure these improvements.

It is not considered that the proposal would result in any loss of amenity to nearby or adjoining residents and is considered to comply with Policy BE1(i).

### Neighbour Concerns

Concerns have been raised by local residents as to how the home will be run.

Within the submitted planning statement details of how the community would operate.

- The residents are homeless individuals who want to help themselves to get back on track. To be accepted in to the Emmaus community all residents will have to demonstrate that they have been free of alcohol or drugs for a certain period. Once within the community the residents will have to abide by the rules they have signed up to. If the rules are broken, there will be consequences for the residents, including being asked to leave.
- Emmaus works by restoring self esteem and worth through work. All residents will have to do a full working week to the best of their ability. This could be around Elm Lea maintaining the grounds or within the social commercial enterprise that accompanies an Emmaus community. This usually involves re-selling and re-cycling second hand furniture, or other goods and generates an income to finance the running of the community. This enterprise would be located elsewhere within Hinckley.
- Residents can stay as long as they like, making the community different from a hostel.
- Emmaus hopes to provide the structured support some individuals need to enable them to get off the streets permanently.

Concerns have been raised regarding future occupants being ex-convicts, paedophiles and recovering drug and alcohol addicts and the fear of crime and anti social behaviour that has been associated with the background of these people. It should be noted that not all homeless people are drug or alcohol dependant or are ex-convicts. The background of future occupiers in any development is not a material planning consideration. Whilst crime can be a material planning consideration it has been held in the courts that fear of crime where there is no evidence to support the perceived outcomes can not be given weight when determining a planning application. Indeed where an authority has refused an application on these issues they have lost appeals and an award of costs has been made against them.

Other representations have stated that this use should not be located within a residential area. The application, however, has to be judged on its merits in this location.

The issue of property values raised by local residents is not a material planning consideration.

Letters from residents have commented that the Coventry Emmaus community is located within extensive grounds away from nearby residential dwellings. Whilst Coventry Emmaus is set back from the road it is still located within a residential area and adjacent to the Parish Hall. Following concerns raised by local residents further information was obtained on how the community would be run and the rules and regulations the residents would be expected to maintain. Information was also sought from Coventry City Council Environmental Health and the Police to establish if there have been any recording incidents of anti-social behaviour or noise complaints associated with the Coventry community.

The applicant has indicated that the Hinckley community would have very similar rules, and the Licence that residents all sign up to clearly states that residents may be asked to leave if they break the rules. Therefore there are procedures in place for dealing with residents who break the rules.

Coventry City Council does not have any history of reports of anti social behaviour or noise complaints associated with the community. Coventry police have also responded with no recorded incidents.

Whilst the above is not a material planning consideration, it was sought in answer to the objections received regarding these issues.

#### Other Issues

Questions were asked by Members in respect of the geographical location representations were received from. The presentation contains a plan indicating the geographical spread of representations and whether they were in support of, or objecting to, the proposal.

#### Conclusion

It is considered that the proposal would not result in a highway safety issue, or have a detrimental impact on the amenities of neighbouring residents in terms of noise and disturbance and overlooking. Whilst objections have been received these centre around the type of person to be housed and the effect this would have on property value. These are non-material planning considerations that can not influence the determination of this application.

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

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

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed change of use would be in accordance with the development plan. By virtue of no detrimental affect on highway safety, and minimal impact of the use on the amenities of neighbouring residents the proposal is considered to comply with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policy BE1.



- 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: Elm Lea, Site Location Plan, Elm Lea Block plan, drawing number 2305-06 rev. c, planning statement, received 27 January 2012 and landscape proposals received 29 March 2012.
- 3 The recommendations in respect to the northern boundary treatment contained within the landscape recommendations received 29 March 2012 shall be implemented prior to the occupation of the building by Emmaus residents and maintained as such thereafter.

**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 In the interests of privacy and security of neighbouring residents in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

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

**Contact Officer:-** Sarah Fryer Ext 5682

**Item:** 03  
**Reference:** 12/00164/FUL  
**Applicant:** Mrs F Clark  
**Location:** Land Rear Of 66 - 72 Church Street Burbage  
**Proposal:** ERECTION OF TWO DWELLINGS  
**Target Date:** 26 April 2012

#### **Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as more than five objections have been received.

#### Application Proposal

This application seeks full planning permission for the erection of a pair of one bedroom semi-detached bungalows on a vacant plot of former garden land to the rear of dwellings fronting Church Street, Burbage. Pedestrian access is gained through a covered passageway between the existing dwellings. The dwellings are located almost centrally within the plot to provide front and rear amenity areas and are aligned with the dwellings fronting Church Street. The dwellings are designed with traditional gabled roof with forward and rear projections on one of the units. They are to be constructed in red/orange facing bricks with blue brick detailing, blue/black natural roof slates and painted timber framed windows. The rear roof elevation is to be fitted with solar photovoltaic tiles. No off-street parking is proposed.

#### The Site and Surrounding Area

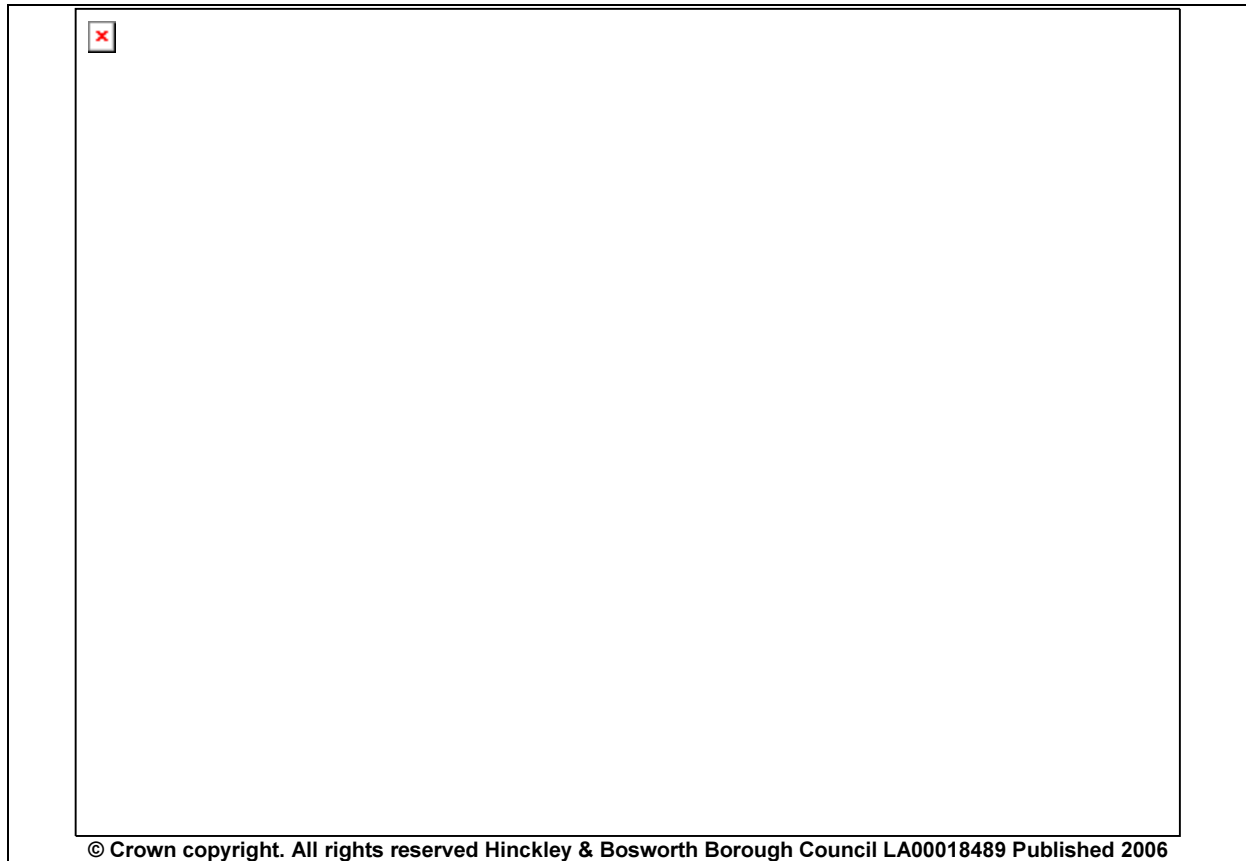
The application site measures approximately 460 square metres and is located within the settlement boundary of Burbage in the centre of the village and within the Burbage Conservation Area. It is located to the rear of a row of Grade II listed cottages (nos. 66 – 72) that front onto Church Street which runs to the north east. To the east of the site is another Grade II listed building formerly a house but currently in use as a club (no. 64). To the south is a bowling green separated from the site by a brick retaining wall; to the south west is a row of flat roof garages which form the rear boundary to the site. To the north lies another Grade II listed house set within a large curtilage known as Cedar Lawns (no. 78) together with associated single storey outbuildings and a brick wall forming the boundary with the application site. The area is characterised by perimeter development, mostly in terraces.

#### Technical Document submitted with application

Planning and Sustainable Development Statement  
Draft Heads of Terms: Unilateral Undertaking

#### **Relevant Planning History:-**

10/00252/FUL	Erection of Three Single Storey Dwellings	Withdrawn	21.05.10
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### **Consultations:-**

No objection has been received from:-

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

No objections subject to conditions have been received from Severn Trent Water Limited

The Director of Environment and Transport (Highways) recommends refusal of the application on the grounds that the applicant has failed to demonstrate that the development would provide an appropriate level of on-site car parking.

Burbage Parish Council object to the application on the following grounds:-

- a) unsatisfactory relationship to neighbouring properties resulting in 'tandem development'
- b) significantly detrimental to neighbours amenities due to disturbance during construction
- c) problems of time restricted on-street parking on Church Street
- d) insufficient access for construction and emergency services.

Site notice and Press notice were displayed and neighbours notified. 10 letters of objection have been received raising the following concerns:-

- a) detrimental to conservation area
- b) detrimental to listed building - setting and historic fabric
- c) inadequate access - wheelchairs, construction machinery and materials, emergency services etc
- d) detrimental to neighbours amenities - loss of privacy, loss of view, light pollution

- e) detrimental to highway safety - additional traffic and on-street parking
- f) detrimental to property values
- g) solar panels detrimental to visual amenity
- h) poor design
- i) lack of archaeological survey
- j) safety and security of occupants and property during construction
- k) lack of collection/storage for waste and recycling containers
- l) no details of connection to services is provided
- m) detrimental to biodiversity - the site has been cleared of trees to enable development
- n) no application has been made for Listed Building Consent.

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

Directorate of Chief Executive (Archaeology)  
 Historic Buildings Panel  
 Head of Business Development and Street Scene Services (Waste Minimisation).

**Policy:-**

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012  
 The Community Infrastructure Levy (CIL) Regulations 2010

Regional Policy Guidance: East Midlands Regional Plan 2009

Policy 2: Promoting Better Design  
 Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage  
 Policy 27: Regional Priorities for the Historic Environment

Local Development Framework Core Strategy 2009

Policy 4: Development in Burbage  
 Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development  
 Policy BE4: Alterations to Listed Buildings  
 Policy BE5: The Setting of Listed Buildings  
 Policy BE7: Development in Conservation Areas  
 Policy RES5: Residential Proposals on Unallocated Sites  
 Policy T5: Highway Design and Vehicle Parking Standards  
 Policy REC3: New Residential Development - Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance: New Residential Development  
 Supplementary Planning Document: Sustainable Design  
 Supplementary Planning Document: Play and Open Space  
 Burbage Village Design Statement 2006

Other Material Policy Guidance

Burbage Conservation Area Appraisal

## **Appraisal:-**

The main considerations with regards to this application are the principle of development, the design and siting of the proposed dwellings and whether they preserve and enhance the character and appearance of the Burbage Conservation Area; impact upon the setting of the nearby listed buildings; the historic fabric of the nearby listed buildings; the amenities of neighbouring properties; highway safety; archaeology; developer contributions; sustainable design considerations and other matters.

### Principle of Development

The site is located within the settlement boundary of Burbage where there is a presumption in favour of residential development subject to all other planning matters being appropriately addressed.

Policy RES5 of the adopted Local Plan states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies. However, this policy can now be given only limited weight since the publication of the NPPF which provides a presumption in favour of sustainable development.

However, Policy BE1 of the adopted Local Plan is considered to be consistent with the NPPF and can therefore be given significant weight. This policy seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, design, materials and architectural features' with the intention of preventing development that is out of keeping with the character of the surrounding area.

Whilst the site may be in a sustainable location, the NPPF at paragraph 53 suggests that local authorities should consider setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. As such the development should be considered against local policies to determine if it would harm the local area.

### Siting, Design and Preservation and Enhancement of the Character and Appearance of the Burbage Conservation Area and the Setting of Listed Buildings and their Historic Fabric

Policy BE1 requires development to complement or enhance the character of the surrounding area. Policy BE7 requires development to preserve and enhance the special character of conservation areas including buildings, related spaces and views into and out of the area. Policy BE5 seeks to preserve and enhance the setting of listed buildings including landscape features. Policy BE4 seeks to preserve the architectural and historical character of listed buildings. Each of these policies have a degree of conformity with the NPPF and can therefore be given some weight in the determination of this application. The Burbage Village Design Statement requires future development to respect the basic settlement character with houses fronting onto roadways. This local policy guidance is to be used to assess whether the development of these residential gardens would cause harm to the local area in conformity with the NPPF.

In this case, the area is characterised by perimeter development with only limited built form comprising of small outbuildings to the rear of street frontage properties. The orientation of the proposed dwellings is contrary to the characteristic grain where rear extensions and outbuildings stand at right angles to the street buildings. Furthermore, the site is a very

sensitive area adjacent to listed buildings, 66 - 72 Church Street, 64 Church Street and Cedar Lawn. Although divided off from the original gardens of 66 - 72 Church Street the site still reads as part of those gardens and is identified as a 'key space' in the Burbage Conservation Area Appraisal. The appraisal also advises that the character and special interest of the Burbage Conservation Area is defined amongst other things by the group value of surviving buildings and spaces. The NPPF in paragraph 132 states that the significance of a heritage asset can be harmed or lost through its alteration or from development within its setting. The historic map records indicate that there have never been buildings in the location proposed and the only available access to the site is restricted to a narrow (as little as 0.81 metres wide) passageway through the listed buildings fronting Church Street. The listed buildings are timber framed structures and considered fragile. The application does not include details of service routes to the proposed dwellings or the method by which building materials or any construction plant and machinery is to be brought to the site and as a result the impact that the proposals may have on the historic fabric of the buildings cannot be assessed. The plans indicate that the access will be a minimum of 0.88 metres wide yet the passageway narrows to 0.81 at its narrowest point. Without additional information being provided in respect of the provision of services to the dwellings and construction management information it is unclear whether or not a Listed Building Consent would be required in this case.

The design of the dwellings includes a conventional ridge and gable roof form, corbelled eaves, feature brick string course, brick arches, conservation roof-lights and solar photovoltaic roof tiles to the rear roof slope. The use of natural materials is proposed to reflect the conservation area. Whilst objections have been received in respect of the development being of poor design and detrimental to visual amenity as a result of the use of the solar tiles, it is considered that the design of the dwellings with numerous architectural features is acceptable.

In summary, the proposal will result in backland development with no road frontage and will not complement or enhance the character of the surrounding area, will not preserve or enhance the character of the Burbage Conservation Area or the setting of the adjacent listed buildings. The proposals are therefore considered to conflict with criteria (a), (b) and (c) of Policy BE1, criteria (a) and (b) of Policy BE7, Policy BE5 and the overarching principles of the NPPF. In addition, it is considered that the applicant has failed to demonstrate that the access to the site will not have an adverse impact on the historic fabric of the listed buildings 66 - 72 Church Street contrary to Policy BE4 of the adopted Local Plan.

#### Impact on the Amenities of Neighbouring Properties

Criteria (i) of Policy BE1 of the adopted Local Plan requires that development does not adversely affect the occupiers of neighbouring properties. The narrow, gated, shared pedestrian rear access that runs through the buildings is the only access to the application site by way of a path between 1.8 metres high close boarded timber fencing forming the rear boundaries of the neighbouring gardens on both sides. Existing mature planting along the rear garden boundary of 66 Church Street provides good screening from the application site beyond. Objections have been received in respect of the potential detrimental impact of additional comings and goings to and from the proposed dwellings along the passageway and path on the privacy and amenities of the occupiers of the adjacent dwellings. The passageway runs adjacent to habitable rooms in the existing dwellings and the development will result in additional comings and goings. However, the access is only for pedestrians and its use, other than during the construction process, will be transient in nature. The existing boundary treatments provide screening of the rear gardens of the existing dwellings from overlooking. The ground levels of the site are slightly elevated in relation to the frontage properties and there are windows in the proposed dwellings facing the rear garden areas of 66 - 72 Church Street. Whilst the Council's SPG on new residential development suggests

that there should be a minimum of 25 metres between directly facing habitable room windows, in this case, the proposed dwellings are only single storey and as a result of existing boundary fencing and planting together with separation distances of over 20 metres between habitable room windows, the proposals are not considered to have any material adverse impact on the privacy or amenities of the neighbouring properties. Overall, the impact of the proposal on residential amenity is not considered to be so severe that this should form an additional reason for refusal in this case.

