

PLANNING COMMITTEE

20 August 2013

RECOMMENDATIONS OF DEVELOPMENT CONTROL MANAGER

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

PLANNING COMMITTEE AGENDA - 20 August 2013 - NUMERIC INDEX

REF. NO.	APPLICANT	SITE	ITEM	PAGE
13/00255/FUL	Mr Gary Harrison	Wykin House Farm Higham Lane Wykin	01	2
13/00152/DEEM	Hinckley and Bosworth Borough Council	Hinckley And Bosworth Borough Council Council Offices Argents Mead Hinckley	02	10
13/00237/CON	Hinckley and Bosworth Borough Council	Hinckley And Bosworth Borough Council Council Offices Argents Mead Hinckley	03	19
13/00373/FUL	Mr & Mrs David Clarke	Sparkenhoe Farm Main Road Upton	04	25
13/00532/HOU	Mr Chris Ladkin	4 The Poplars Earl Shilton	05	32

Item: 01

Reference: 13/00255/FUL

Applicant: Mr Gary Harrison

Location: Wykin House Farm Higham Lane Wykin

Proposal: Demolition of existing cow shed and erection of outbuilding to be used as annexe

Target Date: 4 June 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, at the request of Cllr Mullaney who raises concerns in respect of the scheme being locally controversial.

Application Proposal

This application seeks full planning permission for the demolition of existing cow sheds and the erection of an outbuilding to be used as an annex.

The buildings proposed for demolition comprise the former brick cow sheds. These have an 'L' shaped footprint, are single storey and are sited parallel to the farmhouse, separated by the courtyard. During the site inspection it became apparent that a section of the building (adjacent to the northern boundary) had already been demolished and that the roof tiles had been removed on the remaining buildings. The applicant stated that reason for this was due to the buildings poor state of repair.

The proposed granny annex will be sited on the same footprint as the former cow sheds (aside from the proposed garage which will project slightly further forward of the original footprint) and will have a similar form. This will have three bedrooms, three bathrooms, an open plan living room and kitchen, a cloak room and a double garage.

The Site and Surrounding Area

Wykin House Farm is situated on the western side of Wykin Lane, within the countryside. The buildings are accessed via a relatively long driveway leading from Wykin Lane. The site comprises of the original farmhouse, a courtyard of brick agricultural buildings, amenity and parking areas and agricultural land. The farmhouse has undergone extensive modernisation ensuring the preservation of its historical features. Recently a number of steel framed agricultural storage buildings to the north west of the brick buildings have been demolished.

To the north of the site, running parallel to the common boundary is Wykin House Barn. Historically this would have comprised one of the original agricultural buildings. This is a two storey brick barn conversion. Further to the north of this, is agricultural land and an access also within the ownership of the applicant.

A public footpath runs horizontally through the fields to the south of the site.

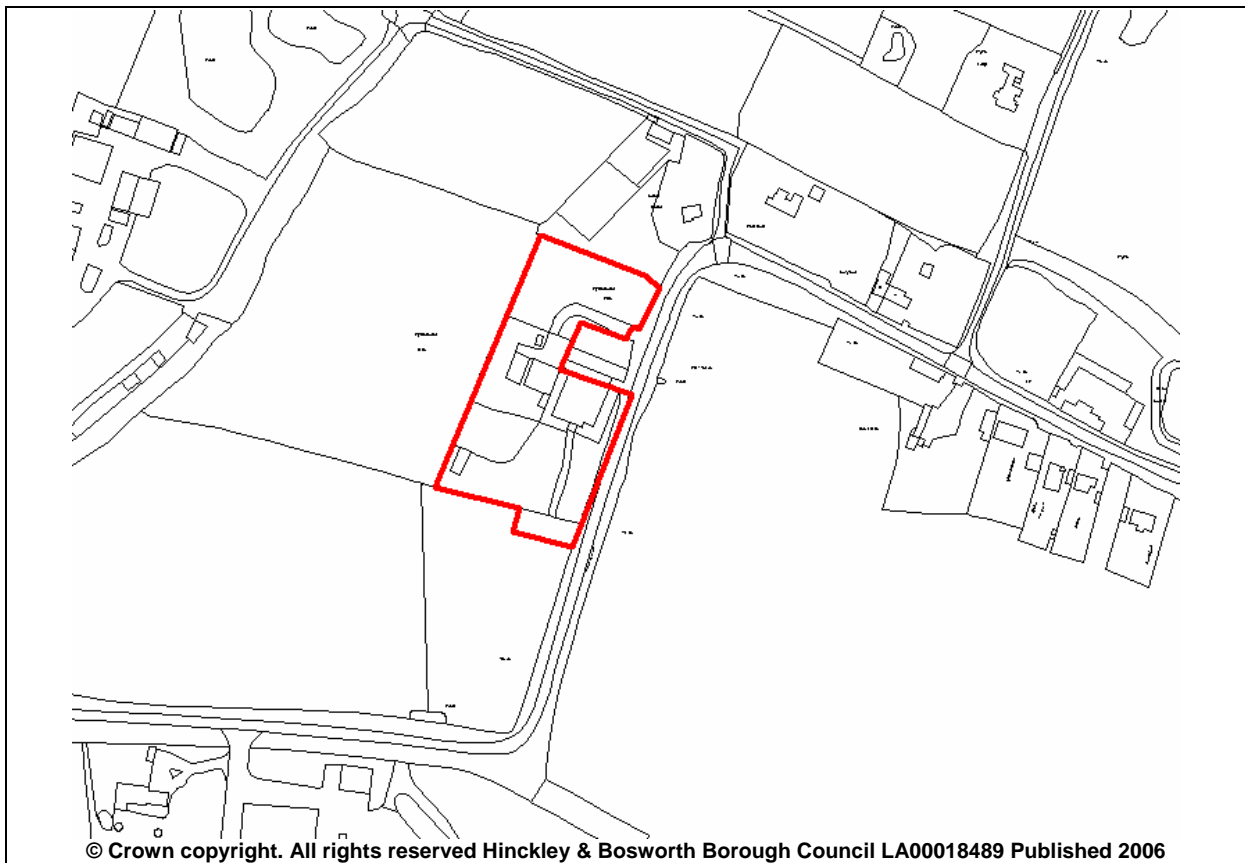
Three sets of amended plans have been received and full re-consultation has been undertaken.

Technical Documents submitted with the Application

Design and Access Statement

Relevant Planning History:-

11/00421/FUL	Conversion of outbuilding to a granny annex and extensions and alterations to dwelling	Approved	15.09.11
12/00547/FUL	Conversion of outbuilding to a granny annex and extensions and alterations to dwelling	Withdrawn	23.08.12



Consultations:-

No objections have been received from:-

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

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

Three letters of neighbour representation have been received, these raise the following issues:-

- a) object to the use of the agricultural drive as a domestic one
- b) concerns over noise and disturbance created by the new access
- c) the unit will not be used as an annex, should be conditioned to be ancillary
- d) adverse impacts on the privacy and amenity of surrounding properties
- e) the existing domestic access which serves the existing dwelling should also serve the new proposal
- f) inaccuracies in the plans submitted in respect of the height of the development
- g) there is conflicting information on the plans and within the design and access statement
- h) concerns over what the agricultural land edged red on the plan can be used for and what restrictions could be placed on the land
- i) the proposal appears as a separate dwelling
- j) concerns that development will be allowed on the remainder of the land within the application site
- k) adverse impacts in terms of road safety.

Following the consultation on the second set of amended plans, one further letter of representation has been received this raises the following, new issues:-

- a) concerns over the outwardly facing doors on the garage and the associated worry that this will result in the use of the track to the north of the site.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan (2001)

The site is within the Countryside, as defined in the adopted Hinckley and Bosworth Local Plan.

Policy NE5: Development in the Countryside

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

House Extensions (SPG)

Appraisal:-

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

Principle

The site is situated within Wykin, which has no settlement boundary and therefore is defined as countryside by the adopted Hinckley and Bosworth Local Plan.

The overarching principle of the NPPF is a presumption in favour of sustainable development, however developments must respect the intrinsic character and beauty of the countryside, whilst also supporting thriving rural communities within it.

Paragraph 17 of the NPPF encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

As the site is situated within the countryside Policy NE5 of the Local Plan is also applicable. Although not wholly consistent with the NPPF, Policy NE5 is supportive of development for the change of use, reuse or extension of existing buildings, particularly those of historic value, providing they do not result in any material harm to the existing character of the landscape.

As the application is for the demolition and replacement of the existing outbuildings, sited on the same footprint and retaining a similar form, to be used as an annex; the development is considered to comprise of an extension to an existing building and therefore conforms with criteria b of Policy NE5.

Concerns have been raised that the development appears as a separate three bed dwelling with its own access and private amenity space. For clarification, the development under consideration is an annex, and thus will be appraised against the relevant policies. This said, due to the scale of development proposed and the range of facilities offered, to ensure it remains as such; if the application is found acceptable it is considered to necessary to attach a condition to this effect.

Initially there were patio doors leading to a patio area sited on the agricultural land to the west of the building. These features would pertain that the land to the west of the building would be used as residential curtilage. Accordingly, as the application is for an annex and has been applied for on 'Householder' application forms, these features were not considered acceptable. Accordingly the patio area has been removed, and the patio doors have been changed to a non opening window. To ensure this remains the case however, and that this land is not used as residential curtilage, if approved, it is considered necessary to add a condition suggesting that the window be fixed.