Objections have also been received in respect of adverse impact on amenity from light pollution. However, the site is within the centre of the village with dwellings forming the perimeter of the block on all sides. As a result, it is not considered that the proposal will create additional light pollution to adversely affect amenity to any significant degree.

#### Impact on Highway Safety

Criteria (g) of Policy BE1 and Policy T5 require the provision of adequate parking to serve developments. The scheme does not propose any off-street car parking and will therefore result in the occupiers and their visitors utilising permissible on street parking spaces which are already in high demand. The Director of Environment and Transport (Highways) recommends refusal of the application due to the adverse impact on highway safety that could result from a lack of parking provision. In addition, objections have also been received from neighbours and other interested parties in respect of this issue. The NPPF has a presumption in favour of sustainable development as such this proposal located in the centre of the village close to facilities and public transport links, together with the one bedroom nature of the proposed dwellings would make a reason for refusal on lack of parking provision difficult to substantiate in this case. Neighbours have raised concerns regarding disruption during construction from deliveries etc. as this would be a temporary disruption it is not considered that the impact would be severe as such a reason for refusal of the application based on highway safety grounds could not be substantiated.

#### Archaeology

The response of the Directorate of the Chief Executive (Archaeology) has not been received at the time of writing this report and will be reported as a late item to this agenda.

#### Sustainable Design

The NPPF provides a presumption in favour of sustainable development. The site is within Burbage where Policy 24 of the adopted Core Strategy requires new residential development to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. The scheme includes the provision of solar photovoltaic tiles on the rear roof slope elevation. Whilst an objection has been received in respect of the adverse impact on visual amenity from the use of such technology, the benefits of its provision are considered to outweigh any detrimental impact in terms of visual amenity given its location. Compliance with Code Level 3 could be secured by the imposition of conditions if the application were to be approved.

#### Public Play and Open Space

Policy REC3 of the adopted Local Plan requires new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. The proposed development is within 400 metres of Hinckley Road Recreation Ground which provides such facilities. The contribution in this case would be subject to a 25% discount to take into account the one bedroom nature of the units and would therefore total £1876.20 (made up of £1226.20 provision element and £649.50 maintenance element). The applicant has submitted a draft Heads of Terms to enable contributions to be secured, however, the

document has not been pursued in this case given the recommendation for refusal of the application.

#### Other Matters

Whilst there would be storage space within the site for recycling and waste containers, it is unclear from the submitted details where these would be stored to enable collection from the public highway.

As the site has already been cleared of any significant vegetation, no additional loss of biodiversity will result.

Potential impact on property values is not a material planning consideration.

#### Conclusion

The application site is in a sustainable location within the settlement boundary of Burbage where new residential development is normally acceptable in principle. However, the backland nature of the development without any road frontage and lack of suitable access results in an inappropriate form of development that fails to respect the character of the area and is to the detriment of the setting of the adjacent listed buildings, 66 - 72 Church Street and therefore fails to preserve or enhance the character of the Burbage Conservation Area. In addition, the applicant has failed to demonstrate that there would be no adverse impact on the historic fabric of the adjacent listed buildings. As a result the proposals are considered to be contrary to Policies BE1 (criteria a, b and c), BE7 (criteria a and b), BE5, BE4 and the overarching principles of the NPPF 2012 and are therefore recommended for refusal.

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

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

#### **Reasons:-**

- 1 In the opinion of the local planning authority the proposed development by virtue of its backland position and lack of suitable access, represents an inappropriate form of development that fails to respect the character of the locality and is to the detriment of the setting of the nearby listed buildings, and therefore fails to preserve or enhance the character of the Burbage Conservation Area. Accordingly, the proposal is contrary to the requirements of Saved Policies BE1 (criteria a, b and c), BE7 (criteria a and b) and Policy BE5 of the Adopted Hinckley and Bosworth Local Plan and the overarching principles of the National Planning Policy Framework 2012.
- 2 In the opinion of the local planning authority, the proposal fails to demonstrate that the access to the site will not have an adverse impact on the fabric of the adjacent listed buildings 66 - 72 Church Street and is therefore in conflict with the requirements of Saved Policy BE4 of the adopted Hinckley and Bosworth Local Plan and the overarching principles of the National Planning Policy Framework 2012.

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



**Item: 04**  
**Reference: 12/00240/FUL**  
**Applicant: Mr Peter Smith**  
**Location: Market Bosworth Parish Hall 25 Park Street Market Bosworth**  
**Proposal: EXTENSIONS AND ALTERATIONS TO PARISH HALL**  
**Target Date: 14 May 2012**

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as objections have been received from more than five addresses.

Application Proposal

This is a full application for the erection of a two storey extension to the front of the existing parish hall together with single storey extensions to the eastern and western side of the main hall.

The proposed two storey extension will be built in front of the main hall and will wrap around the western side. This will accommodate a new entrance lobby, kitchen and eating area at ground floor together with meeting rooms and an office at first floor. The single storey extension on the western side will house storage areas and cloakrooms and the two single storey extensions proposed to the eastern side of the main hall will provide additional entrance lobbies, toilets and a plant room.

This scheme differs from the previously withdrawn scheme in that there is no al fresco dining area proposed to the front of the eating area (adjacent to Park Street) and part of the two storey extension to the western side of the building has been reduced to single storey.

This application is to be read in conjunction with planning application 12/00223/CON for Conservation Area Consent to demolish the existing entrance lobby and toilets to the front of the parish hall. This application follows previously withdrawn applications 11/00269/FUL and 11/00297/CON. These were withdrawn to enable resolution of highway matters.

The Site and Surrounding Area

The site is an existing parish hall located to the north east of the Market Bosworth Market Place, within the Conservation Area. The application site extends to 658 square metres, the majority of which is occupied by the parish hall building. The land at the rear of the building is used as a children's play area and the building is set back from the highway path by 5.3 metres. There is an existing vehicular access to the site in the south eastern corner together with a pedestrian access to the front. There is a 1m high hedge to the front boundary and a 1.8 metre close boarded fence and hedge along the western boundary.

There are two vehicular accesses that run either side of the parish hall which serve dwellings to the rear. The area to the front of the parish hall is laid to paving slabs and tarmac and has a disabled ramp leading up to the main entrance lobby. The area surrounding the site is

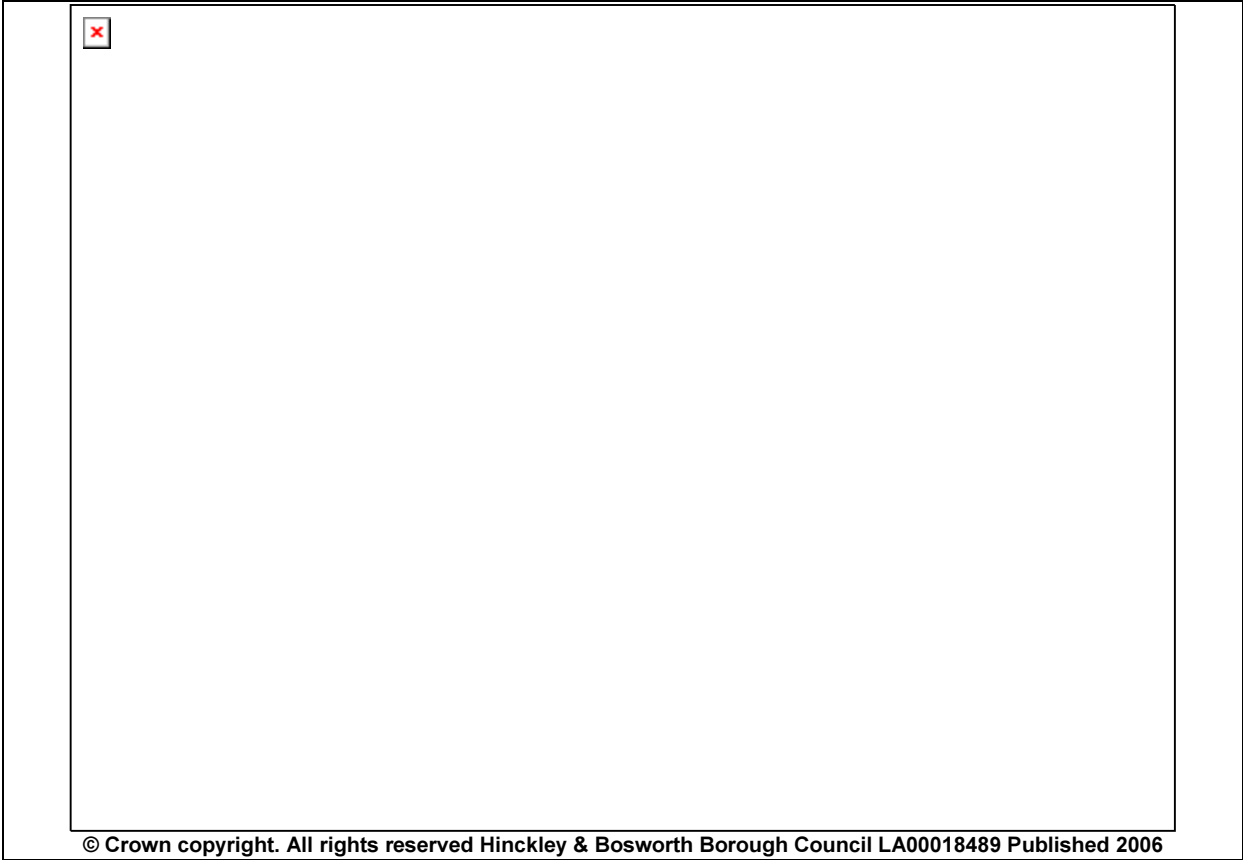
residential in nature and there are listed buildings immediately to the east and opposite the parish hall.

Technical Documents submitted with application

Design and Access Statement  
Conservation Area Statement  
Biodiversity Statement

**Relevant Planning History:-**

11/00296/FUL	Extensions and alterations to parish hall	Withdrawn	19.05 11
11/00297/CON	Demolition of existing single storey wc's and entrance lobby to facilitate extensions and alterations to parish hall	Withdrawn	19.05 11



**Consultations:-**

No objection has been received from the Head of Community Services (Land Drainage).  
No objection subject to conditions has been received from the Director of Environment and Transport (Highways).  
Head of Community Services (Pollution) has requested further details/clarification of the proposed activities within the building, details of the opening times of the café, whether any

music will be played externally and for details of any external lighting and ventilation. In addition various conditions have been suggested.

Market Bosworth Parish Council has raised parking concerns in relation to potential construction traffic. They have suggested that a notice be erected directing hall users to use the Rectory Lane car park.

David Tredinnick MP has raised an objection to the application on the following grounds:-

- a) that the application will have an adverse impact on the residential amenity of nearby residents
- b) the proposal will have an adverse impact in terms of traffic, parking and general highway safety.

Site notice and Press notice were displayed and neighbours notified. Four letters of representation have been received. These raise the following issues:-

- a) lack of parking in the area and general highway safety concerns
- b) the two storey extension to the front of the parish hall will result in overlooking
- c) concerns over the validity of the parking survey conducted
- d) will result in an increased use of the building.
- e) impacts on the adjacent listed buildings.

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

Directorate of Chief Executive (Archaeology)  
Police Architectural Liaison Officer  
Historic Buildings Panel  
Market Bosworth Society

### **Policy:-**

#### National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

#### Regional Policy Guidance: East Midlands Regional Plan 2009

Policy 2: Promoting Better Design  
Policy 3: Distribution of New Development

#### Local Development Framework Core Strategy 2009

Policy 11 Key Rural Centres Stand Alone

#### Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development  
Policy BE7: Development in Conservation Areas  
Policy T5: Highways and Parking Standards

#### Other Material Policy Guidance

Market Bosworth Conservation Area Appraisal

## **Appraisal:-**

The main considerations with regards to this application are the principle of development, design and impact upon the character and appearance of the area and Conservation Area, impacts upon residential amenity and highway safety and other matters.

### Principle of Development

The development proposes extensions to an existing community facility within the settlement boundary of Market Bosworth, where there is a presumption in favour of development. The proposed development will ensure the retention and extension of facilities at an existing community facility and allow more functions to be undertaken at the site. The NPPF recognises the importance of sustaining and enhancing such an asset and this proposal is considered to be in line with these provisions. The existing parish hall is well established within the conservation area of Market Bosworth. Therefore the principle of development is considered acceptable.

### Design and preservation or enhancement of the Conservation Area

The existing main hall has a ridge height of 6.8 metres. The ridge height of the proposed two storey extension is 7.5 metres, thereby giving a difference in ridge heights of 0.7 metre. The design of the proposed two storey extension will continue to provide a symmetrical appearance to the parish hall frontage, albeit at two storey level. No objections have been raised by the Conservation Officer in relation to the design and scale of the proposed two storey extension and preservation and enhancement of the Conservation Area and impact upon the Listed Buildings located adjacent to, and opposite the site. The scale and height of the proposed extension respects the dwellings adjacent to the site, and the extensions proposed to the parish hall will be set significantly below the ridge of 31 Park Street to ensure that this Listed Building remains prominent within the streetscene. The parish hall will not be sited any closer to the boundary with 31 Park Street, thereby allowing the existing spacing between buildings along the Park Street frontage to be retained and respected. By virtue of its two storey extension the parish hall will also be sited no further forward in the street scene than 31 Park Street, thus reducing the impact of new development upon this Listed Building. Although the two storey extension to the side of the parish hall will project closer to the gable end of 15 Park Street to the west it will still retain a separation distance of 10.3 m within the Park Street frontage, thereby affording sufficient space for this key building (15 Park Street) to retain its visual prominence. The prominence of this building (15 Park Street) within the Conservation Area will be further improved by the setting back of the two storey extension from its front building line by 4metres reflecting the intentions of with paragraph 131 of the NPPF.

The proposed roof design with a steep pitch and a roof slope punctuated by a gable projection and hipped roof feature, together with first floor windows set above the eaves utilises design features that are locally distinctive to existing dwellings along the Park Street frontage, including the Listed Buildings. The additional detailing including the re-used stone portico entrance, stone cills and lintels, timber rafters, stone corbelling to the gable ends, ridge detailing and double windows at first floor level further reflects the use of locally distinctive design features of neighbouring properties within the Conservation Area. A condition is suggested requesting samples, colours and finishes of all materials of construction to ensure the development is in keeping with, and preserves the character of the Conservation Area and to ensure they are in keeping with materials on the existing parish hall building.

It is considered that the introduction of the new roof between the existing main hall and the two storey front extension will provide a continuous ridgeline between these two parts of the

building and allow them to blend into one another and into the Conservation Area. The single storey extensions proposed to the side of the parish hall are of similar scale to the existing lean-to brick extensions and will provide a continuous built form with occasional window and door openings which are characteristic of the existing building.

Based on the above appraisal, by virtue of its design, scale, height and detailing, the development is consistent with the intentions of the NPPF, which states that developments shall add to the overall quality of the area, establish a strong sense of place, respond to local character and history, and reflect the identity of local surroundings and materials and be visually attractive as a result of good architecture and appropriate landscaping. Further the proposal would be an improvement on what exists currently and would therefore be an enhancement to the character and appearance of the Conservation Area in line with paragraph 137 of the NPPF and would not be detrimental to the Listed or important buildings adjacent to site. The proposal is therefore considered compliant with the intentions of criteria a and b of Policy BE1 and Policy BE7 of the Local Plan.

### Impact on Neighbours

The proposed two storey and single storey extensions will face onto a blank gable end of 31 Park Street, thereby resulting in no loss of residential amenity. There is a habitable ground floor window in the eastern elevation of 15 Park Street to the west. However given the separation distance of 12 metres from the wall of the proposed two storey extension to this habitable room window and its relationship being to the east of the window, the potential for overshadowing and loss of light to this room is not considered material and would not warrant refusal of the application. Accordingly the proposal is considered to be in accordance with criteria i of Policy BE1 of the Local Plan.

### Highway Issues

The Director of Environment and Transport (Highways) has raised no objections to the proposed development subject to conditions.