In addition, the entire landownership of the applicant was originally edged red on the plan. If approved, this would have enabled the entire area of land (some of which is agricultural) to be used for residential purposes. This may not have been acceptable within this countryside location. Accordingly, an amended site plan has been submitted. This confines the red edge to the buildings (existing and proposed), and the existing residential curtilage. A blue edge surrounds the remainder of land within the applicant's ownership. This plan confirms that the residential activates will be confined to the residential curtilage.

Based on the above, in principle the replacement building is considered acceptable and in conformity with the NPPF and Policy NE5 of the Local Plan.

Design and Impacts on the Character of the Countryside

As previously discussed, the site is located within an area designated as countryside by the adopted Hinckley and Bosworth Plan. Accordingly the design criteria of Policy NE5 are

applicable. These state that developments should not have an adverse effect on the appearance or character of the landscape (i), should be in keeping with the scale and character of existing buildings and the general surrounds (ii), where necessary should be screened by landscaping (iii) and should not generate traffic likely to exceed the capacity of the highway network or impair road safety (iv). In addition, Saved Policy BE1 (criterion a) of the Local Plan 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'. Furthermore, section 7 of the NPPF states that good design is a key aspect of sustainable development and continues that developments should respond to local character and history, and reflect the identity of local surroundings and materials, and should be visually attractive as a result of good architecture.

The guidance within the SPD on House Extensions is more applicable to 'standard' type house extensions, and thus would not be relevant to this individual site.

In this case the application is for an extension to an existing dwelling to form an annex on the footprint of the demolished agricultural buildings. The scale of the building proposed is extensive, having a footprint of 174 m². Such a large extension would not normally be considered as acceptable within the countryside, however as the development will be sited on the same footprint and will effectively replace the outbuildings which have been demolished, there will be no further harm caused to the character of the area resultant of its scale. The form and height of the previously demolished outbuildings will also be retained, as will the majority of the design features.

In its original form, the design of the proposal was not considered acceptable. This was due to the fact that a range of domesticating architectural features had been incorporated within the design and the numbers of openings proposed were excessive. This would have been detrimental to the agricultural character of the area. Accordingly, the design has been amended, reflecting these concerns.

Reflective of the characteristics of the original farmstead, openings on the external elevations have now been restricted to the minimum necessary to allow the building to function as residential accommodation, the fenestration details, and overall design has been simplified and the forward facing gabled design of the garage has been turned through 45 degrees to continue the roofline of the remaining building. The 'standard' sized domestic style garage doors have also been replaced with bespoke timber doors, which are more closely aligned to what would have historically been found on a building of this type.

On balance, although more openings have been added to the external elevations than would have been found on a similar building historically, these are considered necessary if the building is to function for its intended use. Further, by virtue of the relatively isolated position of the site, and the screening offered by surrounding vegetation, views of the building will be minimised. Accordingly the numbers of openings proposed are not considered to have a detrimental impact on the character of the surrounding countryside or the historic farmstead that would justify refusal of the scheme.

Based on the above, the design of the proposal is considered acceptable within this rural setting will have no materially adverse effect on the character appearance and setting of the building or the appearance of character of the landscape and is therefore in conformity with criteria i - iii of Policy NE5 and criteria a of Policy BE1.

Impact upon Residential Amenity

Criteria i of saved policy BE1 states that development should not adversely affect the occupiers of neighbouring properties.

The property most likely to be impacted upon as a result of the proposal will be Wykin House Barn. This property is situated adjacent to the northern boundary immediately to the north of the proposed buildings and comprises a two storey barn conversion. The majority of the openings to this property are on its northern side. The closest part of the built development to this property is the hipped end of the proposed store room. To the ridge this will be approximately 4.5 m in height. As this will replace an original building of a similar height, the development proposed will have no further impact on the residential amenity of this property in terms of overlooking, over dominance or overshadowing. Openings are proposed on the internal elevation of the southern part of the building, which will face towards the adjacent barn, however these openings are at ground floor, and any views will be restricted by the northern boundary wall. Accordingly there will be no arising material impacts on the privacy of the adjacent property as a result of these openings.

Concerns have been raised that the agricultural access to the north of the buildings will be used to serve the annex. To clarify, no separate access has been applied for at this stage and there is no need for a separate access to serve the annex. There is an agricultural access to the north of the buildings, which could be used by cars, however this and the access track falls on agricultural land. Therefore any significant upgrading of this, such as widening, re-surfacing or operation involving the moving of earth, may constitute 'engineering operations' and thus require planning permission in its own right. At this stage there is no justification (or application) for permitting a residential access and driveway on agricultural land to the north of the dwelling. As the proposed garage opened outwardly onto the adjacent agricultural land, concerns were raised that this would result in the use of the agricultural access track by domestic vehicles. Accordingly a third set of amended plans have been received which justify that this is to be used for the storage of agricultural machinery associated with the maintenance of the surrounding agricultural land and that the existing residential access will be used to serve the proposed annex.

Highway Safety

As the application is for an annex, it will be used in association with the main dwelling. Accordingly no further issues in terms of highway safety are raised and the proposal is in accordance with policy T5 of the Local Plan.

Other Issues

Issues raised within the letters of neighbour representation, not addresses elsewhere within the report will be discussed below:-

Concerns have been raised over what the remaining land within the red edge will be use for. An amended site plan has been received and the red edge now contains only the buildings and the existing residential curtilage. The remainder of the land within the applicant's ownership, which is agricultural has been edged in blue.

It has been suggested that there are inaccuracies on the submitted plans. Any plans submitted with a planning application comprise legal documents and are thus considered to be correct. In respect of the height of the proposal, the 'proposed' elevations are those which have been considered within the assessment of the scheme, and thus, if found acceptable, it will be these plans to which the development will have to be built in accordance with.

It is considered that the existing domestic access which serves the existing dwelling should also serve the new proposal. The Local Planning Authority has no control over the details applied for within a planning application. The details applied for are those to be assessed. However, to clarify, no separate access has been applied for.

It has been suggested that there is conflicting information on the plans and within the design and access statement. The Design and Access statement provides background and supporting information, it is the plans which are considered and appraised in the determination of the application.

Regardless of whether or not the development appears as a separate dwelling, it has been applied for as an annex and thus has been appraised as such.

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. There are no material impacts in terms of visual or residential amenity and the development does not compromise the character of the surrounding countryside. The proposal is therefore acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies NE5, BE1 (criteria a and i) and T5.

In dealing with the application, through ongoing negotiation and the receipt of amended plans the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 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 Refs: 'Site Location Plan' Scale 1:1250 received by the Local Planning Authority on the 31 May 2013, Drg No. 02D received by the Local Planning Authority on the 22 July 2013.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations, and details of the windows and doors (including their material and colour) of the proposed annex 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 The annex development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling as illustrated on the site location plan submitted with this application, currently known as 'Wykin House Farm' Higham Lane, Wykin, Hinckley, Leicestershire LE10 3EF
- 5 The full length window to be inserted in the north western elevation shall be fixed and retained as such at all times 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 To ensure that the development does not have an adverse impact on the character or visual amenity of the surrounding countryside, in accordance with policy NE5 of the Hinckley and Bosworth Local Plan.
- 4 For the avoidance of doubt. The development hereby approved has been appraised as an annexe against the relevant planning policies. It has not been appraised as a new dwelling within a countryside location, which would have been contrary to Local Plan Policy NE5 and Paragraph 55 of the NPPF.
- 5 For the avoidance of doubt. If the window were opening, it may lead to the use of the agricultural land as residential curtilage, which would be contrary to policy 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.
- 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 Overton Ext 5680

Item: 02

Reference: 13/00152/DEEM

Applicant: Hinckley and Bosworth Borough Council

Location: Hinckley And Bosworth Borough Council Council Offices Argents Mead Hinckley

Proposal: Demolition of office building and associated outbuildings, grubbing up to foundations. infill and grading of soil and seeding to grass. Retention of public access and public car parking

Target Date: 22 August 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application has been submitted by the Council for its own development.

Application Proposal

This application seeks full planning permission for the demolition of the now vacant former council offices building and associated outbuildings, grubbing up to foundations, infill and grading of soil and seeding to grass together with the retention of public access and public car parking facilities at Argents Mead, Hinckley.

The office building to be demolished was constructed in the mid to late 1960s. It consists of a 3 storey plus basement principal range, approximately 64m in length and approximately 11 metres in width with a flat roof and parapet wall, on the north side of which is a projecting central wing that terminates in a round-shaped structure accommodating the former council chamber and public gallery. It is a steel reinforced concrete framed structure and precast reinforced concrete spandrel panels of limestone aggregate and white cement and aluminium framed windows. There is a row of single storey, flat roof garages projecting to the south of the main building, a single storey pre-fabricated structure providing additional office accommodation attached to the east elevation that are also to be demolished. In addition, the proposal includes the removal of a number of retaining walls, access ramps and steps around the perimeter of the buildings.

The office building occupies a sloping site which falls gradually from north to south. The proposed engineering/ground works include the digging up of the foundations and the infill of the basement area with soils and grading of the area formerly occupied by the building to form a gentle slope prior to seeding with grass. The works affect approximately 0.25 hectares of land in a central belt within the overall site.

The Site and Surrounding Area

The application site is a municipal park covering a total area of approximately 3 hectares and is located close to the town centre and within the Hinckley Town Centre Conservation Area. In addition to the main offices building and associated outbuildings and car parking areas there are large areas of landscaping crossed by a number of public footpaths leading through the site from all directions. In the north east part of the site there is the Castle Mound Scheduled Ancient Monument (SAM) being the remains of a 'Motte and Bailey' castle, a

pond and war memorial gardens containing a Grade II listed war memorial and Grade II listed war memorial wall. To the north of the site lies the main shopping area and public and retail car parking areas, to the west lies the Church of the Assumption of St Mary (a Grade II* listed building) and vicarage, to the south on Mount Road there are predominantly residential properties and to the east lies Hinckley Health Centre and Hinckley and District General Hospital.

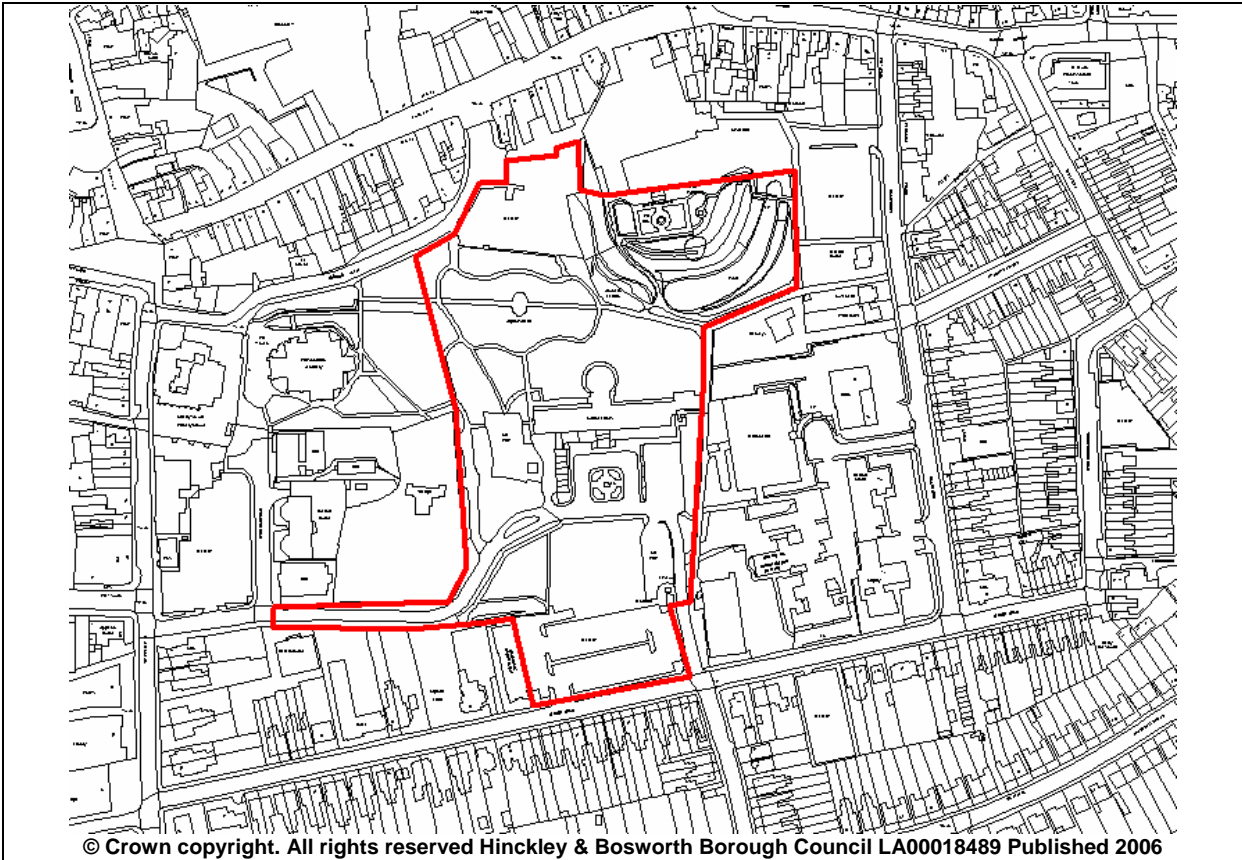
Technical Documents submitted with Application

- Building Condition Survey (2000)
- Concrete Condition Survey (2007)
- Concrete Hammer Tests (2009 - 2013)
- Heritage Statement
- Ecological Appraisal Report & Bat Activity Survey Report

Relevant Planning History:-

13/00237/CON	Demolition of office building & associated outbuildings, grubbing up to foundations, infill and grading of soil and seeding to grass. Retention of public access and public car parking	Pending Determination
--------------	---	-----------------------

There is no other planning history that is considered to be particularly relevant to the determination of this application.



Consultations:-

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

No objection subject to conditions has been received from:-

English Heritage
Directorate of Chief Executive (Archaeology)
Directorate of Chief Executive (Ecology).

Site notice and press notice were displayed and neighbours notified. One letter of objection has been received on the grounds that the offices are a fine example of a C20th concrete building, aesthetically pleasing to the eye and should be protected.

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

C20th Society
Historic Buildings Panel.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy

Policy 1: Development in Hinckley

Hinckley Town Centre Area Action Plan

Policy 5: Land North of Mount Road

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy BE5: The Setting of a Listed Building
Policy BE7: Development in a Conservation Area
Policy BE8: Demolition in a Conservation Area
Policy BE12: Scheduled Ancient Monuments and Nationally Important Archaeological Sites
Policy BE15: Preservation of Archaeological Remains In Situ
Policy BE16: Archaeological Investigation and Recording
Policy REC1: Development of Recreation Sites

Supplementary Planning Guidance/Documents

Site Allocations & Generic Development Control Policies Development Plan Document (2009)

Other Material Policy Guidance

Hinckley Town Centre Renaissance Masterplan (2006)
Hinckley Town Centre Conservation Area (2013)

Appraisal:-

The main considerations with regards to this application are the principle of development/loss of the building and the impact of its demolition and the proposed remediation works on the Scheduled Ancient Monument, the setting of the Grade II* listed St Mary's Parish Church, the Hinckley Town Centre Conservation Area, archaeology, ecology and public recreation, access and parking facilities.

Principle of Development/Loss of the Building

The site is located within the settlement boundary of Hinckley and the Hinckley Town Centre Conservation Area (CA). The site is also identified for redevelopment in the Hinckley Town Centre Area Action Plan (AAP) and the Hinckley Town Centre Renaissance Masterplan (RM). The office building to be demolished is located within a municipal park setting known as Argents Mead. The CA appraisal does not identify the building as having any architectural or historic interest and states that 'the park is in need of investment, particularly for the replacement of the tired and outdated Council building which dominates the park.' The AAP identifies that the building is reaching the end of its life and underperforming in terms of energy efficiency, is not able to perform to current standards without significant financial investment and that demolition would provide an opportunity to improve the town centre site. Key aspirations of Policy 5 of the AAP for the site and additional surrounding land include the retention and enhancement of Argents Mead park, the provision of a mixed use development within the site and enhancement of town centre parking facilities. The RM identifies how the site could be redeveloped for a mix of uses and aims to enhance Argents Mead park, the Castle Mound and War Memorial, protect the mature trees and historic setting of St Mary's Church, improve ease of movement for pedestrians and provide good surveillance. Policy BE16 requires appropriate archaeological investigation and recording to be carried out. The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development and in paragraph 17 promotes mixed use developments and multiple benefits from the use of land in urban areas. Paragraph 141 requires developers to record and advance understanding of the significance of any heritage asset to be lost in a manner proportionate to its importance and the impact and to make the evidence publicly accessible.

Notwithstanding the CA appraisal, the Heritage Statement submitted to support the application suggests that the building has 'some historic architectural interest by its inclusion in Pevsner's 'Buildings of England, Leicestershire and Rutland (1992)' and that it 'represents a reasonably complete and little altered example of a building of its type designed by an architectural practice of some repute.' One objection has been received on the grounds that the offices are a fine example of a C20th concrete building, aesthetically pleasing to the eye and should be protected.

The building is not listed or designated either nationally or locally as a heritage asset, however, it could be argued that it has some limited architectural and historic interest as a building of its time, type and design and its former municipal use. Therefore, whilst English Heritage and the Directorate of Chief Executive (Archaeology) do not object to the application in principle they recommend historic building recording to be undertaken prior to demolition taking place in accordance with the intentions of Policy BE16 of the adopted Local Plan and paragraph 141 of the NPPF.

The successive Condition Survey reports and Hammer Test reports submitted to support the application confirm that the external re-inforced concrete surfaces are in poor condition, have deteriorated significantly since construction and that the quantity and sizes of previous repairs confirm that deterioration of these elements is an ongoing and continuing process. This is further demonstrated by reference during the surveys to spalled concrete cover being removed from all elevations to avoid the potential of injury to persons using the structure.

The surveys and tests carried out suggest that the structure and fabric of the building are no longer fit for purpose. The condition surveys also provide cost estimates of upgrading the building to a suitable standard for office accommodation. The decision to seek to demolish the building is based on an assessment of the building's economic viability in view of the ongoing maintenance issues with the concrete framed structure, old plant and its poor energy efficiency and it is considered that the upgrading of the building is no longer a viable option. If left in situ, the building will continue to deteriorate in terms of both structural integrity and visual appearance, will continue to be a potential safety hazard and may become the subject of vandalism.