Following the previous submission (11/00269/FUL) The Director of Environment and Transport (Highways) has undertaken a survey of Park Street to gauge the extent of parking /congestion problems. The survey has illustrated that the Parish Hall is not currently causing a highway problem, as traffic appears to flow freely along Park Street even when the hall is in use. There is no evidence that parking associated with the hall, which parks on Park Street is obstructive, dangerous or illegal. The current scheme is of a reduced scale in comparison with the former, thus reducing the potential numbers of people who could use the hall at a single time. It is reiterated that the previous highway objection was finely balanced, and following the amendments to the scheme, the survey work undertaken and the proximity of public car parking, the proposal is now considered, on balance to be acceptable from a highway safety point of view subject to conditions. Further, paragraph 32 of the NPPF states that to warrant a refusal on highway grounds there needs to be a severe impact on highway safety. In this finely balanced case, the impacts would not be so severe as to warrant refusal, and thus to do so would be contrary to the NPPF.

Four conditions have been suggested, one relating to the setting back of any access gates, barriers, bollards and chains and one relating to construction parking which are both considered necessary and will be imposed. The third requires cycle parking provision. The submission of these details have been requested from the applicant and if submitted will overcome the need for this condition. The final condition requires the cafe element of the proposal to always remain ancillary to the Parish Hall. If this was to occur it would raise various planning issues, and may require the submission of a separate planning application.

To confirm that the café will remain as ancillary, the agent has been requested to provide a statement confirming this. Any additional details received will be reported as a late item.

Therefore subject to the imposition of the above conditions the proposal is considered compliant with the intentions of Policy T5 of the Local Plan.

### Other Issues

#### Demolition and Construction

Due to the siting of the development within the Conservation Area and the proposed phased schedule of works put forward with the application, two conditions are suggested to protect the character and appearance of the Conservation Area. Conditions are also suggested that request a contract for demolition and construction works be entered into with the relevant development contractor, and an agreed phasing management plan will be agreed with the Local Planning Authority prior to any development commencing. This will ensure that the timings of work are adhered to and that the site is developed within a reasonable timescale so that the site is not left in an untidy or unsafe state.

#### Pollution

The additional details required by Head of Community Services (Pollution) have been requested and once received will be reported as a late item. The suggested conditions are related specifically to the application for demolition.

#### Conclusion

By virtue of its scale, height, massing, siting, detailing and proposed materials, the development is considered to enhance the character and appearance of the Market Bosworth Conservation Area. Further, the development will have no material impacts in terms of residential amenity or highway safety. The proposed development ensures the retention and re-use of a key community building within the Conservation Area and results in the expansion and extension of a local community facility, thereby improving the range of services within the settlement. Accordingly the development is consistent with the intentions of the NPPF and with the intentions of criteria a, b and i of Policy BE1 and Policy BE7 and T5 of the Local Plan.

### **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 according to their degree of consistency with the National Planning Policy Framework, 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, would not materially harm the character or the appearance of the surrounding area, would preserve the character of the Conservation Area and will have no material impacts in terms of residential amenity or highway safety. Therefore the proposal is considered acceptable.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policy 11.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies BE1, BE7 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: Drg Nos:- 09948 – PL03 Rev E, 09948 – PL01 Rev D, 09948 – PL02 Rev D received by the Local Planning Authority on the 19 March 2012.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed extensions 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 Before development commences, full details of the window and door style, reveal, cill, header treatment and materials of construction shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
- 5 Before development commences, full details of the eaves and verge treatment, guttering and down pipe (including materials and method of fixing) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
- 6 No demolition hereby permitted shall be undertaken unless and until full planning permission has been obtained for the redevelopment of the site and a binding contract for carrying out of the works of re-development of the site in accordance with that planning permission has been entered into.
- 7 No development shall take place until a timetable for the scheduling of demolition and construction works has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed timetable of works.
- 8 All vehicular access gates or other such obstructions at the access of the site including but not limited to barriers, bollards or chains to be erected shall be set back a minimum distance of 5 metres from the highway boundary and shall be erected so as to open inwards only.
- 9 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the construction works shall be parked within the site.

**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 policies BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.
- 4&5 To ensure that the development has a satisfactory external appearance to accord with policy BE7 of the adopted Hinckley & Bosworth Local Plan.

- 6&7 To protect the character and appearance of the Conservation Area in the interests of visual amenity to accord with policy BE7 of the adopted Hinckley and Bosworth Local Plan.
- 8 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway in accordance with policy T5 of the Local Plan.
- 9 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 policy T5 of the adopted 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).

**Contact Officer:-** Eleanor Shaw Ext 5680

**Item: 05**  
**Reference: 12/00223/CON**  
**Applicant: Mr Peter Smith**  
**Location: St Peters Church Hall 25 Park Street Market Bosworth**  
**Proposal: EXTENSIONS AND ALTERATIONS TO PARISH HALL**  
**Target Date: 14 May 2012**

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as objections have been received from more than five addresses.

Application Proposal

This application is for Conservation Area consent to demolish the single storey toilets and entrance lobby to the front of the existing parish hall.



Members are advised that this application is to be read in conjunction with planning application 12/00240/FUL for the erection of a two storey extension to the front of the existing parish hall together with two single storey extensions to the eastern side of the main hall and a single storey extension to the west of the main hall. This application follows previously withdrawn applications 11/00269/FUL and 11/00297/CON.

The Site and Surrounding Area

The site is an existing parish hall located to the north east of the Market Bosworth Market Place, within the conservation area. The application site extends to 658 square metres, the majority of which is occupied by the parish hall building. The land at the rear of the building is used as a children’s play area and the building is set back from the highway path by 5.3 metres. There is an existing vehicular access to the site in the south eastern corner together with a pedestrian access to the front. There is a 1 metre high hedge to the front boundary and a 1.8 metre close boarded fence and hedge along the western boundary.

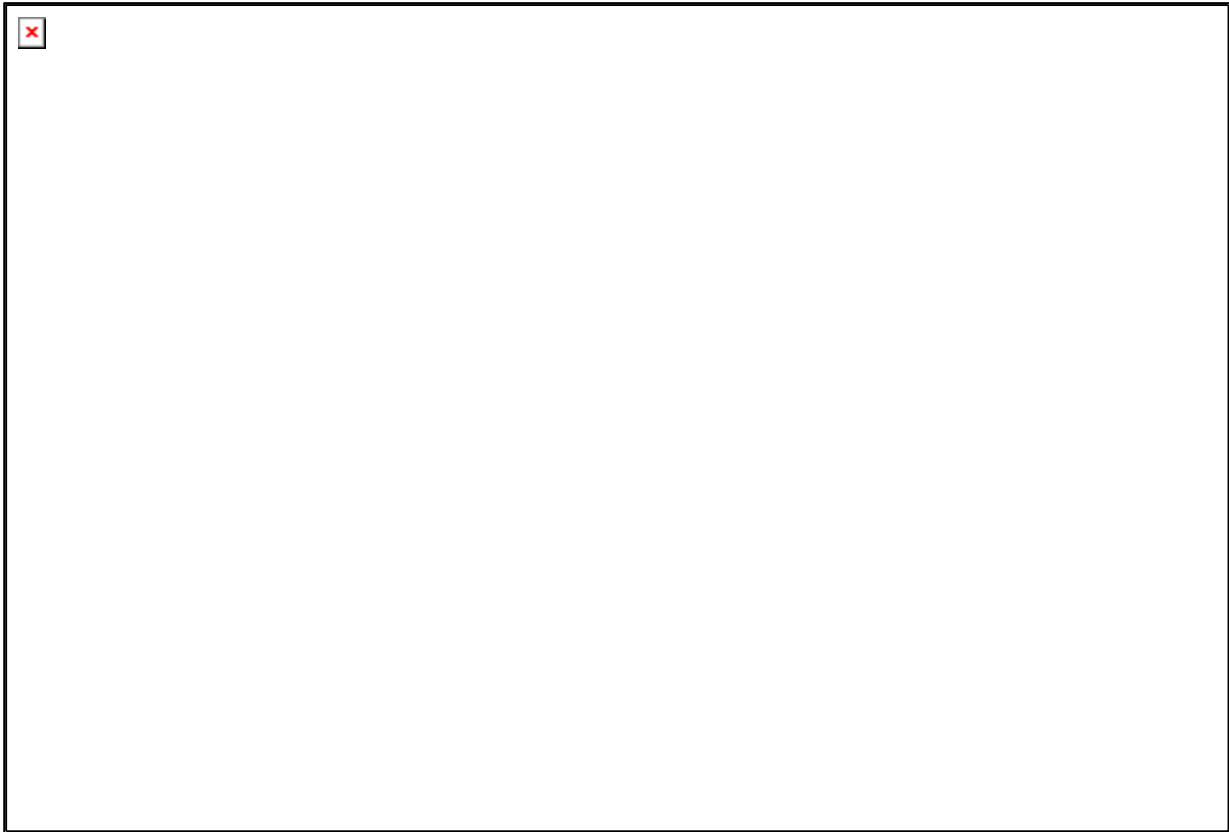
There are two vehicular accesses that run either side of the parish hall which serve dwellings to the rear. The area to the front of the parish hall is laid to paving slabs and tarmac and has a disabled ramp leading up to the main entrance lobby. The area surrounding the site is residential in nature and there are listed buildings immediately to the east and opposite the parish hall.

Technical Documents submitted with application

- Design and Access Statement
- Conservation Area Statement
- Biodiversity Statement

**Relevant Planning History:-**

11/00296/FUL	Extensions and alterations to Parish Hall	Withdrawn	19.05.11
11/00297/CON	Demolition of existing single Storey Wc's and entrance lobby to Facilitate extensions and Alterations to Parish Hall	Withdrawn	19.05 11



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### **Consultations:-**

Head of Community Services (Pollution) has requested further details/clarification of the proposed activities within the building, details of the opening times of the café, whether any music will be played externally and for details of any external lighting and ventilation. In addition various conditions have been suggested.

Market Bosworth Parish Council have raised parking concerns in relation to potential construction traffic. They have suggested that a notice be erected directing hall users to use the Rectory Lane car park.

David Tredinnick MP has raised an objection to the application on the following grounds:-

- a) that the application will have an adverse impact on the residential amenity of nearby residents
- b) the proposal will have an adverse impact in terms of traffic, parking and general highway safety.

Site notice and Press notice were displayed and neighbours notified.

Four letters of representation have been received. These raise the following issues:-

- a) lack of parking in the area and general highway safety concerns
- b) the two storey extension to the front of the parish hall will result in overlooking
- c) concerns over the validity of the parking survey conducted
- d) will result in an increased use of the building
- e) impacts on the adjacent listed buildings.

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

Historic Buildings Panel  
Market Bosworth Society

**Development Plan Policies:-**

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance: East Midlands Regional Plan 2009

None Relevant.

Local Development Framework Core Strategy 2009

None Relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE8: Demolition in Conservation Areas

Other Material Policy Guidance

Market Bosworth Conservation Area Appraisal

**Appraisal:-**

The main consideration with regards to this application is the impact of the development upon the character and appearance of the Conservation Area.

Impact on the Conservation Area

This proposal involves the demolition of the front section of the parish hall within the Conservation Area. This site is identified with the Market Bosworth Conservation Area Appraisal as a site that requires improvements to its frontage.

Policy BE8 Demolition in Conservation Areas must be considered against the NPPF and weight attributed to the policy according to its consistency with it. The policy is considered to be both consistent with both the overarching intention of the NPPF and statutory requirements within Section 72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 to preserve or enhance the character or appearance of that area.

The proposal to demolish the front elevation of the parish hall is considered acceptable in principle, as the development ties in with planning application 12/00240/FUL which is for a replacement scheme. This replacement scheme proposes development within the areas of the site that are identified for demolition. It is considered that the proposals in place, to replace the demolished buildings will preserve and enhance the character and appearance of the Conservation Area.

Given the siting of the development within the Conservation Area, two conditions are suggested to ensure that the character and appearance of the Conservation Area is preserved and protected. The conditions request a contract for demolition and construction works be entered into with the relevant development contractor and an agreed phasing

management plan be agreed with the Local Planning Authority prior to any development commencing. This will ensure that the timings of work are adhered to and that the site is developed within a reasonable timescale so that the site is not left in an untidy or unsafe state.

### Other issues

#### Objections raised in relation to this application

It should be noted that objections a – e detailed in the consultations section of this report and those received from the Parish Council and David Tredinnick MP are material to planning application 12/00240/FUL for the extensions and alterations proposed to the parish hall and have been assessed in that separate report.

#### Removal of hedgerow

The proposals to demolish the front elevation of the parish hall involves the removal of part of the hedgerow forming its front boundary with the highway. Although this is an established low level hedge line within the Conservation Area, the removal of a small section is not considered to have an adverse impact on the character of the Conservation Area. For clarification, planning permission is not required for the removal of a hedge within a Conservation Area.

#### Pollution

In respect of the demolition, various conditions have been recommended by Head of Community Services (Pollution). These seek to restrict the hours of demolition, ensure that there will be no burning on site and that there will be further controls over the disposal of potentially hazardous materials. These issues are all dealt with under other statutory controls and are not considered as reasonable or necessary to make the application acceptable. Therefore the suggested conditions will not be imposed.

#### Conclusion

The proposed demolition involves the removal of buildings which are not particularly attractive within the Conservation Area, as such their loss is not considered to be detrimental to the character and appearance of the Market Bosworth Conservation Area. There is a comprehensive replacement scheme under consideration (12/00240/FUL), which if approved will enhance the character and appearance of the Conservation Area. The impact of demolition upon the Conservation Area and the potential for construction to follow within a reasonable timeframe can be controlled by condition to ensure that the cleared site does not blight the Conservation area for a long period of time. The application is therefore recommended for approval subject to 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 according to their degree of consistency with the National Planning Policy Framework, it is considered that the demolition of the building would not be detrimental to the character and appearance of the Conservation Area and would be in accordance with the development plan subject to compliance with the conditions attached to this consent.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policy BE8.

- 1 No demolition hereby permitted shall be undertaken unless and until full planning permission has been obtained for the redevelopment of the site and a binding contract for carrying out of the works of re-development of the site in accordance with that planning permission has been entered into.
- 2 No development shall take place until a timetable for the scheduling of demolition and construction works has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed timetable of works.

**Reasons :-**

- 1&2 To protect the character and appearance of the conservation area in the interests of visual amenity to accord with policy BE8 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

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

**Contact Officer:-** Eleanor Shaw Ext 5680

**Item:** 06

**Reference:** 12/00040/FUL

**Applicant:** Mr Simon Thompson

**Location:** Groby Ex-Servicemens Club 16 - 18 Leicester Road Groby

**Proposal:** EXTENSIONS AND ALTERATIONS TO CLUB

**Target Date:** 9 May 2012

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has been called in by Councillor Mr Batty due to local concern and the potential controversial nature of this application.

## Application Proposal

This application seeks full planning permission for extensions and alterations, including the creation of a first floor sun terrace above the flat roof of a single storey element to the fore of Groby Ex-Servicemen's Club. The application also includes alterations to the front and side elevations of the club including additional and replacement windows, stone work on the external walls and a singular oak panel (fascia board) that extends the full width across the front elevation. The sun terrace will be formed by a timber deck elevated 300 mm from the flat roof surface and extending approximately 10.6 metres in length x 6 metres in width. The front of the sun terrace will be enclosed by dull metal balustrades with infill safety glass panels 1.5 metres in height set back 600 mm from the edge of the roof. The sun terrace will be enclosed on each side by timber side enclosures approximately 2 metres in height. Access will be gained via a new door and porch to be constructed from the landing area within the club. A new fire exit link is to be created from the terrace leading to an existing fire escape to the side of the club.

A similar proposal was submitted back in the summer of 2011 under planning ref. 11/00473/FUL. However, this scheme was later withdrawn because of a drawing anomaly - the main door entrance was shown to be out of position with the two storey pitched roof building element. This revised application not only corrects the drawing anomaly it also omits the timber cladding on the front elevation of the two storey element and introduces stone work with alterations to the style, size and proportions of the proposed replacement windows on the front elevation of the single storey flat roof building to the front of the club.