Notwithstanding any potential historical or architectural interest that the building may have, it is not a designated heritage asset. Whilst re-use or conversion of existing buildings can be considered to be a sustainable option, in this case the submitted information demonstrates that the building is not currently fit for purpose and is beyond its economically viable/useful life. The demolition of the building would enable the land to be used more effectively through the future redevelopment of the site for other uses in line with the Council's Hinckley Town Centre Area Action Plan and Renaissance Masterplan for the site and its surroundings. The demolition of the building is therefore considered to be sustainable in this case and acceptable in principle subject to all other planning matters being appropriately addressed.

Impact upon the setting of the SAM/Listed Church/Conservation Area and Archaeology

The NPPF at paragraph 129, requires consideration of the impact of development upon any heritage assets and their setting taking into account their particular archaeological and/or historic significance.

Policy BE1 (criterion a) of the adopted Local Plan requires development to complement the character of the surrounding area. Policy BE5 of the adopted Local Plan requires the setting of listed buildings to be preserved or enhanced including trees and landscaped features. Policy BE7 requires the preservation or enhancement of the special character (including buildings, spaces, views, topography and vegetation) or appearance of conservation areas. Policy BE8 states that applications for demolition of buildings in conservation areas will be refused except where it can be demonstrated that the loss of the building will not be detrimental to the character or appearance of the conservation area and that there are proposals for its replacement which would preserve or enhance the character or appearance of the conservation area. Policy BE12 states that planning permission will not be granted for any development that would adversely affect a SAM or its setting.

The office building occupies a prominent position in the Argents Mead park setting and is within the Hinckley Town Centre Conservation Area. The building is located approximately 40 metres to the south of the remains of the C12th Hinckley Castle (Motte), a Scheduled Ancient Monument (SAM), approximately 87 metres to the east of the C14th Church of the Assumption of St Mary, a Grade II* listed building and approximately 50 metres to the north east of the site of the C11th Hinckley Priory.

As a result of the separation distances the demolition of the building will have no adverse impact on the heritage assets themselves and the proposals are therefore in accordance with Policy BE12 of the adopted Local Plan. In respect of the setting of these heritage assets and the appearance of the Hinckley Town Centre Conservation Area, the character of Argents Mead park is that of a large green space enclosed by mature trees and hedgerow with a stark, utilitarian three storey concrete and glass office building occupying a central belt within the park separating the soft landscaped areas to the north from the hard surfaced car parking areas to the south. Demolition of the building, removal of the foundations and ancillary structures and infill, grading and seeding with grass will increase the area of green space in the park and allow longer views towards the SAM and listed church from the lower lying area

to the south. However, the park will still retain its enclosed green space character by virtue of the belt of mature trees further to the south of the building adjacent to the car park on Mount Road. As a result, the demolition of the building and the remediation measures proposed (pending any future redevelopment of the site) will complement the character of the area in accordance with Policy BE1 (criterion a) of the adopted Local Plan and preserve the green space character and appearance of the setting of the nearby heritage assets and the Hinckley Town Centre Conservation Area. The proposals are therefore in accordance with Policies BE1, BE5, BE7, BE8 and BE12 of the adopted Local Plan.

Buried Archaeology

Policy BE15 requires damage to any archaeological remains to be avoided or minimised through various measures including site working methods.

Given the close proximity of the site to nationally important heritage assets and the medieval core of Hinckley, both English Heritage and the Director of Chief Executive (Archaeology) consider that there is a high likelihood of the survival of significant archaeological remains in the park. Whilst neither has raised any objections to the proposals, both recommend that measures are taken to ensure that the proposed groundworks, including the removal of the foundations and infill and grading of soils do not extend beyond the footprint of the structures to be demolished in order to prevent any inadvertent grading or disturbance to the existing grasses areas and any potentially significant buried archaeology. In addition they recommend that plant access should be gained via existing hard-standing. The measures are considered to be reasonable and necessary in order to protect any buried archaeology and can be secured by conditions.

Ecology

The site contains a number of different habitats suitable for wildlife. An Ecological Appraisal Report and a Bat Activity Survey Report have been submitted to support the application. The appraisal concluded that there was a medium potential for bats and birds to be present on the site and a low potential for some other protected species. However, subsequent bat activity surveys confirmed that whilst there was bat activity (passes and foraging) within the site no bats emerged from or entered the building. The submitted reports recommend a number of measures to avoid any adverse impact on protected or notable species including enhancement measures in the form of bat and bird boxes to be erected in the retained trees within the site. The Directorate of Chief Executive Ecology raises no objection to the application subject to a condition requiring the development to be carried out in accordance with the recommended mitigation and enhancement measures identified in the submitted reports. These measures are considered to be reasonable and necessary to protect the species identified and can be secured by the imposition of a condition.

Recreation

Policy 1 of the adopted Core Strategy requires development to enhance the public realm in the town centre. Argents Mead park is identified on the Proposals Map in the adopted Local Plan as a recreation site where Policy REC1 is applicable. The current proposals will enhance the public realm by the removal of a building that has reached the end of its useful life and the temporary remedial measures proposed will provide additional grassed open space pending any future redevelopment of the site.

Accessibility/Parking

The existing car parking facilities and a majority of the public footpaths and walkways within the site are to be retained for public use and will ensure connectivity to and from the park in

all directions. The scheme includes the provision of an additional 7 car parking spaces on the floor slabs of the garages that are to be demolished on the south side of the building to enhance the existing facilities.

Conclusion

Whilst the building may have some historic architectural interest as an example of a C20th building of its type, it is not listed and therefore has no formal protection. Successive condition reports and hammer test surveys confirm that the external structural elements are in poor condition, are continuing to deteriorate further and that upgrading the building to a suitable standard is no longer an economically viable option. If left in situ, the building will continue to deteriorate in terms of both structural integrity and visual appearance, will continue to be a potential safety hazard and may become the subject of vandalism. Demolition of the building and the remediation measures proposed will preserve the setting of the nearby SAM and St Mary's Church, the character and appearance of the Hinckley Town Centre Conservation Area and the existing recreation and parking facilities within the site. Conditions can be imposed to protect buried archaeology and enhance biodiversity within the site. The proposals are considered to be in accordance with Saved Policies BE1, BE5, BE7, BE8, BE12, BE15, BE16 and REC1 of the adopted Local Plan, Policy 1 of the adopted Core Strategy, the aims of Policy 5 of the Hinckley Town Centre Area Action Plan and the Renaissance Masterplan together with the overarching principles of the NPPF and are therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject the following conditions:-

The recommendation for both this application and the linked application for conservation area consent (reference 13/00237/CON), which is reported as a separate item on this agenda, is to approve both applications. The Listed Buildings Act 1990 and the Planning (Listed Building and Conservation Areas) Regulations 1990 require that the Council must apply to the Secretary of State for conservation area consent for the demolition of buildings on its own land and the Committee, if minded to support both recommendations, is requested to authorise the Development Control Manager to make the application to the Secretary of State for conservation area consent and, if that consent is given, to issue planning permission under reference 13/00152/DEEM in accordance with the recommendations contained in this report.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the nearby Scheduled Ancient Monument and Listed Building and their settings, the character and appearance of the Hinckley Town Centre Conservation Area, 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. By virtue of the poor structural condition of the building, its continuing deterioration and lack of viable remediation measures to enable its continued use for suitable purposes, the demolition of the building and the remediation measures proposed will preserve the open green space setting of the Scheduled Ancient Monument and Listed Building and the character and appearance of the Hinckley Town Centre Conservation Area, whilst retaining the existing recreation and parking facilities and will protect potential buried archaeology and enhance biodiversity within the site.

Hinckley and Bosworth Local Plan (2001):- Policies BE1, BE5, BE7, BE8, BE12, BE15, BE16 and REC1.

Hinckley and Bosworth Local Development Framework: Core Strategy (2009): - Policy 1.

In dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 2500 scale; Existing and Proposed Ground Levels and Site Sections Plans.
- 3 No demolition/development shall commence until a Written Scheme of Investigation detailing a suitable programme of archaeological work (historic building recording) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include:-
 - a) the programme and methodology of historic building survey, reporting and archive deposition
 - b) nomination of a competent person or persons/organisation to undertake the works set out.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

- 4 No ground disturbance shall take place beyond the current footprint of the structures to be demolished, with the exception of the removal of modern made ground forming artificial platforms. If ground disturbance outside the footprint/platforms is found to be required, works shall cease and prior to any such works being carried out full details of the works required and their extent shall be submitted to the Local Planning Authority so that an appropriate mitigation strategy can be determined and approved in writing by the Local Planning Authority prior to any additional works being carried out. The works shall be carried out in accordance with the approved strategy.
- 5 No demolition/development shall commence until a working practices schedule shall be submitted to and approved in writing by the Local Planning Authority. The submitted schedule shall include full details of access and storage within and through the site including all plant and machinery together with the measures to be taken to prevent any disturbance to the grassed areas surrounding the structures to be demolished. The demolition/development shall be implemented in accordance with the approved details.
- 6 The development hereby permitted shall be implemented in accordance with the recommendations contained within Sections 6 and 10 of the revised Ecological Appraisal (Revision A) carried out by Ecolocation dated 5 June 2013 and the enhancement measures contained in Section 11 shall be completed prior to the commencement of any demolition works.