## The Site and Surrounding Area

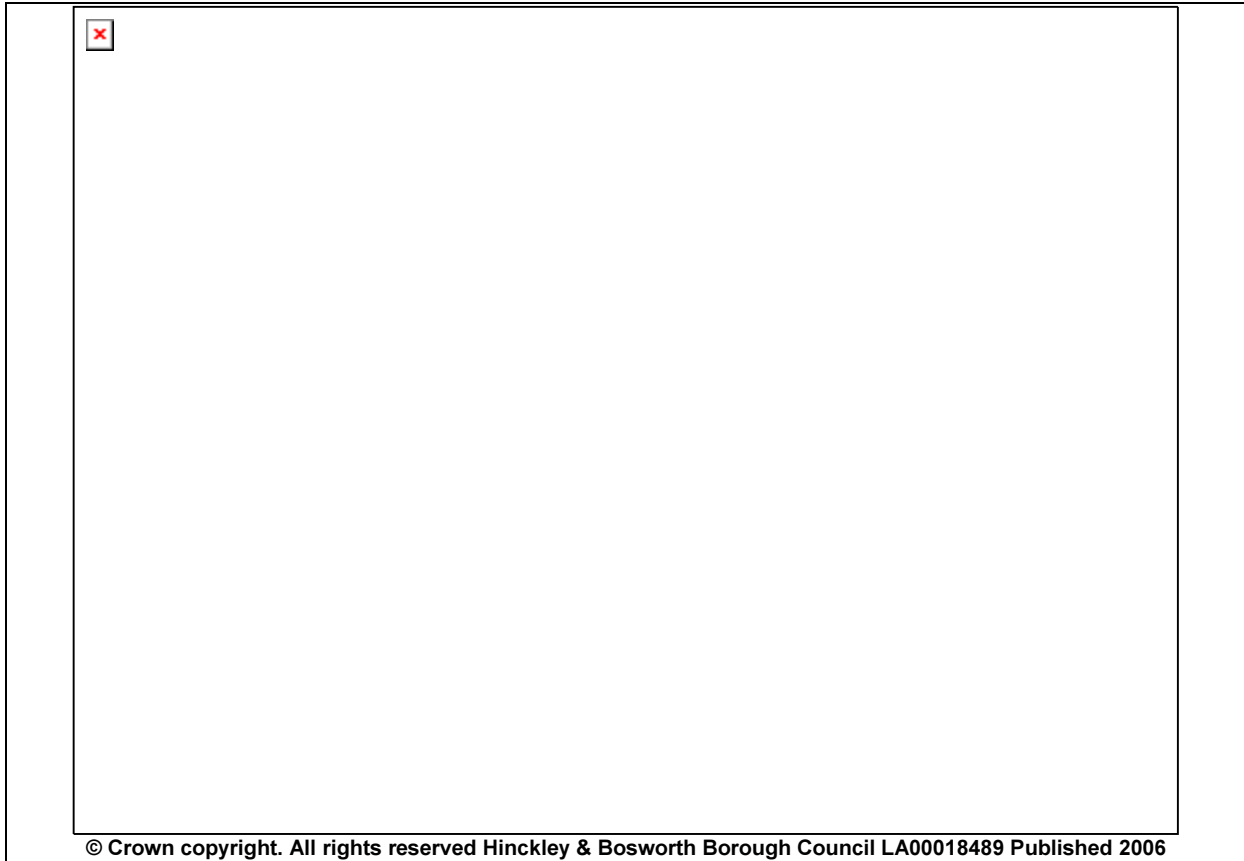
The site is located close to the centre of Groby on the corner of Leicester Road and The Rookery and falls within the Groby Conservation Area. The site slopes up from Leicester Road such that the club is elevated in relation to the highway. The club building comprises of a two storey pitched slate roof element and a more modern flat roof element of single storey design. The building is constructed from a mix of red brick, brown brick, local stone and white uPVC panelled walls with both aluminium and white uPVC framed windows. The site is bounded by walls constructed of local stone of between approximately 1 metre and 2 metres in height. There is a car park to the frontage of the club with separate in and out accesses on to Leicester Road. The locality consists of a mix of residential, commercial and community uses. The adjacent stone cottage to the north west of the club, 12 Leicester Road, is a Grade II Listed Building.

## Technical Document submitted with application

### Heritage Statement

### **Relevant Planning History:-**

11/00473/FUL	Extensions and alterations to club	Withdrawn	03.08.11
06/00947/FUL	New Disabled Access	Approved	05.10.11
03/01322/FUL	Alterations to front elevation	Approved	19.12.03



### **Consultations:-**

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

No objection subject to conditions have been received from:-

Director of Environment and Transport (Highways)  
Head of Community Services (Pollution).

The Groby Village Society raise no objection but would like to see assurances that nearby residents are not inconvenienced by light or noise pollution and their privacy is not compromised. Also comment on whether the proposal will replace the existing outdoor seating and smoking area.

Groby Parish Council submitted comments requesting a license being restricted to 11pm to prevent noise nuisance and also questions whether the design is appropriate within a conservation area.

Site notice and Press notice were displayed and neighbours notified.

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

- a) loss of privacy and amenity from overlooking into houses and gardens
- b) loss of amenity from increased/elevated noise from use of the first floor external terrace and the playing of music
- c) lack of adequate parking within site, increase in on-street car parking and associated noise from comings and goings

- d) existing decking area to the front of the site already reduces car parking capacity and should be removed
- e) a sun terrace is out of keeping with the character of the village
- f) a sun terrace and its design is detrimental to the Groby Conservation Area and the adjacent Listed Building
- g) the opening of the replacement windows with unspecified sound insulation measures will allow for noise generated from inside the main club to be transmitted to neighbouring properties and garden areas
- h) boundary of site is incorrect
- i) devaluation of property
- j) loss of light and overbearing impact from side enclosures
- k) restrict the use of the sun terrace to certain hours of the day
- l) the fire exit will be used as an easy exit point resulting in the loss of privacy into neighbouring properties and garden areas along The Rookery.

**Policy:-**

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Development Framework Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development  
 Policy BE7: Development in Conservation Areas  
 Policy BE5: The Setting of a Listed Building  
 Policy NE2: Pollution

Other Material Policy Guidance

Groby Conservation Area Appraisal

**Appraisal:-**

The main considerations with regards to this application are the principle of development, siting and design and whether the proposal preserves or enhances the character and appearance of the conservation area, impact upon the adjacent listed building, residential amenity and highway considerations.

Principle of Development

The site is located within the settlement boundary of Groby, as defined in the Adopted Hinckley and Bosworth Local Plan Proposals Map; therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

Siting and Design and Character and Appearance of the Conservation Area

The proposed sun terrace will be sited above the 1960s flat roof element of the building which has a design and large windows characteristic of the period. The Groby Village Design Statement considers the building to be of an inappropriate design and not sympathetic to the traditional scale or character of the older properties in the surrounding area. The proposed



sun terrace will break up the monotonous flat roof design. A contemporary sun terrace such as the one proposed is considered to enhance the architectural character of this featureless building within the conservation area. Given the building is set back 18 metres from the highway with a car parking area to the front of the site, the proposed roof extension will not detract from the row of frontage properties along Leicester Road.

It is proposed the existing aluminium framed windows will be replaced by wood effect uPVC windows. A second set of uPVC windows of the same size, proportions and details as those on the right hand side will replace the existing high level windows and upper section of uPVC panels. The use of uPVC is not a traditional building material nevertheless the design of the existing frontage building is not traditional and the existing materials used are contemporary to the period of the buildings design. On the basis of the frontage buildings design, the use of a non-traditional material is not considered to result in a significant change in the buildings overall appearance. The replacement of aluminium framed window with wood effect uPVC will preserve the character within the conservation area and provide an enhancement. Further details on the colour and finish of the proposed materials to be used on the window frames are requested within a suggested condition.

An oak fascia board will extend across the front elevation of the frontage building to replace the existing white uPVC fascia. This material is considered to contribute positively to the buildings visual appearance. The lower section of the existing white uPVC panels will be replaced with local stone to match the rest of the front elevation. The use of local stone is a traditional feature of the settlement and therefore will make a positive contribution and enhancement to local character and distinctiveness something which is particularly sought after from policies within the NPPF.

Further conditions are suggested which require prior approval of details relating to the glass panels to the front of the sun terrace and the railings connecting the sun terrace to the existing fire escape.

The Conservation Officer considers the overall proposal is acceptable, although considers the timber entrance porch to be a complication to the building that is not necessary. Nevertheless, the proposed porch will be sited on the front elevation of the two storey building abutting the western side enclosure. Given its small scale and siting behind the proposed side and front enclosures, the proposed porch will not be prominent and would preserve the character of the building within the conservation area. Given the design of the frontage building and its relationship with the immediate surrounding area, the proposed development, subject to conditions over the type and colour of materials will continue to preserve the character and appearance the Groby Conservation Area. On this basis, it is considered the proposed development is acceptable in this respect.

#### Impact on the Setting of a Listed Building

The proposal will be approximately 15 metres behind the frontage of no. 12 Leicester Road a Grade II listed cottage to the north west of the club. Its setting is considered to be preserved as the proposed sun terrace with its associated features is small in scale and will not bring development any closer to the listed building by virtue of it being above an existing building. On this basis it is considered that the proposed sun terrace will preserve the character of the setting of the Listed Building.

#### Impact on Neighbours Amenities

The two main amenity issues raised in the representations received include; a) the loss of privacy from overlooking; and b) the excessive amount of noise generated from users of the sun terrace and the playing of music.

With regards to the first issue it is noted that there are two properties in view of the sun terrace to the north west of the site and five properties to the east of the site. The erection of two metre high side enclosures of a solid construction will prevent any overlooking into the properties or the rear garden areas of no. 12A Leicester Road, no. 2 The Rookery, no. 3 The Rookery and no. 5 The Rookery.

There will however be direct overlooking from the front of the proposed sun terrace into a section of the residential curtilage at no. 12 Leicester Road (The Cottage). The area that will be overlooked includes a small section of the residential curtilage to the side of the property. It is noted that this area does not form the principle private amenity space to that property. Indeed the formal garden area to the Cottage is separated by a single storey extension that will act as screen preventing any overlooking from the sun terrace into the formal rear garden area at the Cottage. For this reason it is considered that the amount of overlooking will not be detrimental to the private amenities currently enjoyed by the occupiers living at that dwelling.

In relation to no. 1 the Rookery (Granite House) the majority of the windows on the front elevation of this property will directly face the proposed two metre high side enclosure and therefore will not be overlooked. However a section of the frontage on the Ex-Servicemen's Club is viewable from the first floor bedroom window, the ground floor kitchen window and the formal garden area to the side of the property. To mitigate opportunities for overlooking it is recommended, through the imposition of a condition, that the proposed two metre high side enclosures be brought forward to the front edge of the flat roof and the glass panelled front enclosure set back by 1.5 metres from the front edge of the flat roof. It is considered that this will mitigate any overlooking into the bedroom and kitchen windows on the main house including the garden area to the side of the property.

A mature hedge runs along the western side boundary to the rear garden of no. 20 Leicester Road screening the sun terrace from view and therefore preventing any overlooking. It is also noted that the side window serving a kitchen on this property is low level.

With regards to the issue of noise, the Head of Community Services (Pollution) raises no objection to the principle of the sun terrace. However to help reduce the impact of noise from affecting adjacent properties it is recommended that a condition be included so that the side enclosures comprise of solid wood with no gaps between the panels and the density of the wood should be 10 kg/m<sup>2</sup>.

The supporting documentation suggests that the applicant intends to play soft background music on the sun terrace. In light of the fact that the site is adjacent to residential premises and given that a decibel limit would be difficult to enforce the Head of Community Services (Pollution) recommends that no amplified music shall be played on the sun terrace. To prevent any noise disturbance from the use of the sun terrace late at night, the hours of operation should be restricted to 11.00 pm. Both of the above will be secured by the imposition of a condition. With regards to the issue of music and noise generated from within the building itself it would be unreasonable to seek new measures when there is no such restrictions currently in place.

A local resident is concerned about the operation of the fire exit being used as a convenient exit point from the sun terrace. To prevent the fire exit from being misused a condition is recommended to secure a scheme to control its operation. Given the height of the proposed side enclosures and suggested conditions to control the location of the side and front enclosure, it is considered that the proposal will not result in an overbearing impact or loss of light to neighbouring properties. The insertion of light fittings which are domestic in nature and appropriately sited should be acceptable, any proposed lighting shall also be controlled by condition. With regards to amenity issues resulting from the decking area to the front of the site and the existing smoking area next to the entrance, these do not form part of the

proposal and are not for consideration under this application. However the matter of the decking within the car park a condition to remove this is suggested as discussed below in the Highway section.

### Highways

Local residents are concerned that given there is already a decking area to the front of the site which reduces the amount of car parking spaces on the site any further development increasing the clubs capacity will exacerbate on street parking problems. The Director of Environment and Transport (Highways) raise no objections to the formation of the sun deck provided that the decking area in the car park is first removed. Highways suggest that there should be a suitable condition to ensure the car park decking fronting Leicester Road is removed before development commences. Given that a new decking area is proposed it is not considered unreasonable to seek removal of the decking area to the front of the site to alleviate on-street parking problems.

### Conclusion

The proposed extensions and alterations to the Ex-Servicemens Club are considered to preserve and enhance the character of the Groby Conservation Area, the setting of a Listed Building and would not adversely affect the amenities of the occupiers of neighbouring properties or highways safety. The application is considered to be in accordance with the National Planning Policy Framework and Local Plan policies BE1, BE5 and BE7. The application is therefore recommended for approval subject to conditions.

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

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

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development by virtue of the scale, mass and design of the proposed extensions and alterations to Groby Ex-Servicemens Club would preserve and enhance the character of the Groby Conservation Area, the setting of an adjacent listed building and would not harm neighbours amenities or highway safety and would be in accordance with the development plan.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies BE1 criteria a-i, BE7 a-d, BE5 and T5.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Notwithstanding the submitted details, representative samples of the type and colour of materials to be used on the proposed porch, railings, front elevation stone and fascia boarding shall be submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 Before any development commences, the fenestration details including materials of construction and finish shall be submitted to and agreed in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved details.

- 4 No development shall commence until a controlled scheme for operating the fire exit leading on to the sun terrace hereby approved has been submitted to and approved in writing by the Local Planning Authority; the approved scheme to control the use of the fire exit shall then be implemented and thereafter maintained.
- 5 Notwithstanding the detail shown on the submitted drawings, the 2 metre high side enclosures shall extend up to the front of the flat roof and the 1.4 metre high glass front enclosure shall be set 1.5 metres back from the front edge of the flat roof. All enclosures shall be provided prior to first use of the hereby approved sun terrace and thereafter maintained.
- 6 The roof decking area (sun terrace) hereby permitted shall not be used by customers after 11.00 pm.
- 7 Before first use of the sun terrace hereby permitted the decking area to the front of the site on the car park shall be removed permanently from the site and the reinstated car parking spaces retained for use thereafter.
- 8 Notwithstanding the submitted details, full details of the type, colour, fittings and density of material to be used on the proposed side and front enclosures shall be submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 9 No amplified or other music shall be played on the roof decking area (sun terrace) at anytime.
- 10 Before commencement of development a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details.
- 11 The development hereby permitted shall not be carried out, subject to conditions 2, 5 and 8 otherwise than in complete accordance with the submitted application details, as follows, received on 14 March 2012.

Drawing - No 2011/001 Rev D; Drawing - No 2011/002 Rev D; Drawing - No 2011/003 Rev D; Drawing - No 2011/004 Rev D; Drawing - No 2011/005 Rev D; Drawing - No 2011/006 Rev B; Drawing - No 2011/007 Rev D; Drawing - No 2011/008 Rev A .

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2&3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 criteria a and BE7 criteria d of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that the proposed use of the sun terrace does not become a source of annoyance to nearby residents to accord with Policy BE1 criteria h of the Hinckley & Bosworth Local Plan.
- 5 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring properties to accord with Policy BE1 criteria h of the Hinckley and Bosworth Local Plan.

- 6 To ensure that the proposed use of the sun terrace does not become a source of annoyance to nearby residents to accord with Policy BE1 criteria h and NE2 of the Hinckley & Bosworth Local Plan.
- 7 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that the development has a satisfactory external appearance and mitigates noise to accord with policy BE1 criteria a & h and BE7 criteria d of the adopted Hinckley & Bosworth Local Plan.
- 9&10 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 criteria h and NE2 of the Hinckley & Bosworth Local Plan.
- 11 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 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).

**Contact Officer:-** Kevin Roeton Ext 5919

**Item:** 07  
**Reference:** 12/00094/FUL  
**Applicant:** Poulson & Co  
**Location:** New House Grange Orton Lane Sheepy Magna  
**Proposal:** EXTENSION TO AGRICULTURAL BUILDING  
**Target Date:** 9 May 2012

#### **Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a development where the floor space is greater than 500 square metres.

#### Application Proposal

Full planning permission is sought for the erection of a new agricultural building measuring approximately 30.5 metres in length by 18.3 metres in width by 6.1 and 8.2 metres to the eaves and ridge, respectively. The building would occupy a footprint of 558 square metres. The footprint and measurements are exactly the same as an existing agricultural building approved by members in 2009 (ref: 09/00369/FUL).

The building is intended to be constructed with a factory coated fibre cement sheeting roof (Merlin Grey) and clad with box profile metal sheeting, (Vandyke Brown) with one roller shutter door to the front elevation. The materials and colour finish are exactly the same at the existing agricultural building.

The building will be used for the storage of grain and farm equipment.