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 satisfactory historic building survey, analysis and reporting in accordance with Policy BE16 of the adopted Hinckley and Bosworth Local Plan and the overarching principles Section 12 of the National Planning Policy Framework 2012.
- 4&5 To protect any potentially significant archaeological remains in the environs of the nearby Scheduled Ancient Monument (Hinckley Castle Motte) from either damage or disturbance to accord with Policy BE15 of the adopted Hinckley and Bosworth Local Plan and the overarching principles Section 12 of the National Planning Policy Framework 2012.
- 6 To protect and enhance biodiversity within the site to accord with the principles of Section 11 of the National Planning Policy Framework.

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.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 The applicant's attention is drawn to the advice of English Heritage and the Leicestershire County Council Archaeology Section in their consultation responses.

Contact Officer:- Richard Wright Ext 5894

Item: 03

Reference: 13/00237/CON

Applicant: Mr Robert Vaughan

Location: Hinckley And Bosworth Borough Council Council Offices Argents Mead Hinckley

Proposal: Demolition of office building and associated outbuildings, grubbing up to foundations. infill and grading of soil and seeding to grass. Retention of public access and public car parking

Target Date: 31 July 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application has been submitted by the Council for its own development.

Application Proposal

This application seeks conservation area consent to demolish the now vacant former council offices building and associated outbuildings, grubbing up to foundations, infill and grading of soil and seeding to grass. The scheme includes the retention of public access and public car parking facilities at Argents Mead, Hinckley.

The office building to be demolished was constructed in the mid to late 1960's. It consists of a 3 storey plus basement principal range, approximately 64m in length and approximately 11 metres in width with a flat roof and parapet wall, on the north side of which is a projecting central wing that terminates in a round shaped structure. It is a steel reinforced concrete framed building with reconstituted Portland stone panels and aluminium framed windows. There is a row of single storey, flat roof garages projecting to the south of the main building, a single storey pre-fabricated structure providing additional office accommodation attached to the east elevation that are also to be demolished. In addition, the proposals include the removal of a number of retaining walls, access ramps and steps around the perimeter of the buildings.

The office building occupies a sloping site which falls gradually from north to south. The proposed remedial engineering/ground works include the digging up of the foundations and the infill of the basement area with imported soils and grading of the area formerly occupied by the building to form a gentle slope prior to seeding with grass. The works affect approximately 0.25 hectares of land in a central belt within the park.

The Site and Surrounding Area

The office buildings to be demolished are located within the Hinckley Town Centre Conservation Area (CA) and within a municipal park known as Argents Mead that covers a total area of approximately 3 hectares and forms part of the wider CA. The park is identified as being a 'key space' within the CA. In addition to the main office building and associated outbuildings and car parking areas there are large areas of public green open space and landscaping enclosed by mature trees and crossed by a number of public footpaths leading through the site from all directions. In the north east part of the site there is the Castle Mound

Scheduled Ancient Monument (SAM) being the remains of a 'Motte and Bailey' castle, a pond and war memorial gardens containing a Grade II listed war memorial and Grade II listed war memorial wall. To the north of the site lies the main shopping area and public and retail car parking areas, to the west lies the Church of the Assumption of St Mary (a Grade II* listed building) and vicarage, to the south on Mount Road there are predominantly residential properties and to the east lies Hinckley Health Centre and Hinckley and District General Hospital.

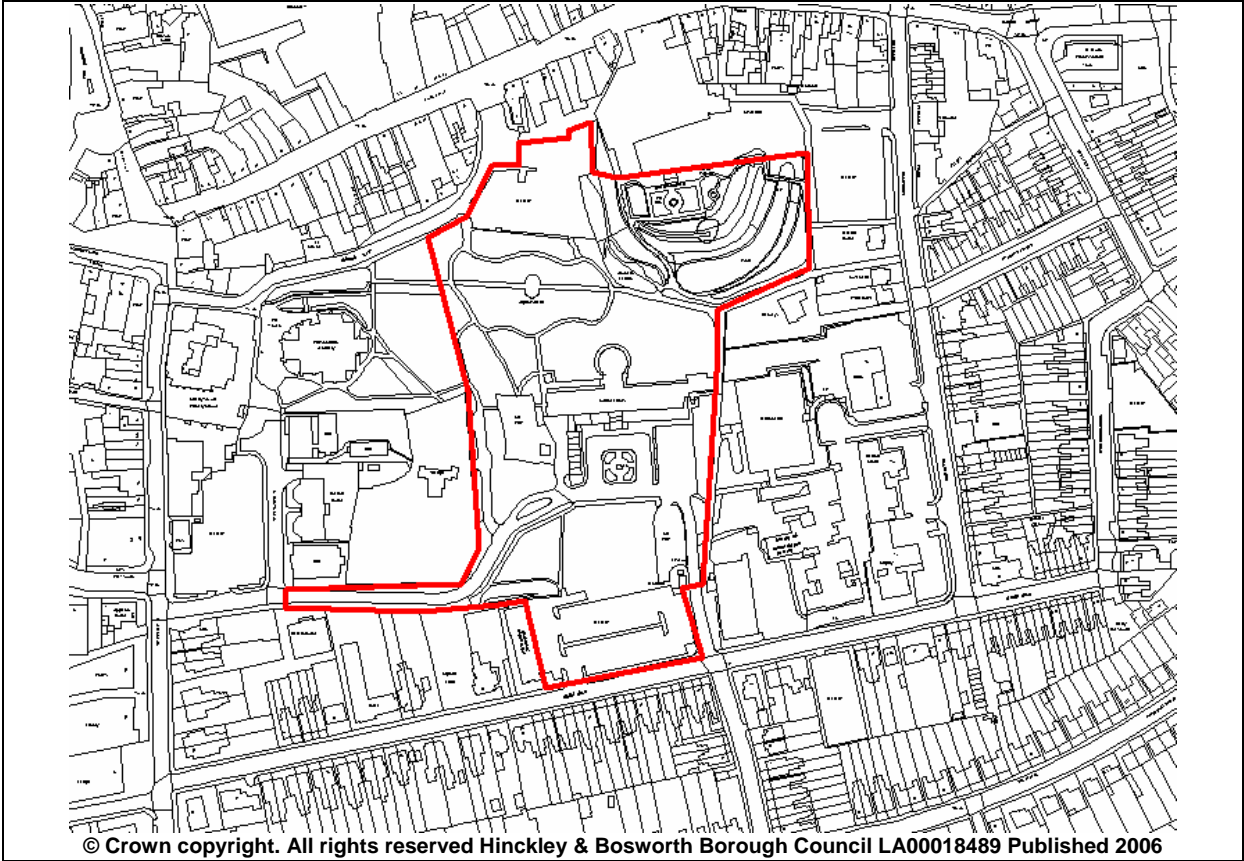
Technical Documents submitted with Application

- Building Condition Survey (2000)
- Concrete Condition Survey (2007)
- Concrete Hammer Tests (2009 - 2013)
- Heritage Statement
- Ecological Appraisal Report & Bat Activity Survey Report

Relevant Planning History:-

13/00152/DEEM	Demolition of office building & associated outbuildings, grubbing up to foundations, infill and grading of soil and seeding to grass. Retention of public access and public car parking	Pending Determination
---------------	---	-----------------------

There is no other planning history that is considered to be particularly relevant to the determination of this application.



Consultations:-

No objection has been received from Director of Environment and Transport (Rights of Way).

No objection subject to conditions has been received from Directorate of Chief Executive (Archaeology).

English Heritage do not object to the application but suggest that an application is made to English Heritage for a Certificate of Immunity if the local planning authority wishes to verify the conclusions of the submitted Heritage Statement that the building is unlikely to merit protection through listing. In addition, whether or not such an application is made, it is recommended that the building and its fixtures and fittings and documentary material of architectural or historic interest are appropriately recorded and secured for display or re-use.

Press notice and site notice were displayed and neighbours notified. Although no responses have been received specific to this conservation area consent application, one letter of objection has been received relating to the associated full planning application on the grounds that the offices are a fine example of a C20th concrete building, aesthetically pleasing to the eye and should be protected.

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

C20th Society
Historic Buildings Panel
Ramblers.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy

Policy 1: Development in Hinckley

Hinckley and Bosworth Local Plan 2001

Policy BE5: The Setting of a Listed Building

Policy BE7: Development in a Conservation Area

Policy BE8: Demolition in a Conservation Area

Policy BE12: Scheduled Ancient Monuments and Nationally Important Archaeological Sites

Policy BE15: Preservation of Archaeological Remains In Situ

Policy BE16: Archaeological Investigation and Recording

Other Material Policy Guidance

Hinckley Town Centre Conservation Area (2013)

Appraisal:-

The main considerations with regards to this application are the principle of demolition and the impact that the loss of the building and the proposed remediation works will have on the character and appearance of the Hinckley Town Centre Conservation Area, nearby heritage assets and buried archaeology.

Principle of Demolition and Impact on Hinckley Town Centre Conservation Area

Policy BE7 of the adopted Local Plan requires the preservation or enhancement of the special character or appearance of conservation areas (including buildings, spaces, views, topography and vegetation). Policy BE8 states that applications for demolition of buildings in conservation areas will be refused except where it can be demonstrated that the loss of the building will not be detrimental to the character or appearance of the conservation area and that there are proposals for its replacement which would preserve or enhance the character or appearance of the conservation area. Policy BE16 requires appropriate archaeological investigation and recording to be carried out. The National Planning Policy Framework (NPPF) in paragraph 141 requires developers to record and advance understanding of the significance of any heritage asset to be lost in a manner proportionate to its importance and the impact and to make the evidence publicly accessible.