#### The Site and Surrounding Area

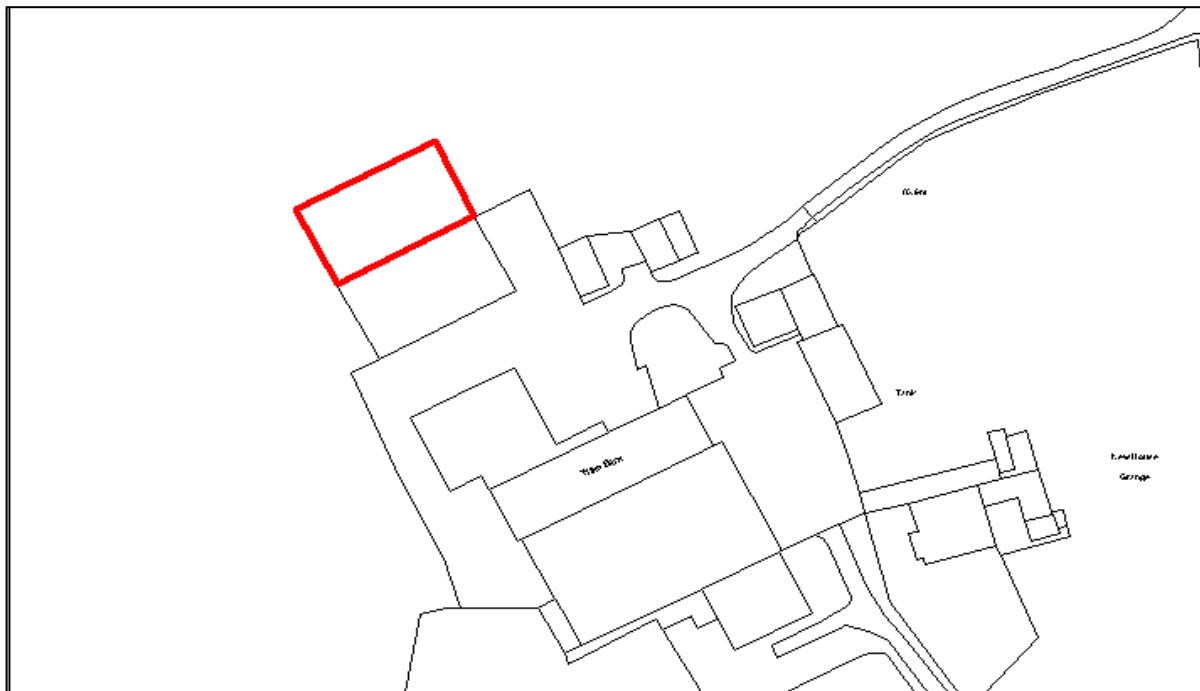
The new agricultural building will be sited to the northern elevation of the existing barn approved in 2009. Newhouse Grange extends to approximately 160 hectares (395 acres) and is used for arable farming. The site comprises a range of farm building of various ages and styles, with brick built and steel portal frames. The farmhouse and Dovecote are Grade II Listed Buildings whilst Tithe Barn is a Grade II\* Listed Building constructed around 1506. A modern barn was constructed in 2009 to replace the grain storage which was previously stored within Tithe Barn. Newhouse Grange is located within the open countryside between the villages of Sheepy Magna and Orton on the Hill and falls outside development limits, as defined by the adopted Hinckley and Bosworth Local Plan.

#### Technical Documents submitted with application

Design and Access Statement  
Heritage Statement  
Written Scheme of Investigation

### Relevant Planning History:-

09/00368/FUL	Erection of an Agricultural Building	Approved	17.07.09
08/00775/LBC	Replacement of 4 no. windows and Formation of 1 no. window	Listed	12.11.08
08/00192/FUL	Proposed Agricultural Storage Building	Withdrawn	16.04.08
08/00261/FUL	Proposed Agricultural Grain Storage Building	Returned	27.03.08



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### Consultations:-

No objection has been received from:-

English Heritage  
Director of Environment and Transport (Rights of Way)  
Head of Community Services (Pollution)  
Head of Community Services (Land Drainage).

Site notice and Press notice were displayed and one neighbour notified.

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

Sheepy Parish Council  
Ramblers Association  
Directorate of Chief Executive (Archaeology).

## **Development Plan Policies:-**

### National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

### Regional Policy Guidance: East Midlands Regional Plan 2009

None relevant.

### Local Development Framework Core Strategy 2009

None relevant.

### Hinckley and Bosworth Local Plan 2001

Policy NE5: Development in the Countryside  
Policy BE1: Design and Siting of Development  
Policy BE5: The Setting of a Listed Building

### Supplementary Planning Guidance/Documents

Supplementary Planning Guidance: Design of Farm Buildings

## **Appraisal:-**

The main considerations in the determination of this application relate to the principle of development, impact on the countryside, scale and design, impact on residential amenity, highway considerations and drainage.

### Principle of Development

The overarching principle of the NPPF is to protect the countryside but to allow sustainable development where appropriate. The NPPF states that there are three dimensions to sustainable development:- economic, social; and environmental.

Paragraph 28 within the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- Promote the development and diversification of agricultural and other land-based rural business.

The function of the proposed building is for the storage of grain and modern farming equipment. The barn approved in 2009 was similarly for this use, however it is now at full capacity and Tithe Barn is still being partially used to store grain. The accompanying Design and Access Statement states that the new building is required in order that the current grain stores in Tithe Barn can be removed to preserve this Listed Building, for efficient farm labour and for the storage of farm equipment. At the moment, the current operations within Tithe Barn are that grain is collected from the surrounding land, transferred to a small vehicle, backed into the store grain in Tithe Barn and then transferred by hand. Whilst Tithe Barn is still in partial use for the storage of grain it is unable to be used for the storage of modern machinery due to the smaller original openings which cannot be enlarged. Tithe Barn is intended to be continued to be used for storage of smaller farm machinery and implements,



should permission be granted. It is considered that there is an identified need for a new, modern large scale agricultural building due to the under capacity of grain storage, for the efficiency of labour and modern agricultural practices and to accommodate the larger farming machinery.

It is considered that the building will strengthen the viability of the agricultural holding, and promote the development of agricultural business which consequently contributes to the rural economy, in accordance with the overarching intentions of the NPPF.

In summary, there is no in principle objection to this agricultural building on this agricultural land to strengthen the rural economy, subject to all other matters being adequately addressed.

### Impact upon the Countryside

Paragraph 17 of the NPPF also states that planning should recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it, and paragraph 109 states that the planning system should protect and enhance valued landscapes.

Saved Policy BE1 (criteria a) of the Local Plan requires development to complement or enhance the character of the surrounding area with regard to scale, layout, mass and design.

In addition, whilst limited weight can be given to saved Policy NE5 following the release of the NPPF due to its presumption in favour of sustainable development, the design criteria i-iv remain generally relevant to development within the countryside and are consistent with the NPPF. It states that development will have to meet the following criteria:-

- a) it does not have an adverse effect on the appearance or character of the landscape
- b) it is in keeping with the scale and character of existing buildings and the general surroundings
- c) where necessary it is effectively screened by landscaping or other methods
- d) the proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

The Council's SPG on Design of Farm Buildings states that the position of a new farm building or structure is usually dependent on its function and the space available, but that the siting of any new building in the countryside is important in view of the visual impact it can have on the landscape. As such, wherever possible new buildings should be located close to existing buildings or landscape features.

The accompanying Design and Access Statement refers to the siting of the building in this location and states that it will be seen in the context of other farm buildings when viewed from public vantage points and would therefore not look incongruous in this countryside setting.

The building is set to be positioned on the northern elevation of the existing modern farm building and is therefore located in close proximity to the existing buildings on site. The siting of the building has also been chosen here to limit the impact upon Tithe Barn a Grade II\* Listed Building, as discussed later in this report.

In terms of wider views, the farm is located in a slightly elevated position when viewed from the north east of the site, whilst the land levels to the south, west and north west rise and fall within the immediate land ownership but it is acknowledged would again be in a slightly elevated position.

The proposed building would be screened from the south by the presence of a group of trees, and the existing farm complex, and from the north by a larger group of trees/small woodland. The scheme would not be visually prominent from the east of the site due to hedgerows and would only be viewed openly from the west of the site. It is however, considered that this new agricultural barn would not create any significantly detrimental views, over and above that of the existing buildings on site.

In summary, it is considered that this new agricultural building does not significantly impact upon the appearance and amenity of the surrounding countryside. The scheme is therefore considered to be in accordance with the overarching intentions of the NPPF, Saved Policy NE5 and the Council's SPG on Design of Farm Buildings.

### Scale and Design

Criteria a) within Saved Policy BE1 is applicable 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, density, mass, design, materials and architectural features. Criteria a - i of this policy are consistent with the NPPF and as such the policy should be given weight in consideration for this application.

The Council's SPG on Design of Farm Buildings recognises that on the whole, modern farm buildings tend to be larger than their traditional counter-parts due to the introduction of new agricultural practices and machinery resulting in higher, larger span buildings. It also states that the function of the building will influence the scale and type of building and the long term agricultural requirements of the building should also be considered.

The footprint and scale of the proposed building replicates that of the adjacent existing barn occupying a footprint of 558 square metres and spanning to 8 metres in height.

The function of the proposed building has influenced the scale and type of the building and it is considered that it is required for the long term agricultural requirements of the site. In addition, the building is not considered to be out of keeping in scale in comparison to the adjacent modern agricultural barn and other farm buildings which currently exist on site.

The design and appearance of the farm building uses proportions and finishes which are considered common in the construction of modern farm buildings in agricultural settings and are also common to the adjacent agricultural building on site.

In summary, by reason of siting, scale and design the proposed building is considered in keeping with the character and appearance of a farm. The scheme is therefore considered to be in accordance criteria a) of Saved Policy BE1 and the Council's SPG on Design of Farm Buildings.

### Impact upon the Setting of the Listed Building

In terms of impact upon the setting of the Listed Building, paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In addition, Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by the proposal and take this into account when considering the impact of a proposal on a heritage asset. Paragraph 137 states that proposals that preserve elements of the setting that a make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Saved Policy BE5 states that the setting of Listed Buildings will be preserved and enhanced by appropriate control through the design or new development in the vicinity, having regard to the scale, form, siting of the proposal. This policy is considered to have consistency with the NPPF

Tithe Barn is a Grade II\* Listed Building and therefore is considered to be an important heritage asset. The height of the proposed building is no greater than the adjacent building or Tithe Barn and as such the roof of Tithe Barn would remain the tallest building on site. As such it is considered that Tithe Barn remains prominent within the setting and the proposed building would not detract from it. By virtue of the new buildings position on the northern elevation of the adjacent building it is not considered that the setting of Tithe Barn would be significantly impacted upon as a result of this proposal. The materials and colour finishes have been specifically chosen to reflect those within the adjacent building, which were recommended by English Heritage within the 2009 application.

Consideration has been given to the significant of the heritage assets on site and it is concluded that there would not be any detrimental impacts from this proposal on the asset and the proposed building is considered to preserve the elements of the setting in accordance with the intentions of the NPPF.

In summary, by reason of siting, scale and design the proposed building is not considered to detract from the setting of the Listed Building in accordance with the overarching intentions of the NPPF and Saved Policy BE5 of the Local Plan.

#### Impact upon Residential Amenity

The site is located within a remote location and there are no residential dwellings within the immediate surrounding area that would be impacted upon as a result of the proposal.

#### Highways Considerations

There are no proposed changes to the access and no additional traffic would be created over and above that of the existing.

#### Conclusion

In conclusion, the NPPF supports the development and diversification of agricultural and other land-based businesses. It is considered that the principle of an agricultural farm building in this location is considered acceptable in line with NE5 and the applicant has demonstrated that there is a need for a modern agricultural building on site in the interests of modern day farming methods. It is considered that the building will strengthen the viability of the agricultural holding and consequently contribute to the rural economy. The proposed building is no larger in scale than the building from which it will project and it is located adjacent to and in close proximity to other existing farm buildings on site. The siting of the building is not considered to encroach upon the countryside or be detrimental to the character and appearance of this countryside setting or the setting of Listed Buildings on site. Overall by virtue of the siting, scale, materials and finishes of the building, the scheme is considered to be in accordance with the principles of designing a new farm building as stated in the SPG on Design on Farm Buildings and Saved Local Plan Policies NE5, BE1 and BE5. Accordingly this application is recommended for approval, subject to the imposition of planning conditions.

**RECOMMENDATION:- Permit subject to no new significant material objections being received prior to the expiry of the consultation period on 19 April 2012 and 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 according to their degree of consistency with the National Planning Policy Framework, 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 principle of a new agricultural building is considered acceptable within this farm setting and there are no material impacts on either the character of the countryside, setting of the Listed Building, impact upon residential amenity or highway safety.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies BE1, BE5, NE5 and SPG on Design of Farm Buildings.

- 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 details: Location Plan P52.1/102; Block Plan P52.1/100; Block Plan P52.1/100A; Floor Plan P52.1/101; Elevation Details S823 received by the Local Planning Authority on 14 March 2012.
- 3 The materials used in the construction of agricultural building hereby approved shall be strictly in accordance with the details submitted in the application form.

**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 Policies BE1, BE5 and NE5 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 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 Surface water from roof areas should be discharged to a soakaway or natural watercourse. Vehicle access, parking and turning areas should be constructed in permeable paving - which could be hardcore blinded with millwaste or gravel.
- 6 The applicant will be responsible for ensure that footpath T13 is not affected by any operations associated with the development and that free access can be exercised safely by pedestrians at all times. In view of the close proximity of the proposed development to the footpath, particular attention should be given to ensuring that no materials are stored on the line of the right of way, no contractor's vehicles are parking along or across it and that a clear width of not less than 2.0 metres is available at all times.

Any damage that may be caused to the surface of the footpath while the development is being carried out will be the responsibility of the applicants to repair at their own expensive, to the satisfaction of the Highways Authority.

If it is necessary for any works to be carried out within the confines of the footpath, the County Council's consent to these should be obtained before they are commenced. The applicants should contact the Rights of Way Inspector for the area, Mr. A. Perry, who is based at the County Council's Area Highways Officer, Mountsorrel (Tel: 0116 303 0001).

No additional structures either of a temporary or a permanent nature should be placed across footpath T13, without the written consent of the Highway Authority having been obtained. Unless a structure has been authorised, it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to require its immediate removal.

**Contact Officer:-** Ebony Mattley Ext 5691

**Item:** 08

**Reference:** 11/00808/FUL

**Applicant:** Benchmark

**Location:** 5 Wharf Yard Hinckley

**Proposal:** DENTAL LABORATORY AND CLINIC WITH TWO OFFICE UNITS AND NINE APARTMENTS WITH VEHICULAR ACCESS AND PARKING

**Target Date:** 14 May 2012

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is anticipated that five or more objections will be generated.

## Application Proposal

Full planning permission is sought for the part demolition of three, single storey industrial units and the erection of nine apartments, two offices and a dental laboratory, clinic and office.

Members are advised that this application should be read in conjunction with application ref 11/00809/CON which seeks Conservation Area Consent for the part demolition of the existing industrial, dental laboratory and clinic buildings.

The application proposes a three and a half storey building consisting of two offices, undercroft car parking, clinic and laboratory at ground floor, with the dental offices and four apartments located at first floor. At second and third floor (roof space), an additional five apartments are proposed with lounge and kitchens at second floor, with bedrooms above within the roof space.

The scheme proposes 1, one bedroomed apartment, 7, two bedroomed apartments and 1, three bedroomed apartment.

The building proposes to use materials to match the adjacent residential premises. The scheme proposes two areas of planting and an amenity grass area. The applicant has confirmed that a management company will maintain all of the shared areas. The scheme also proposes car parking spaces and cycle storage.

## The Site and Surrounding Area

The site is accessed from the Coventry Road between the Port House and the Wharf Inn Public House. The scheme proposes brick pillars and a bin store to the driveway accessed from Coventry Road.

The access through the site to Hinckley Wharf is currently occupied by a gated entrance and the scheme proposes to relocate this access by approximately 0.7-0.9 metres with new brick pillars, and re-hanging the existing gates. A plaque is also proposed to be displayed within the brick pillar to illustrate the clubs associated with Hinckley Wharf.

Three single storey industrial units currently accommodate the site, which are proposed to be predominantly demolished but the rear wall retained.

Land levels differ considerably; the access slopes down from Coventry Road, the site itself is predominantly flat, whilst the land to east of the site is approximately 2.5 metres higher, thus creating a three and half storey development to the front elevation and two and half storey development to the rear elevation.

The adjacent site to the north, referred to as 'Phase I' was subject to an application for six apartments which was approved in 2006 (06/00757/FUL) and has subsequently been implemented. To the east of the site is a commercial yard, and parking and garaging area for a detached bungalow at 314b Coventry Road located to the south east. To the south of the site the access continues to the branch of the canal.