The office building and outbuildings to be demolished are located within the Hinckley Town Centre Conservation Area (CA) and within a municipal park setting known as Argents Mead. The CA Appraisal does not identify the buildings as having any architectural or historic interest and states that 'the park is in need of investment, particularly for the replacement of the tired and outdated Council building which dominates the park.' The successive Condition Survey reports and Hammer Test reports submitted to support the application confirm that the external concrete components of the building are in poor condition, have deteriorated significantly since its construction and that the quantity and sizes of previous repairs confirm that deterioration of these elements is an ongoing and continuing process. The submitted information also demonstrates that the building is not currently fit for purpose and is beyond its economically viable/useful life.

Notwithstanding the CA appraisal, the Heritage Statement submitted to support the application suggests that the building has 'some historic architectural interest by its inclusion in Pevsner's 'Buildings of England, Leicestershire and Rutland (1992)' and that it 'represents a reasonably complete and little altered example of a building of its type designed by an architectural practice of some repute.' In addition, one objection to the demolition proposal has been received as a result of public consultation on the grounds that the offices are a fine example of a C20th concrete building, aesthetically pleasing to the eye and should be protected.

The building is not listed or designated either nationally or locally as a heritage asset, however, it could be argued that it has some limited architectural and historic interest as a building of its time, type and design and its former municipal use. Therefore, whilst English Heritage and the Directorate of Chief Executive (Archaeology) do not object to the application in principle they recommend historic building recording to be undertaken prior to demolition taking place in accordance with the intentions of Policy BE16 of the adopted Local Plan and paragraph 141 of the NPPF. The recommendation for approval of the linked planning permission includes a condition to secure historic building recording.

As a result of its deteriorating structural condition, limited economic viability and limited architectural or historic interest, the demolition of the building is considered to be sustainable in this case and acceptable in principle.

The CA Appraisal identifies a number of different character areas within the CA. Argents Mead park is described in the appraisal as a large green space providing a peaceful atmosphere close to the town centre with mature trees and planting, historic connections, excellent views, links to adjacent heritage assets and historic boundary features.

The special character of Argents Mead park is that of a large green space enclosed by mature trees and hedgerows with a stark, utilitarian three storey concrete and glass office

building occupying a central belt within the park separating the soft landscaped areas to the north from the hard surfaced car parking areas to the south. Demolition of the building, removal of the foundations and ancillary structures and infill, grading and seeding with grass will increase the area of green space in the park and allow longer views towards the nearby heritage assets from the lower lying area to the south. The park will still retain its enclosed green character by virtue of the belt of mature trees further to the south of the building adjacent to the car park on Mount Road. In addition, the existing mature trees and landscaping, important views, links to adjacent heritage assets and historic boundary features that add to the special character of this part of the CA will be maintained. At the current time, other than the proposed remediation works no further details for redevelopment of the site have been submitted. However, the demolition of the building and the remediation measures proposed will preserve the special character and appearance of the Hinckley Town Centre Conservation Area and the proposals are therefore in accordance with Policies BE7 and BE8 of the adopted Local Plan.

Heritage Assets

Policy BE5 of the adopted Local Plan requires the setting of listed buildings to be preserved or enhanced. Policy BE12 states that planning permission will not be granted for any development that would adversely affect a Scheduled Ancient Monument or its setting. The office building is located approximately 40 metres to the south of the remains of the C12th Hinckley Castle (Motte), a Scheduled Ancient Monument, approximately 87 metres to the east of the C14th Church of the Assumption of St Mary, a Grade II* listed building and approximately 50 metres to the north east of the site of the C11th Hinckley Priory. As a result of the separation distances and the proposed remedial measures, the demolition of the building will have no adverse impact on the heritage assets themselves or their setting and the proposals are therefore in accordance with Policies BE5 and BE12 of the adopted Local Plan.

Buried Archaeology

Policy BE15 requires damage to any archaeological remains to be avoided or minimised through various measures including site working methods.

Given the proximity of the building to nationally important heritage assets and the medieval core of Hinckley, both English Heritage and the Director of Chief Executive (Archaeology) consider that there is a high likelihood of the survival of significant archaeological remains in the park. Whilst neither has raised any objections to the demolition proposals, both recommend that measures are taken to ensure that the proposed remediation ground works, including the removal of the foundations and infill and grading of soils do not extend beyond the footprint of the structures to be removed in order to prevent any inadvertent grading or disturbance to the existing grasses areas and any buried archaeology. In addition they recommend that plant access should be gained via existing hard-standing. The measures are considered to be reasonable and necessary in order to protect any buried archaeology and the recommendation for approval of the linked planning permission includes conditions that limit the extent of works and require the submission of a working practices schedule for prior approval.

Conclusion

Whilst the building may have limited historic architectural interest as an example of a C20th building of its type, it is not listed. Evidence has also been submitted that the building is in a poor structural condition and has limited economic viability. As a result, the demolition of the building is considered to be sustainable in this case and acceptable in principle. Demolition of the building and the remediation measures proposed will preserve the character and

appearance of the Hinckley Town Centre Conservation Area and green space setting of the nearby Scheduled Ancient monument and Grade II* listed St Mary's Church. A condition requiring that demolition does not take place until a schedule for the proposed remediation works, including timescales, has been submitted for prior approval is included in the recommendation. The proposals are considered to be in accordance with Saved Policies BE5, BE7, BE8, BE12, BE15 and BE16 of the adopted Local Plan, together with the overarching principles of the NPPF and are therefore recommended for approval subject to conditions.

The recommendation for both this application and the linked application for full planning permission (reference 13/00152/DEEM) which is reported as a separate item on this agenda, is to approve both applications. The Listed Buildings Act 1990 and the Planning (Listed Building and Conservation Areas) Regulations 1990 require that the Council must apply to the Secretary of State for conservation area consent for the demolition of buildings on its own land and the Committee, if minded to support both recommendations, is requested to authorise the Development Control Manager to make the application to the Secretary of State for conservation area consent.

RECOMMENDATION:- Permit subject the following conditions and that the Development Control Manager be authorised to make an application to the Secretary of State, in accordance with Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 (1519) for conservation area consent.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the character and appearance of the Hinckley Town Centre Conservation Area and setting of nearby Scheduled Ancient Monument and Listed Buildings, 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. By virtue of the poor structural condition of the building, its continuing deterioration and lack of viable remediation measures to enable its continued use for suitable purposes, the demolition of the building and the remediation measures proposed will preserve the open green space setting of the Scheduled Ancient Monument and Listed Building and the character and appearance of the Hinckley Town Centre Conservation Area and will not adversely affect potential buried archaeology within the site.

Hinckley and Bosworth Local Plan (2001):- Policies BE5, BE7, BE8, BE12, BE15 and BE16.

In dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 2500 scale; Existing and Proposed Ground Levels and Site Sections Plans.
- 3 Notwithstanding the submitted details, the demolition hereby permitted shall not be undertaken before a schedule for the carrying out of the approved remediation works, including timescales, has been submitted to and approved in writing by the local planning authority and full planning permission has been granted for the remediation works for which the schedule provides. The remediation works shall be carried out in strict accordance with the approved schedule.

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 protect the character and appearance of the Hinckley Town Centre 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.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 The applicant's attention is drawn to the advice of English Heritage and the Leicestershire County Council Archaeology Section in their consultation responses.

Contact Officer:- Richard Wright Ext 5894

Item: **04**

Reference: **13/00373/FUL**

Applicant: **Mr & Mrs David Clarke**

Location: **Sparkenhoe Farm Main Road Upton**

Proposal: **Erection of a covered cattle yard**

Target Date: **24 September 2013**

Introduction:-

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

Application Proposal

The application proposal seeks the erection of a covered cattle yard to house 140 milking dairy cows on an established farming enterprise.

The cattle building will measure approximately 79 metres by 32 metres and is to be positioned to the east of the existing farming buildings within the farmstead. The farm extends to almost 69 hectares (170 acres). Access to the proposed building will be via the existing farm track.

The Site and Surrounding Area

The application site extends to over 0.2 hectares and is situated towards the eastern edge of the settlement of Upton and immediately east of Sparkenhoe Farm. A number of buildings exist on the site including silage clamps, a grain store, livestock yards, a cheese production building and other smaller buildings utilised by the farmstead.

The application site is situated in the corner of a field adjacent to the existing buildings with boundary hedging to the south and north. An access track runs along the southern perimeter of the site with open fields beyond. To the east are open fields. The nearest dwellings to the application site are situated over 120 metres to the west. A footpath also borders the northern edge of the application site.

The site is within the countryside and is in an area designated as a local landscape improvement site.

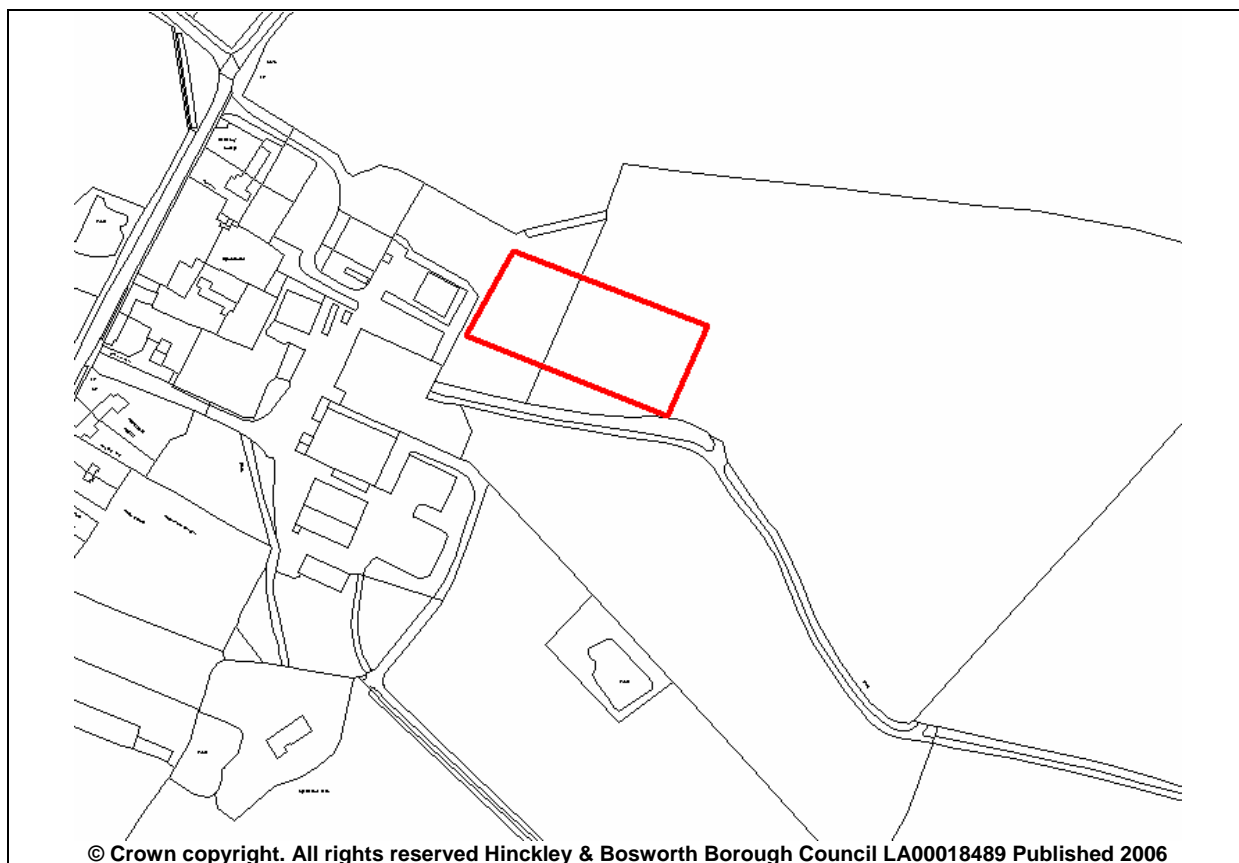
Technical Documents submitted with application

Design and Access Statement

Relevant Planning History:-

12/00256/GDO	Extension to agricultural building	Refused	27.04.12
11/00867/FUL	Installation of solar panels to cheese store and grain store	Approved	12.12.11
04/01404/FUL	Erection of cheese making building	Approved	10.12.04
04/01112/FUL	Alterations to building to provide offices and parking in conjunction with cheese making	Approved	10.12.04

A number of other older applications exist; however, these do not appear to be relevant to this application.



Consultations:-

No objection has been received from:-

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

A site notice was posted and neighbours have been notified. As a result of the publicity one objection has been received raising the following concerns:-

- a) size is too large and disproportionate to other buildings
- b) possible landfill implications
- c) if alternative access is used then it will be dangerous to road users
- d) it should be sited closer to existing cowsheds.

At the time of writing this report no comments have been received from:-

Ramblers Association
Environment Agency
Sheepy Magna Parish Council.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy NE5: Development in the Countryside
Policy NE10: Local Landscape Improvement Areas
Policy NE12: Landscaping Schemes

Supplementary Planning Guidance/Documents

Design of Farm Buildings (SPG)

Appraisal:-

This application seeks full planning permission for the erection of a covered cattle yard on a greenfield site close to an existing farmstead that consists of a number of agricultural buildings. The main considerations for the proposal are the principle of development, the layout, scale and appearance of the development, the impact on the public right of way and the impact on neighbour's private amenity.

Principle of Development

National Planning Policy Framework

The NPPF introduces the 'presumption in favour of sustainable development'; paragraph 12 states that the NPPF 'does not change the statutory status of the development plan as a starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved unless other material considerations indicate otherwise'. The NPPF constitutes guidance as a material consideration in determining applications.

Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to new sustainable development. It also states that plans should promote the development and diversification of agriculture and other land-based rural enterprises. Given that the predominant use of the countryside is for agriculture, the proposal is acceptable in principle.

Whilst not wholly consistent with the NPPF, Policy NE5 of the Hinckley and Bosworth Borough Plan states that planning permission will be granted for built or other forms of development in the countryside provided that the development is important to the local economy and provided it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of existing buildings and the general surroundings, is effectively screened by landscaping and will not generate traffic likely to exceed the capacity of the highway network. Given that the use is acceptable under the terms of the NPPF, there is general compliance with the overall onerous and now outdated requirements of saved policy NE5 in this instance.

The building is to be situated east of the existing farm buildings and is effectively an extension to the grouping of buildings within the farmstead. It is considered that the use is consistent with the existing agricultural use and one which generally should be supported in the light of the NPPF.

Policy NE10 'Local Landscape Improvement Areas' of the Hinckley and Bosworth Local Plan states that any development permitted should incorporate a comprehensive landscaping scheme to mitigate any visual impact on the character of the local landscape. The applicants have suggested that further landscaping could be conditional if it is considered to be a requirement. Given the size of the building proposed it is considered that further landscaping to the southern and eastern boundaries of the site would help the building assimilate better with its surroundings.

It is concluded that, in terms of the principle of development, the proposal is consistent with the policies NE5 (criterion a) and NE10 of the Hinckley and Bosworth Local Plan subject to a landscaping condition that would assist in mitigating any adverse visual impact that may arise as a result of the development.

Layout, Scale and Appearance

The siting of the proposed building will be situated to the east of a number of existing agricultural buildings and will effectively extend the grouping of farm buildings further into the countryside. The building will not be seen from the highway and therefore the street scene will not be adversely impacted by the development.

The proposed building will measure 79 metres in length, 32 metres in width and will have a ridge height of almost 8.5 metres. Notwithstanding the fact that the proposed building is larger than those that exist within the farmstead it is considered that the scale of the building, when considered against the backdrop of the existing buildings and its close physical relationship with these structures, is acceptable in this instance. It therefore satisfies the requirements of the SPG on the design of agricultural buildings.

The proposed materials to be used in the construction consist of natural grey fibre cement box profile sheeting for the roof with natural grey fibre cement sheeting to the eaves. The elevation walls will be open up to a height of 3.66 metres. The gable ends of the building will have prefabricated concrete panels that will be clad with vertical Yorkshire boarding. The proposed materials will closely match elements of those materials used in some of the existing buildings to the west.

It is considered that the layout, scale and appearance of the proposal is acceptable for this rural location and is in accordance with policy BE1 (criterion a, e) of the Hinckley and Bosworth Local Plan 2001 and the requirements of the SPG on the Design of Agricultural Buildings.

Impact on the Public Right of Way

A public right away borders the north-western edge of the site. The Director of Environment and Transport (Rights of Way) is satisfied that the route of the public footpath (T23) will not be impinged upon by the proposed cattle yard. No concerns are raised, however, an advisory note should be attached to any forthcoming approval stating that the applicant will not be entitled to install additional structures along the route of the footpath either on a permanent or temporary basis unless written authorisation has been granted by the highway authority.

Impact on Neighbour's Private Amenity

The application site is separated from the nearest dwellings (located to the west of Sparkenhoe Farm and fronting Main Road) by the agricultural buildings that form the existing farmstead. These dwellings are located to the west of the site and are over 120 metres away. For this reason it is considered that the proposal will not adversely impact on the private amenities of occupiers of these dwellings. It is therefore concluded that the proposal is in accordance with policy BE1 (criterion i) of the Hinckley and Bosworth Local Plan 2001.

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 as the layout, scale and appearance would be acceptable, it would not compromise the route of the public right of way and it would not have an adverse impact upon neighbour's private amenity.

Hinckley and Bosworth Local Plan (2001):- Policies BE1, NE5, NE10 and NE12.

In dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby approved shall not be carried out otherwise than in complete accordance with the following details received on 25 June 2013:- Elevation drawing no. GP36250PL; Site location plan; Site layout plan; Cross section; Drainage strategy plan.
- 3 The external surfaces of the development hereby approved shall be constructed using natural grey fibre cement sheeting with vertical clad Yorkshire boarding for the elevations and natural grey fibre cement box profile sheeting for the roof unless otherwise approved in writing by the local planning authority.
- 4 No development shall commence until full details of landscaping mitigation 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) planting plans
 - b) written specifications
 - c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - d) implementation programme.
- 5 The approved landscaping mitigation scheme shall be carried out in accordance with the approved details. The landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 (a) of the adopted Hinckley & Bosworth Local Plan.
- 4&5 Reason: To enhance the appearance of the development to accord with Policy NE5 (criterion iii) and NE12 (criteria b and d) 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.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 The applicant should be advised that animal waste and surface water contaminated by animal waste must not be discharged to ditches, watercourses or soakaways. Slurry, contaminated runoff, including wash water and leachate from stockpiled manure, must be collected in tanks or lagoons complying with the standards laid down in the 'Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991'
- 6 The applicant is advised that no consent has been given to install additional structures either on a temporary or permanent basis in new locations along the route of the footpath unless written authorisation from the highway authority has been obtained. If it is necessary at any time for the surface of the footpath to be disturbed by any works associated with the development, the applicant should notify the Rights of Way Inspector for the area at the Southern Area Highways Office, Croft (telephone no.0116 305 0001) prior to the commencement of the works. Any damage that may be caused to the surface of the footpath which is directly attributable to works associated with the proposed development, will be the responsibility of the applicant to repair at his own expense to the satisfaction of the Highway Authority.