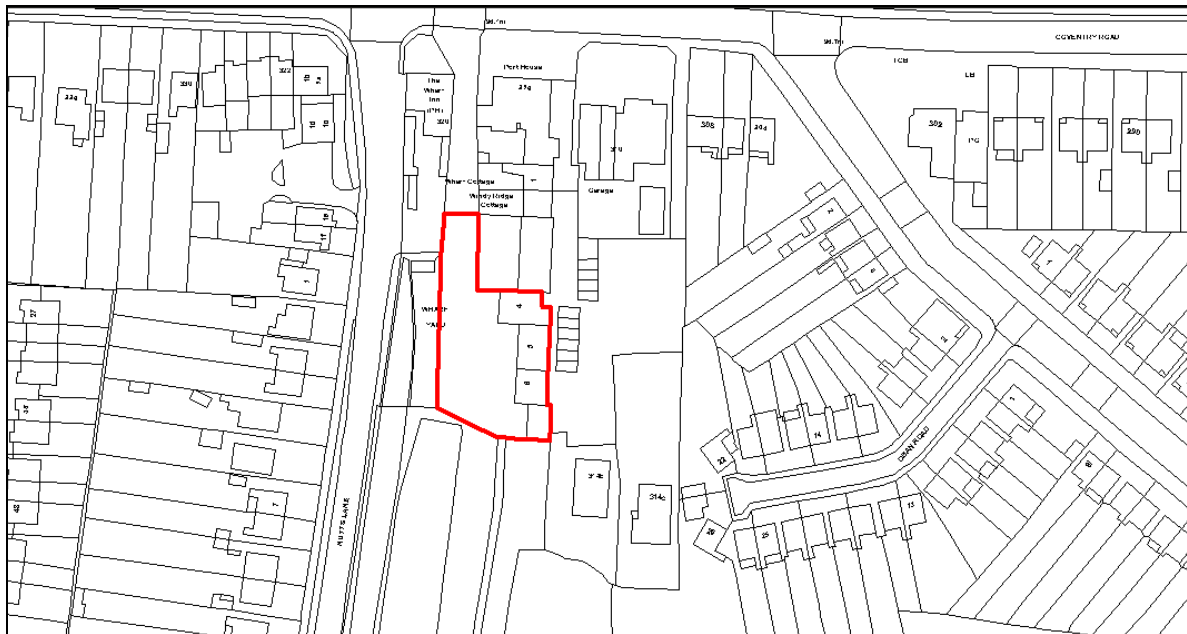
The site is located within the settlement boundary of Hinckley and within the Ashby de la Zouch Canal Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan.

Technical Documents submitted with application

Design and Access Statement  
Heritage Statement  
Biodiversity Report

**Relevant Planning History:-**

11/00809/CON	Part demolition of existing buildings to facilitate development	Pending	
11/00237/BOC	Enforcement Enquiry	Pending this decision	
08/00136/FUL	Dental laboratory and clinic with 2 no. office units and 9.no apartments with vehicular access and parking	Approved	11.04.08
08/00148/COU	Temporary dental clinic	Approved	11.04.08
06/00757/FUL	Demolition of existing workshop and offices and erection of 6 residential units	Approved	06.09.06



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**Consultations:-**

No objection has been received from Ashby Canal Association.

No objection subject to conditions have been received from:-

Severn Trent Water Limited  
Directorate of Chief Executive, LCC (Ecology)  
Director of Environment and Transport (Highways)  
Directorate of Chief Executive (Archaeology)  
Head of Community Services (Land Drainage)  
Head of Community Services (Pollution)  
Head of Business Development and Street Scene Services (Waste Minimisation).

The Inland Waterways Association supports the this development, however considered that the disabled car parking space and cycle storage area reduce the limited landscaping proposed to the detriment of the Canal Conservation Area, and suggests that the disabled parking space in particular be relocated so as to retain an open landscaped area adjacent to the canal boundary. Therefore, whilst supporting the previous plans the Inland Waterways Association objects to these amendments.

British Waterways does not wish to formally comment on this application.

Site notice and Press notice were displayed and neighbours notified.

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

- a) The proposal encroaches upon a legal right of access
- b) The access is inadequate for emergency vehicles
- c) The surface water drainage is inadequate and will lead to surface water flooding
- d) There is no surface water discharge point
- e) The roof water drainage is inadequate and will lead to flooding
- f) The proposals involve changes to private property for which there is no consent
- g) There are subsidence problems and the east facing retaining wall will be removed and could collapse.

The consultation period remains open at the time of writing and closes on 26 April 2012. Any further consultation response received before the closing date will be reported and appraised as a late item.

### **Development Plan Policies:-**

#### National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012  
The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation

#### Regional Policy Guidance East Midlands Regional Plan 2009

Policy 2: Promoting Better Design  
Policy 3: Distribution of New Development

#### Local Development Framework Core Strategy 2009

Policy 1: Development in Hinckley  
Policy 19: Green Space and Play Provision  
Policy 24: Sustainable Design and Technology



## Hinckley and Bosworth Local Plan 2001

Policy EMP4: Employment Development on Sites other than those Allocated for Employment Uses

Policy RES5: Residential Proposals on Unallocated Sites

Policy BE1: Design and Siting of Development

Policy BE7: Development in Conservation Areas

Policy REC6: Ashby Canal Corridor

Policy T5: Highway Design and Vehicle Parking Standards

Policy NE12: Landscaping Schemes

Policy NE14: Protection of Surface Waters and Groundwater Quality

Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities

Policy REC3: New Residential Development - Outdoor Play Space for Children

## Supplementary Planning Guidance/Documents

Supplementary Planning Guidance (SPG): New Residential Development

Supplementary Planning Document (SPD): Play and Open Space

Supplementary Planning Document (SPD): Sustainable Design

## Other Material Policy Guidance

The Ashby Canal Conservation Area Appraisal

### **Appraisal:-**

The main considerations with regards to this application are the principle of development, siting and layout, impact upon the character and appearance of the Conservation Area, impact upon residential amenity, highway considerations and other matters.

### Principle of Development

The scheme comprises three predominant uses:- residential, office and dental laboratory/clinic on an existing Brownfield industrial site.

In respect of the offices, dental laboratory and clinic, Policy EMP4 is supportive of small scale employment uses within settlement boundaries, providing that the proposed development would not:-

- a) be detrimental to the amenities of adjoining residents
- b) detract from the character and appearance of the environment
- c) generate traffic on a scale which would be detrimental to the amenities of any adjoining residents
- d) fail to meet appropriate design, layout, highways and parking standards
- e) generate traffic likely to exceed the capacity of the highway network or impair road safety.

It is considered that the proposal by virtue of it being partially for commercial purposes is economic development and will therefore benefit the wider economy of the immediate area and the borough and is consistent with the overarching intentions of the NPPF. The site is also considered to be located within a sustainable location with good transport connections and therefore the proposal as a whole, notwithstanding the other planning issues, is a form of sustainable economic development in accordance with the principles of the NPPF.

In respect of the residential element Policy RES5 - Residential Proposals on Unallocated Sites has limited weight in respect of its consideration against the NPPF. The NPPF

encourages the use of Brownfield land and developments of high quality design, whereas the local plan encourages sites within settlement boundaries and suggests that in terms of design, proposals should be compliant with Policy BE1 of the Local Plan. Accordingly, Policy RES5 has limited weight in this instance.

Following the grant of a temporary consent (ref: 08/00148/COU) the dental clinic element exists on site. This consent expired on the 30 June 2011. In addition, the principle of the residential, office and dental laboratory and clinic mix was established by the earlier grant of planning permission (ref: 08/00136/FUL), which expired on 11 April 2011.

In summary, there is therefore no 'in principle' objection to the mixed use development on this Brownfield site within the settlement boundary, and for the reasons discussed in this report, it is not considered that there are any issues which would suggest that the scheme would be contrary to the NPPF and local development plan policies.

#### Siting and Design and Impact Upon the Character and Appearance of the Conservation Area

The site lies adjacent to the Ashby-de-la-Zouch canal, which is a designated Conservation Area. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area.

Both Policies BE7 Development in Conservation Areas and REC6 Ashby Canal Corridor are considered consistent with the NPPF and as such these policies remain relevant considerations in the determination of this application. In addition, Criteria a) – i) of Policy BE1 - Design and Siting of Development are consistent with the NPPF and as such should be given weight in consideration of this application.

The accompanying Design and Access Statements states that the main issues in arriving at the design for this proposed development were to ensure sympathetic integration into the Conservation Area while, at the same time, meeting planning policies for employment and housing and considering the wider picture, particularly views from the south along the north/south access of the arm of the Wharf towards the site, and the associated environmental improvement, which would result from the development of the south end of Wharf Yard within the Applicant's control. Additionally the accompanying Heritage Statement details the surrounding development and states that the form of the development has taken shape as a result of the discussions and consultation for Phase I of the development.

The scheme is to be sited in a linear design projecting from the southern elevation of 'Phase I'. The ridge height steps down from the adjacent development reflecting the fall in ground level. It is considered that both the siting and proportions of this development reflect that of the existing form of development.

The design includes features that reflect a historic wharf side warehouse by incorporating gables and large arched features, three of the arched features include glazing which gives the appearance of a modern conversion. A similar design approach was approved on the adjacent development.

The siting, scale and design is considered to reflect the adjacent development while also reflecting the change in levels between the two sites. The proposal is a modern design incorporating features of a historic development and is considered to be a suitable design approach in this setting.

The design of the buildings, combined with the surfacing and landscaping are considered to result in an improvement to the current appearance of the area. The proposal is therefore considered to enhance this part of the Conservation Area, which currently accommodates

single storey industrial buildings of little or no architectural merit, which is a factor that must be taken account of inline with paragraph 131 of the NPPF.

In response to the concern expressed by the Inland Waterways Association in respect of the relocation of the disabled car parking space, it is not considered that in comparison to the current siting and nature of the car parking space there is any significant detriment to the setting of the Ashby Canal Conservation Area.

In summary, the proposed development accords with the general siting and scale of existing development within the vicinity, ensuring that the development appears in keeping with the scale and character of the existing area and overall is considered to enhance the Ashby de la Zouch Canal Conservation Area. Accordingly the scheme is considered to be in accordance with the overarching intentions of the NPPF and Saved Policies BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.

#### Impact upon Residential Amenity

The residential dwelling most immediately impacted upon as a result of the proposal would be No. 314b Coventry Road located to the south east of the application site.

Due to the difference in land levels and siting of the neighbouring dwelling, it is sited approximately 2.5 metres higher than the ground level on the application site. For this reason it is not considered that the proposed development would have a significant detrimental impact upon the neighbouring dwelling.

There are ground, first floor and velux window units proposed in the rear, eastern elevation which would overlook the adjacent car parking and garaging area but not any habitable windows of the neighbouring dwelling. Some lower panes of obscure glazing have been proposed in both the most southerly point within the rear elevation and the end, south elevation facing the canal to prevent overlooking. In addition, obscure glazing is proposed in the northern end elevation. Conditions are suggested to secure this.

The four windows proposed in the rear, eastern elevation are to be fitted in obscure glass and be non opening. Again this will be secured by the imposition of a planning condition. There are to be no other restrictions on the remainder of the windows within the rear elevation as there is no planning related reason to do so.

In response to the letter of objection regarding trespassing and the existing party wall agreement this is a neighbour dispute and therefore are not relevant considerations in relation to a planning application.

In summary, the proposal is considered to have minimal impacts upon the amenity of neighbouring residents. As such the scheme is considered to be in accordance with Saved Policy BE1 of the Local Plan.

#### Highway Considerations

The application proposes to use the existing access to the site and maintain an access to the Hinckley Wharf beyond the site to the south. The scheme does not propose bollards, gates or a chain to prevent access to the north of the site and the gated entrance is to be re-positioned to the west by between 0.7-0.9 metres and the gates re-hung to the south of the site. It is therefore considered that there are no obstructions to entry; however it must be noted that access rights are private matters and are not a material planning consideration.

The Inland Waterways Association supports this development, however considers that the disabled car parking space and cycle storage area reduces the limited landscaping proposed to the detriment of the Canal Conservation Area, and suggests that the disabled parking space in particular be relocated so as to retain an open landscaped area adjacent to the canal boundary. Therefore, whilst supporting the previous plans the Inland Waterways Association objects to these amendments. The disabled car parking, cycle storage and scheme have been requested by the Director of Highways, Transportation and Waste Management (Highways) and it is not considered that they could be re-located as the scheme has been carefully thought out in order to incorporate these requirements.

In response to the representations regarding the inadequacy of the access for emergency vehicles, the scheme including the measurements of the access drive, turning and parking has been considered by the Director of Highways, Transportation and Waste Management (Highways) who raise no objections, subject to the imposition of planning conditions.

In summary, it is not considered that there would be any significant impacts upon highways safety. There is considered to be no conflict between the NPPF and Policy T5. Accordingly the development accords with Saved Policy T5 of the Local Plan and the overarching intentions of the NPPF.

#### Other Matters

##### Ecology

A Biodiversity Survey confirms that there are no significant wildlife habitats or features and that the proposed development will not have any impact on wildlife and biodiversity. The Directorate of Chief Executive, (Ecology) has no concerns with the application but insists that no run off from the application site either during or after construction is allowed to enter the nearby canal and that any proposed lighting on site must be designed in such a way that light does not spill on to the canal or hedgerow. A watching brief is recommended.

A condition is suggested to secure the full details of the lighting scheme and a note to application added to ensure a watching brief is maintained.

##### Archaeology

The scheme has been considered by the Director of Chief Executive (Archaeology) who has no concerns from an archaeological perspective and the buildings to be demolished appear to be modern so as such states that there is no need for any archaeological work in this case.

##### Drainage

The scheme has been considered by Severn Trent and the Head of Community Services (Land Drainage) and neither objects to the scheme, subject to the imposition of planning conditions. Policy NE14 is consistent with the intentions of the NPPF and the scheme is considered to be in compliance with both.

##### Sustainability

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. This will be secured through the imposition of a planning condition.

### Waste Minimisation

The scheme has been considered by the Head of Business Development and Street Scene Services (Waste Minimisation) who is satisfied with the positioning of the domestic bin store proposed on site. The Head of Business Development and Street Scene Services (Waste Minimisation) has previously recommended that commercial bins were kept completely separate from the domestic. The plans show the location of the commercial bin to the side of the building, separate from the domestic storage.

### Financial Contributions

Policy IMP1 - Contributions Towards the Provision of Infrastructure and Facilities this policy is consistent with the intentions of the NPPF and Policy REC3 - New Residential Development - Outdoor Play Space for Children is in conformity with the intentions of the NPPF. Therefore the NPPF is considered to have no impact on the application in this respect.

A net gain in residential units requires financial contributions towards play and open space as set out in Policy REC3 of the Local Plan. However, in this instance, there is no informal public open space within 400 metres of the site and as such a contribution cannot be requested under the terms of the policy.

### Conclusion

In conclusion, the proposed scheme would be located within the settlement boundary of Hinckley which is considered to be a sustainable location, is on an existing brownfield site and is of a high quality design, consistent with the overarching intentions of the NPPF.

The site also affords the benefit of consent for the same scheme in 2008, and whilst that consent subsequently lapsed on 11 April 2011, it is considered to be a material consideration in the determination of this application.

The development would not give rise to any significant material impacts upon the occupiers of the neighbouring dwellings, highway safety, protected species or flooding and is considered to enhance the character of the Ashby de la Zouch Canal Conservation Area. There are no other material impacts which have been identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

**RECOMMENDATION :- Permit subject to no new significant material objections being received prior to the expiry of the consultation period on 26 April 2012 and 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 according to their degree of consistency with the National Planning Policy Framework, 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 is considered characteristic of the surrounding area and would not be detrimental to visual amenity, residential amenity, highway safety, protected species or flooding and is considered to enhance the character of the Ashby de la Zouch Canal Conservation Area.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policies 1, 19 and 24.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies EMP4, RES5, BE1, BE7, NE12, NE14, REC6 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 following details: Site Location & Block Plans Drawing No. 3929/01; Site Layout Plan Drawing No. 001 B; General Arrangement Drawing No. 3929/03 rev. L; End Elevation Drawing No. 003 A; Planting Scheme Drawing No. 002; Cross Section Through Site Drawing No. 3634/05; plan showing the location of the commercial bin received by the Local Planning Authority on 19 March 2012.
- 3 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed 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 No development shall commence until full details of the window and door styles, reveals, cills, header treatments and materials of construction are first submitted to and approved in writing by the Local Planning Authority, the works shall then be implemented in accordance with the approved details.
- 5 No development shall commence until full details of the eaves and verge treatment, guttering and down pipe (including materials and method of fixing) are first submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details.
- 6 Notwithstanding the submitted plans no development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
  - a) Means of enclosure and boundary treatments
  - b) Hard surfacing materials
  - c) External Lighting including bollard lighting
  - d) Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate.
  - e) Written Specifications
  - f) Implementation programme
- 7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 8 No development shall commence until the proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

- 9 The lower panes within the first and second floor windows in the southern elevation, as indicated on Drawing No. 3929/03 rev L shall be fitted with obscure glazing and the window shall be top opening only, fitted prior to the first occupation and use of the units hereby approved and shall be retained as such at all times thereafter;

The obscurely glazed first and second floor windows, within the eastern elevation, as indicated on Drawing No. 3929/03 rev L shall be fitted with obscure glazing and shall be non opening, fitted prior to the first occupation and use of the units hereby approved and shall be retained as such at all times thereafter;

The obscurely glazed first floor window in the northern elevation, as indicated on drawing no. 003 rev A shall be fitted with obscure glazing and shall be top opening only, fitted prior to the first occupation of the use of the residential units hereby approved and shall be retained as such at all times thereafter;

The obscurely glazed second floor window in the northern elevation, as indicated on drawing no. 003 rev A shall be fitted with obscure glazing and shall be non opening, fitted prior to the first occupation of the use of the residential units hereby approved and shall be retained as such at all times thereafter.

- 10 No development shall commence unless and until a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the residential units hereby approved can be constructed to a minimum of Code Level 3 has been provided to the Local Planning Authority. In addition, prior to the first occupation of the residential units 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.
- 11 No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. Prior to first use and occupation of the buildings hereby approved, the scheme shall be implemented in accordance with the approved details.
- 12 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 to E inclusive shall not be carried out on the residential units unless planning permission for such development has first been granted by the Local Planning Authority.
- 13 Notwithstanding details shown on the permitted plans, before the first use and occupation of the buildings hereby approved, details of secure cycle parking provision shall first be submitted to and agreed in writing with the Local Planning Authority and provided prior to the first occupation of the residential units hereby approved, and shall be maintained that way thereafter.
- 14 Before first use and occupation of the buildings hereby approved, the driveway and areas to be used by vehicles as shown as 'rough tarmac' on drawing no. 001B shall be surfaced with tarmacadam, concrete or similar hard bound material (as agreed by condition 6) and shall be maintained that way thereafter.
- 15 The garage(s)/carport to be provided, shall remain available for car parking thereafter.

### **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.
- 3-5 To ensure that the development has a satisfactory external appearance to accord with Policies BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.
- 6 To enhance the appearance of the development to accord with Policy NE12 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure the development is compatible with the character and appearance of the existing streetscene, in accordance with the requirements of Policies BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property, to accord with Policy BE1 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.
- 11 To ensure that the development provides a satisfactory means of drainage to reduce the risk of creating, or exacerbating any existing, flooding problem and to minimise the risk of pollution in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 12 To ensure that existing standards or privacy and visual amenity are maintained in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 13 In the interests of the sustainability of the development and to encourage alternative transport choice in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 14 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 15 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

### **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 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.
- 7 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 more recently developed, 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.

If soakaway disposal is found to be impracticable the applicant should investigate the possibility of discharging clean surface water (or overflow surplus from the rainwater harvesting tank) to the canal basin, by negotiation with British Waterways.

Access roads, parking and turning areas, paths and outdoor assembly areas should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet - in this case the canal basin, subject to British Waterways' agreement.

- 8 Should permission be granted, you are reminded to comply with the conditions of application reference: 11/00809/CON.

**Contact Officer:-** Ebony Mattley Ext 5691

**Item:** 09  
**Reference:** 11/00809/CON  
**Applicant:** Benchmark  
**Location:** 5 Wharf Yard Hinckley  
**Proposal:** PART DEMOLITION OF EXISTING BUILDINGS TO FACILITATE DEVELOPMENT  
**Target Date:** 14 May 2012

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is anticipated that five or more objections will be generated.

Application Proposal

This application seeks Conservation Area Consent for the part demolition of 3 no. existing single storey industrial units.

Three single storey industrial units currently located on the site, include Unit 4, which is a dental clinic that received temporary consent (ref: 08/00148/COU) which expired on the 30 June 2011, and Units 5 and 6, which are currently unused.

Members are advised that this application should be read in conjunction with planning application (ref: 11/00808/FUL) which proposes the erection of 9 no. apartments, 2 no. office units, dental laboratory and clinic with associated vehicular access and parking. As such the buildings are proposed to be demolished to allow for proposed re-development on site, with the eastern wall to be retained.

The Site and Surrounding Area

Land levels differ considerably on site and within the surrounding area, the access slopes down from Coventry Road, the site itself is predominantly flat, whilst the land to the east of the site is approximately 2.5 metres higher. The adjacent site to the north, referred to as 'Phase I' was subject to an application for 6 apartments which was approved in 2006 (06/00757/FUL) and subsequently implemented. To the east of the site is a commercial yard with associated parking and to the south east a garaging area for a detached bungalow at 314b Coventry Road. To the south of the site the access continues to the branch of the canal.

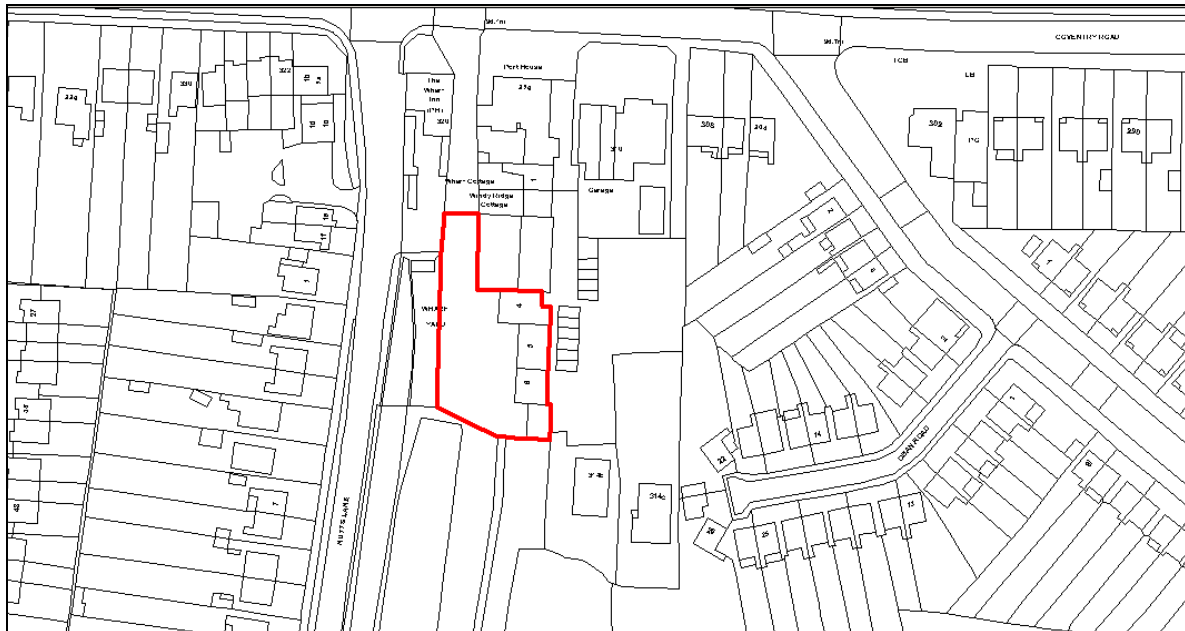
The site is located within the settlement boundary of Hinckley and within the Ashby de la Zouch Canal Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan.

Technical Documents submitted with application

The application is accompanied by a Heritage Statement which details the surrounding development and states that the form of the development has taken shape as a result of the discussions and consultation for Phase I of the development.

**Relevant Planning History:-**

11/00808/FUL	Dental laboratory and clinic with two office units and nine apartments with vehicular access and parking	Pending	
11/00237/BOC	Enforcement Enquiry	Pending this decision	
08/00136/FUL	Dental laboratory and clinic with 2 no. office units and 9.no apartments with vehicular access and parking	Approved	11.04.08
08/00148/COU	Temporary dental clinic	Approved	11.04.08
06/00757/FUL	Demolition of existing workshop and offices and erection of 6 residential units	Approved	06.09.06



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**Consultations:-**

No objection has been received from Ashby Canal Association.

No objection subject to conditions have been received from:-

- Directorate of Chief Executive (Archaeology)
- Head of Community Services (Land Drainage)
- Head of Community Services (Pollution).

The Inland Waterways Association supports the this development, however considered that the disabled car parking space and cycle storage area reduce the limited landscaping proposed to the detriment of the Canal Conservation Area, and suggests that the disabled parking space in particular be relocated so as to retain an open landscaped area adjacent to

the canal boundary. Therefore, whilst supporting the previous plans the Inland Waterways Association objects to these amendments.

British Waterways does not wish to formally comment on this application.

Site notice and Press notice were displayed and neighbours notified.

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

- a) the proposal encroaches upon a legal right of access
- b) the access is inadequate for emergency vehicles
- c) the surface water drainage is inadequate and will lead to surface water flooding
- d) there is no surface water discharge point
- e) the roof water drainage is inadequate and will lead to flooding
- f) the proposals involve changes to private property for which there is no consent
- g) there are subsidence problems and the east facing retaining wall will be removed and could collapse.

The consultation period remains open at the time of writing and closes on 26 April 2012. Any further consultation response received before the closing date will be reported and appraised as a late item.

#### **Development Plan Policies:-**

##### National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

##### Regional Policy Guidance: East Midlands Regional Plan 2009

None relevant.

##### Local Development Framework Core Strategy 2009

None relevant.

##### Hinckley and Bosworth Local Plan 2001

Policy BE8: Demolition in Conservation Areas

##### Other Material Policy Guidance

The Ashby Canal Conservation Area Appraisal

#### **Appraisal:-**

The main consideration in the determination of this application is the impact of the demolition of the building upon the character and appearance of the Conservation Area.

##### Impact upon the Character and Appearance of the Conservation Area

The proposed development involves the part demolition of existing single storey industrial buildings. The wall to be retained is the eastern wall bordering the commercial yard and parking and garaging area for a detached bungalow at 314b Coventry Road.

Policy BE8 Demolition in Conservation Areas must be considered against the NPPF and weight attributed to the policy according to its consistency with it. The policy is considered to be both consistent with both the overarching intention of the NPPF and statutory requirements within Section 72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 to preserve or enhance the character or appearance of that area.

The buildings currently fall under Use Class B1 and with a lapsed temporary consent for a dental clinic. All three units are single storey modern brick with slate roofs which are not considered to make a significant positive contribution to the immediate street scene, the wider area or the character and appearance of the Conservation Area to deem it worthy of retention. It is considered that the units currently detract from the character and appearance of the Conservation Area, and as such there is no in principle objection to their removal.

It should be noted a development is proposed and being assessed under planning application ref: 11/00808/FUL. It is considered that the development put forward under planning application 11/00808/FUL proposes a scheme which will enhance the character and appearance of the Ashby de la Zouch Canal Conservation Area. It is considered that following the removal of the buildings, this will allow for an additional scheme which is considered to be of a wider benefit and will make a positive contribution to the historic environment, in line with the intentions of the NPPF.

Due to the siting of the development within the Conservation Area, it is considered necessary to prevent the demolition until immediately prior to redevelopment, to ensure that the clearance following a demolition does not have a negative impact on the Conservation Area. It is therefore necessary to impose a planning condition to secure this.

The neighbouring letters of objections relate to and are therefore appraised within application 11/00808/FUL.

### Conclusion

In conclusion, the proposed demolition involves the removal of three industrial units which are considered detrimental to the character and appearance of the Ashby de la Zouch Canal Conservation Area. A comprehensive replacement scheme is currently under consideration and is considered to enhance the character and appearance of the Conservation Area in line with the guidance within the NPPF.

The impact of demolition upon the Conservation Area and the potential for construction to follow within a reasonable timeframe can be controlled by an appropriate condition so that the cleared site does not blight the Conservation Area longer than necessary.

Accordingly it is recommended that Conservation Area Consent is granted, subject to the imposition of planning conditions.

**RECOMMENDATION:- To grant conservation area consent for the demolition, subject to new significant material objections being received prior to the expiry of the consultation period on 26 April 2012 and 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 according to their degree of consistency with the National Planning Policy Framework, 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 is considered that the

demolition of the industrial units would not be detrimental to the character and appearance of the Conservation Area and there is a suitable replacement scheme proposed.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policy BE8.

- 1 No demolition hereby permitted shall be undertaken unless and until full planning permission has been obtained for the redevelopment of the site and a binding contract for carrying out of the works of re-development of the site in accordance with that planning permission has been entered into.
- 2 No development shall take place until a timetable for the scheduling of demolition and construction works has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed timetable of works.
- 3 The demolition hereby permitted shall not be carried out otherwise than in complete accordance with the details: Site Location & Block Plans Drawing No. 3929/01 and (existing) Elevations Drawing No. 3442/03 rev. H received by the Local Planning Authority on 19 March 2012.

**Reasons :-**

- 1&2 To protect the character and appearance of the conservation area in the interests of visual amenity to accord with Policy BE8 of the adopted Hinckley and 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 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 Should permission be granted, you are reminded to comply with the conditions of application reference: 11/00808/FUL.

**Contact Officer:-** Ebony Mattley Ext 5691

**Item:** 10

**Reference:** 12/00167/FUL

**Applicant:** Mr & Mrs J Hitchcock

**Location:** Land Between 3 And 15 Shenton Lane Market Bosworth

**Proposal:** ERECTION OF DWELLING WITH DETACHED GARAGE AND FORMATION OF ASSOCIATED VEHICULAR ACCESS

**Target Date:** 15 May 2012

### **Introduction:-**

This application comprises the resubmission of a similar scheme which was subsequently refused planning permission on highway grounds and a lack of financial contribution towards the provision of Play and Open space infrastructure. This application received more than five letters of neighbour representation, most of which raised highway concerns. An appeal was then submitted, which was subsequently dismissed on the same grounds as the refused application. The current scheme has been submitted to overcome the previous reasons for refusal and those raised within the appeal. Accordingly, as the two schemes are fundamentally the same, and by virtue of the nature of the previous neighbour representations received, this scheme is considered likely to raise local controversial issues.

### **Application Proposal**

This application seeks full planning permission for the erection of a detached dwelling and garage together with the formation of a new access and drive off Shenton Lane in Market Bosworth. The proposed dwelling has the appearance of a two-storey detached property but the plans include the formation of basement accommodation for use as a family room, gym and cinema room. The garage is proposed to the side of the dwelling and consists of a double bay garage measuring 5.7 metre x 5.5 metre with a ridge height of 4.4 metre. The proposed materials of construction for the garage are brick with a pantile roof and timber doors.

The dwelling proposed comprises a 7.1 metre high pitched roof property with a pitched roof timber framed canopy to the front door. Two dormer windows are proposed within the front roof slope together with a small roof light. To the rear roof slope is a further roof light and dormer window together with a pitched roof gable. This projects 3.5 metres from the property. A dormer window is also proposed in the roof slope of the projecting gable. This will face in a northerly direction. The materials of construction for the proposed dwelling are brick work to the ground floor, oak frames and render to the upper floor, and a pantile roof. An enclosed garden is proposed to the rear.

The ground level across the width of the site has been reduced by approximately 1 metre.

For information, this application is a resubmission of application 11/00228/FUL which was refused on highway grounds and lack of Play and Open Space contribution and was subsequently dismissed at appeal on highway grounds. Specifically, the highway issues raised were as follow:-

- The parked cars along the eastern side of Shenton Lane would obscure proposed visibility splays in each direction.
- In accordance with the Manual for Streets, within areas with a 30 mph limit, in each direction there should be visibility of 43 metres, measured from 2.4 metres back. Whilst there may be a possibility to increase visibility to the south-west, visibility to the critical north-east direction towards the junction can not be increased due to the closeness of the proposed access to the sites boundary with the adjacent property, number 3.
- The available visibility in the north eastern direction is so limited that it was considered that vehicles emerging from the site would cause a danger to highway safety.
- There was inadequate off road parking and turning space provided which may result in vehicles reversing onto the highway.

This scheme differs from the previously submitted scheme in that a turning space has been added and the footprint and ridge height of the garage have also been reduced.

### The Site and Surrounding Area

The site is a vacant piece of overgrown garden land situated to the south of Market Bosworth Market Place, within the Conservation Area. The ground level is approximately 1 metre higher than the highway to the North West known as Shenton Lane. There are a number of existing trees on the site, most of which are situated along the boundaries, and one horse chestnut sited centrally within the site. There is a 1.8 metre hedge to the highway boundary, a 1.8 metre close boarded fence to the eastern and northern boundaries and a 1.5 metre fence to the southern boundary. There is an existing gated pedestrian access to the site from Shenton Lane to the western boundary.