Contact Officer:- John Taylor Ext 5680

Item: 05
Reference: 13/00532/HOU
Applicant: Mr Chris Ladkin
Location: 4 The Poplars Earl Shilton
Proposal: Extensions and alterations to dwelling
Target Date: 2 September 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the applicant is an Elected Member of the Borough Council.

Application Proposal

The application seeks full planning permission for a first floor side extension at 4 The Poplars Earl Shilton to provide an additional bedroom.

The proposals include an increase in the height of the existing single storey side elevation and ridge by approximately 0.3 metres (to a maximum height of 5.4 metres) and the formation of a flat roof dormer window on the rear roof slope, set in from the side elevation and designed with a very shallow pitch roof. The extension is approximately 3 metres wide and extends up to 1 metre from the side boundary with No. 2 The Poplars. The proposal is to be constructed in matching materials with the existing tiles re-used and additional matching tiles used on the side elevation of the dormer window.

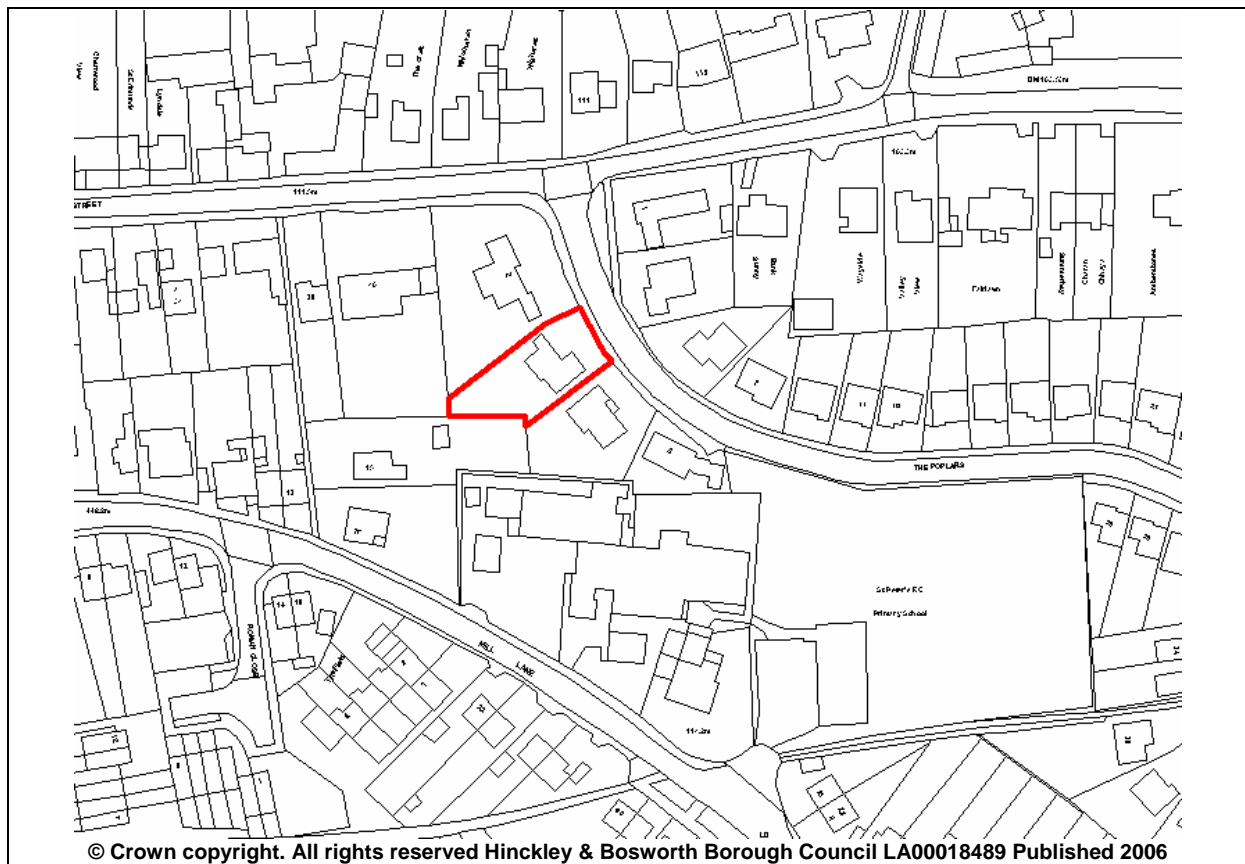
The Site and Surrounding Area

The application property is a split level, detached two storey house with garaging below. It is designed with a traditional, gable ended roof form and with a single storey extension with similar roof form to the north west side elevation. There is a conservatory to the rear. The dwelling is constructed with brown facing bricks, brown concrete interlocking roof tiles, white uPVC windows on the rear elevation and brown frames on the front elevation. It occupies an elevated position in relation to the highway but a more comparable ground level with the dwellings either side. There is a double garage and two additional off-street parking spaces at street level along with a landscaped front garden. The rear garden is enclosed by a mix of close boarded timber fencing and mature vegetation.

The adjacent properties are also detached, with individual designs and are 1½ storey (No. 2) and single storey (No. 6) in scale.

Relevant Planning History:-

02/01264/FUL	Single Storey Side Extension	Approved	30.12.02
--------------	------------------------------	----------	----------



Consultations:-

No objection has been received from:-

Earl Shilton Town Council
Head of Community Services (Land Drainage).

At the time of writing this report no response has been received from neighbours.

The consultation period remains open at the time of writing and closes on 9 August 2013. Any further consultation responses received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Supplementary Planning Guidance/Documents

House Extensions (SPG)

Appraisal:-

The main considerations with regard to this application are the principle of development, design and appearance and impact on the residential amenity of adjacent properties.

Principle of Development

The application proposes an extension and alterations to an existing dwelling within the settlement boundary of Earl Shilton. The NPPF is supportive of sustainable development, as this proposal is for an extension and alterations to an existing dwelling it is considered to be sustainable development and the proposal is therefore compliant with the NPPF.

Design and Appearance

Policy BE1 (criterion a) of the adopted Local Plan requires development to complement the character of the surrounding area. The adopted SPG on House Extensions provides design guidance.

As the application dwelling occupies an elevated position in relation to the highway and the proposed extension is to the side elevation it will be visible within the street scene. However, the application dwelling is set well back from the highway and as a result of the proposed marginal (0.3 metres) increase in the ridge height of the existing single storey side extension and the construction of the subordinate dormer window on the rear roof slope, the proposal will not be prominent and will have no adverse impact upon the character or the visual amenity of the area. The extension is to be constructed in matching materials to provide a unified appearance with the main property. The proposal will complement the character of the existing dwelling and surrounding area in accordance with Policy BE1 (criterion a) of the adopted Local Plan and the general principles of the adopted SPG on House Extensions.

Neighbours Amenities

Policy BE1 (criterion i) of the adopted Local Plan requires that development does not have any adverse impact on the amenities of neighbouring properties.

2 The Poplars is a 1½ storey detached house located to the north west of the proposal. There is a side facing window in the roof gable of that dwelling facing the proposal. However, as a result of the scale and design of the proposed extension and the separation distance of approximately 10 metres from the blank side elevation of the extension, the proposal will have no adverse overbearing impact on that window. In addition, the proposed dormer window faces into the rear garden of the application dwelling therefore no loss of privacy from overlooking to the neighbouring garden will result. Due to the siting of the proposal and separation distances there will be no adverse impact on any other neighbouring property. The proposal is therefore in accordance with Policy BE1 (criterion i) of the adopted Local Plan and the adopted SPG on House Extensions. At the time of writing the report, no objections have been received from any neighbouring properties.

Conclusion

By virtue of its siting, scale, design, appearance and separation distances, the proposal will complement the character of the existing dwelling and will not result in any adverse impacts on the character of the street scene or the amenities of any neighbouring properties. The

proposal is compliant with the NPPF and Policy BE1 (criteria a and i) and the general principles of the SPG on House Extensions and 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 would be in accordance with the development plan as it is sustainable development, will complement the scale, character and appearance of the existing dwelling and will not have any adverse visual impact on the character of the street scene or residential amenity.

Hinckley and Bosworth Local Plan (2001):- Policy BE1 (criteria a and i).

In dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Drawing No. M1416/LP, Block Plan Drawing No. M1416/BP, Proposed First Floor Plan Drawing No. M1416/4, Proposed Elevations Drawing No. M1416/5a and Proposed Section Drawing No. M1416/6 received by the Local Planning Authority on 8 July 2013.
- 3 The materials to be used on the external elevations of the extension and alterations hereby permitted shall match the corresponding materials of the existing dwelling.

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 in the interests of visual amenity and the character of the area to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 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.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Richard Wright Ext 5894