To the north of the site is a large detached bungalow constructed from red brick and dark tile and immediately to the south is a large detached two storey dwelling which is part brick and render and has been extended with a two-storey side extension in recent years.

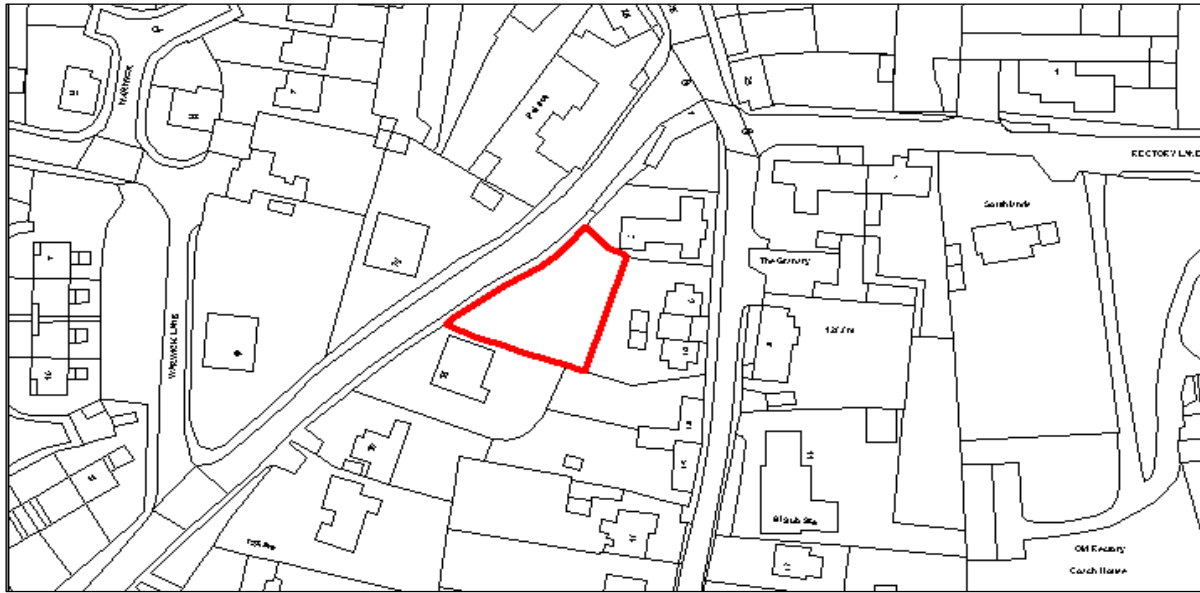
### Technical Documents submitted with application

Design and Access Statement

### **Relevant Planning History:-**

11/00228/FUL	Erection of one dwelling, detached Garage and formation of access	Refused Appeal Dismissed	25.05.11
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**Consultations:-**

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

No objection subject to Notes to Applicant have been received from Head of Community Services (Drainage).

The Director of Environment and Transport (Highways) has objected to the proposed development on the grounds that the proposed access is unsafe in that visibility, both pedestrian and vehicular, is restricted by the existing on street parking and that there is inadequate off road parking, which would result in additional on street parking on this already congested stretch of Shenton Lane.

A Site notice was displayed and neighbours notified.

Two letters of objection have been received to the original proposals raising the following issues:-

- a) overbearing impact on surrounding properties, exacerbated by the difference in ground levels
- b) the ridge height of the garage is too high and its design will overshadow the adjacent property
- c) loss of parking spaces on Shenton Lane
- d) Highway, specifically access visibility and parking concerns
- e) inaccuracies within the Design and Access Statement in reference to the size of surrounding dwellings.

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

Market Bosworth Parish Council  
 Market Bosworth Society  
 The Borough Council's Arboriculturalist Consultant.

The consultation period remains open at the time of writing and closes on 26 April 2011. Any further consultation response received before the closing date will be reported and appraised as a late item.

### **Development Plan Policies:-**

#### National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

#### Regional Policy Guidance: East Midlands Regional Plan 2009

Policy 2: Promoting Better Design  
Policy 3: Distribution of New Development

#### Local Development Framework Core Strategy 2009

Policy 11: Key Rural Centres Stand Alone  
Policy 24: Sustainable Design and Technology

#### Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development  
Policy BE7: Development in Conservation Areas  
Policy T5: Highways and Parking Standards  
Policy REC3: New Residential Development - Outdoor Play Space for Children  
Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities  
Policy RES5: Residential Proposals on Unallocated Sites  
Policy NE14: Protection of Surface Waters and Groundwater Quality

#### Supplementary Planning Guidance/Documents

Supplementary Planning Guidance: 'New Residential Development'.

#### Other Material Policy Guidance

Market Bosworth Conservation Area Appraisal

### **Appraisal:-**

For clarification, it was considered within the appeal that in principle the development was acceptable, the Design, siting and impacts on the Conservation Area were acceptable, there were no detrimental impacts on the amenity of surrounding residential properties, nor were there any adverse impacts on trees. The two issues under consideration related to highways and the lack of Play and Open Space contribution.

The main considerations in the determination of this application are the principle of development, impact on the character and appearance of the Conservation Area, layout and design; residential amenity; highway issues; and other matters.

#### Principle of Development

The site is located within the settlement boundary of Market Bosworth where there is a presumption in favour of residential development subject to all other planning matters being appropriately addressed.

Policy RES5 of the adopted Local Plan states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies. However, this policy can now be given only limited weight since the publication of the NPPF which provides a presumption in favour of sustainable development, due to the conflict between the two.

Policy BE1 of the adopted Local Plan is considered to be consistent with the NPPF and can therefore be given significant weight. This policy seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, design, materials and architectural features' with the intention of preventing development that is out of keeping with the character of the surrounding area.

#### Perseveration or enhancement of the character and appearance of the Conservation Area, Layout and Design

Policy BE1 requires development to complement or enhance the character of the surrounding area. Policy BE7 requires development to preserve and enhance the special character of conservation areas including buildings, related spaces and views into and out of the area. This local policy guidance is to be used to assess whether the development of this residential garden would cause harm to the local area in conformity with the NPPF.

The scale, massing and bulk of the dwelling is modest with a ridge height of 7.1 metres, a footprint of 66 square metres and it is set in from the southern boundary. The ridge height of the proposed dwelling is set at roughly 1.5 metres lower than the ridge of 15 Shenton Lane, and roughly 2 metres higher than 3 Shenton Lane, thereby providing a stepped appearance to the ridge heights between these adjacent properties. The dwelling is set back from the highway by 4 metres thereby reflecting the siting of dwellings on adjacent plots. The two storey element of the dwelling is set in from the southern boundary with 15 Shenton Lane by 6.2 metres. The proposed dwelling is sited approximately 15 metres from the northern boundary with 3 Shenton Lane. By virtue of its scale and siting, the proposed dwelling is considered to be in keeping with the existing pattern of development along Shenton Lane which is characterised by dwellings set back from the highway and the boundaries within large plots.

Although the dwelling has been set back from Shenton Lane, an enclosed rear garden in excess of 100 square metres is proposed. By setting the dwelling back from the highway it allows for a front garden to be provided which is reflective of adjacent properties. Therefore the proposed dwelling is not considered to constitute overdevelopment of the site and provides sufficient private amenity space in accordance with the SPG on New Residential Development.

The front elevation of the dwelling has a balanced appearance with a small dormer window set either side of the pitched oak framed porch. The oak frame detailing to the upper floor and windows provides visual interest to the design of the dwelling and reflects the brick and oak detailing to a number of dwellings located within the Market Bosworth Conservation Area. This detailing is continued along the side and rear elevations of the proposed dwelling. Within this application, the ridge height of the garage has also been considerably reduced resulting in this structure appearing subservient to the main dwelling within the street scene. As such it is considered the proposal will preserve the character of the conservation area and will be consistent with the intentions of paragraph 131 of the NPPF. This states that proposals within Conservation Areas should make a positive contribution towards the conservation of heritage assets and to the areas local character and distinctiveness

Based on the above appraisal, the design of the development is consistent with the principles of the NPPF, which states that developments shall add to the overall quality of the area, establish a strong sense of place, respond to local character and history, and reflect the identity of local surroundings and materials and area visually attractive as a result of good architecture and appropriate landscaping, further it is consistent with the intentions of criteria a – e of Policy BE1 of the adopted Local Plan.

In addition by virtue of its design, scale, massing, use of materials and detailing, the proposed development is considered to be in keeping with, and to preserve and enhance the character and appearance of the Conservation Area. Although the proposal also includes a basement, it appears as a two-storey dwelling and is not considered as incongruous within the Conservation Area.

### Residential Amenity

The SPG on New Residential Development states where a habitable room faces a similar window on a neighbouring dwelling, the Local Planning Authority will seek to achieve a distance between them of 25 metres. The separation distance between the bedroom window (bedroom 4) and the bedroom windows to 6-10 Sutton Lane to the rear, varies between 20.5 m and 22 m. However due to its orientation, the bedroom window to the proposed dwelling (bedroom 4) will face a south easterly direction and not directly towards the rear elevations of 6-10 Sutton Lane. Therefore the potential for overlooking between habitable room windows will be significantly reduced. If the dwelling had to be re-sited further forward to allow this 25 m separation distance to be achieved then this would result in the dwelling becoming out of keeping with the siting of adjacent properties, to the detriment of the street scene and character of the Conservation Area.

A minimum separation distance of 20 metres to the properties on Sutton Lane is not considered to result in a loss of light or to having an overbearing impact to the gardens and ground floor windows of these properties. Furthermore there are existing garages located to the rear of each of these three properties on Sutton Lane which already result in some overshadowing to the respective gardens and ground floor windows. Taking into account the difference in ground levels the ridge height of the proposed dwelling will be 1m higher than the ridge heights 6-10 Sutton Lane. However this is not considered to be detrimental to the residential amenity of these properties or to the character and appearance of these properties within the Conservation Area.

There are no windows proposed in the western elevations at upper floor level that would result in overlooking to the rear garden of 15 Shenton Lane. At its nearest point, the proposed dwelling will be sited 1.5 metres from the boundary with 15 Shenton Lane. At its nearest point, 15 Shenton Lane, in its extended form is located 1 metre from the same boundary. Therefore this distance from the boundary to the proposed dwelling is similar to that of 15 Shenton Lane.

The amendments made to the garage (in comparison with the earlier scheme) result in a ridge height which is roughly 2.5 metres below the ridge height of the proposed dwelling. The garage will also be roughly 1.4 metres below the ridge height of 6 Sutton Lane. Further, as the garage is sited 1.5 metres away from the rear boundary, it is closer to the proposed dwelling and impact upon the properties to the rear will be reduced. Accordingly, the proposed garage is not considered to result in any material impacts on the residential amenity of surrounding properties.

For the reasons outlined above, the proposal is considered to be consistent with criteria (i) of Policy BE1 of the Local Plan, which was also the view taken by the inspector on the previous appeal decision.

## Highway Issues

The Director of Environment and Transport (highways) has objected to the proposed development. It is stated that the current scheme is essentially the same as the previous scheme which was refused by HBBC on highway grounds and the resultant appeal to the Secretary of State, dismissed.

The Director of Environment and Transport (highways) have two main concerns; the first is that the on street parking on Shenton Lane is within the 10 metre visibility splays, which compromises the safety of the access to a detrimental level, and the second is that there is insufficient off road parking on site.

Whilst a double garage has been provided, this is too small and does not meet the standards set out in the 6Cs Design Guide and cannot therefore be counted towards the parking provision.

It is therefore considered that the proposal would seriously harm highway safety and interfere with the free flow of traffic along Shenton Lane due to the inadequate visibility splay distances, and if permitted would consequently result in an unacceptable form of development which could result in dangers to road users. Further the applicant has failed to demonstrate that an appropriate level of on-site car parking provision would be made, the lack of which could lead to vehicles overspilling onto Shenton Lane where on-street parking is already at a premium.

For clarification, following concerns raised by neighbours, the inspector at the previous appeal considered that there was no substantial or convincing evidence that the minor loss of any car parking spaces on the road as a result of the proposal would lead to an unacceptable parking situation in the town centre, which would in turn lead to a danger to highway safety.

The appeal concluded that the proposal would seriously harm highway safety and interfere with the free flow of traffic along Shenton Lane due to its inadequate visibility splay distances and the likelihood that some vehicles would reverse out of the driveway.

In relation to Highway issues, the NPPF states that safe and suitable access to a site should be achievable by all, and that to overcome highway issues improvements which can be undertaken within the transport network to limit the significant impacts of the development should be considered. It continues, that development should only be refused on transport grounds where residual cumulative impacts of development are severe. In this case the use of a TRO to remove the on-street parking has been explored. However this is unlikely to be supported by the various stakeholders and as a result there are no improvements that can be undertaken to overcome the issues meaning that for these reasons, the proposals cannot be supported from a highway point of view. Accordingly, as discussed above the impacts of the development in terms of highway safety are considered severe and thus the proposal is inconsistent with the intentions of the NPPF and Policy T5 of the Local Plan.

## Developer Contributions

Paragraph 204 of the NPPF confirms that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed. In such cases, and where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what is to be the balance of contributions made by developers and by the public sector infrastructure providers in its area supported.

The site is located within 400 metres of Market Bosworth Country Park and therefore the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Play and Open Space SPD.

Within the Green Space Strategy 2005-2010, Market Bosworth was found to have adequate provision for amenity green spaces to meet the needs of residents. The quality of Market Bosworth Country Park was also considered within the Quality and Accessibility Audit of 2007 which awarded it a score of 48.3%. The document makes recommendations as to what works are required to improve the quality of this space. This contribution will go towards improving the provision and maintenance of the existing children's play facilities. Given the low quality score it is considered a contribution is justified in this instance to mitigate any additional impact as a result of this development and prevent a deterioration in quality.

The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. In this instance a contribution of £1,250.80 is required with £817.80 towards the provision of equipment and facilities, and £433.00 towards maintenance on a 10 year period.

There is no commitment submitted with the application that such a contribution will be offered and as such the proposal is contrary to the requirements of Policies IMP1 and REC3 of the Adopted Local Plan and the SPG on Play and Open Space. A draft Unilateral Undertaking has been submitted to the applicant via its agent to secure the contribution. At the time of writing a response however the Unilateral Undertaking has not completed.

There is no commitment submitted with the application that such a contribution will be offered and as such the proposal is contrary to the requirements of Policies IMP1 and REC3 of the Adopted Local Plan and the SPG on Play and Open Space.

### Other Matters

#### Excavation

The proposals involve the creation of substantial basement accommodation. No comments have been received from the Head of Community Services (Land Drainage) in respect of the potential impact of development upon local drainage. The construction of a basement would be dealt with under the Building Regulations protocol and would be stringently assessed at regular intervals to ensure that development meets the relevant building codes. The impact of excavation upon the foundations of adjacent properties is a private neighbour matter and would fall to be considered in relation to the provisions of the Party Wall Act 1996, in particular s.6.

#### Removal of trees

The proposal involves the removal of a Silver Birch tree from the northern boundary of the site and a Horse Chestnut tree located in the centre of the site. These trees are not of a mature nature and provide little amenity value to the site. Therefore the removal of these two trees is considered reasonable in this case the siting of the garage 1.5 metres from the eastern boundary results in there only being a negligible impact upon the apple tree in the rear garden of 8 Sutton Lane.

### Conclusion

The proposed development is considered acceptable in principle subject to meeting other policy criteria. The design, layout, scale and mass is considered to be reflective of the

Conservation Area and would preserve and enhance its character. Further the proposal would not have any detrimental impacts on the amenity of surrounding residential properties. However, due to the high levels of on street parking along Shenton Lane, visibility would be severely restricted for vehicles exiting the site to a dangerous level, rendering the access unsafe and insufficient on-site parking provision has been provided, which would result in parking overspilling onto Shenton Lane, to the detriment of highway safety. Accordingly the proposed development will have a detrimental impact on highway safety and will be contrary to the intentions of policy T5 of the adopted Local Plan.

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

**Reasons :-**

- 1 The applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development and the proposal, if permitted would consequently result in an unacceptable form of development and could result in dangers to road users. Accordingly the proposed development is considered contrary to policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 2 The applicant has failed to demonstrate that an appropriate level of on-site car parking provision would be made. The lack of provision of such facilities could lead to vehicles overspilling onto Shenton Lane where on-street parking is already at a premium which would not be in the best interests of highway safety, contrary to policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 3 In the opinion of the Local Planning Authority, the lack of any definitive measures to address the increase in pressure placed on the play and open space facilities of the local area by the proposed development would not accord with Government Guidance Circular 5/05, Policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Supplementary Planning Document on Play and Open Space 2008.

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