

PLANNING COMMITTEE

27 May 2014

RECOMMENDATIONS OF CHIEF PLANNING AND DEVELOPMENT OFFICER

ON APPLICATIONS FOR DETERMINATION BY

THE PLANNING COMMITTEE

BACKGROUND PAPERS

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

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Item: 01

Reference: 14/00342/FUL

Applicant: DC Leisure Management

Location: Land At Argents Mead Hinckley

Proposal: Erection of leisure centre with associated parking and infrastructure

Target Date: 10 July 2014

Introduction:-

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

Application Proposal

Full planning permission is sought for the erection of a Leisure Centre with replacement recreation space and associated access and parking on the cleared site of the former Hinckley and Bosworth Borough Council offices.

In further detail the proposed development consists of a substantially glazed building which ranges in height to a maximum of three stories. The principle (western) elevation has a curved frontage with vertically emphasised curtain walling comprising of glazed and coloured infill panels. This is subdivided into three horizontal sections (of diminishing length) by brise-soleil extending the width of the frontage. The curtain walling is set upon a brick plinth of varying height in response to the change in ground level. The entrance is proposed at roughly the mid point in the western elevation, and comprises a vertically emphasised projecting copper clad structure, with over-sailing elements. This is filled with opaque panels and has double, glazed doors at ground floor. This feature will project higher than the general scale of the building and will incorporate lettering arranged in a vertical format to its northern and southern elevations, denoting the buildings use. A flat roofed, rectangular, timber clad element is set down and back from the principle frontage and forms the bulk of the southern elevation. This too is set on a brick plinth, which incorporates two bands of vertically emphasised curtain walling. The curved principle elevation then wraps round to the northern elevation, to the point where it joins the sloping sedum roof of the swimming pool. The eaves height of this part of the building is single storey and the elevation comprises of curtain walling set upon a shallow brick plinth. The rear (eastern) elevation of the building comprises the differing elements of the structure and thus varies in scale, mass and material. An enclosed terraced area wraps around the building from the northern side of the main entrance to the point where the curtain walling joins the sedum roofed structure on the northern elevation.

The building has a rectangular shaped footprint of 6500 square metres. It accommodates the site of the recently demolished Council Offices and associated parking area, and the recreational ground to the south. The proposal seeks to use the Council's existing Mount Road Car Park and will provide 112 spaces. A further 6 disabled parking bays will be provided to the north of the access, along with 17 cycle storage spaces adjacent to the sports hall. The existing access to the Mount Road Car Park will be closed from Mount Road, and a new access drive from Argents Mead Drive will be constructed. This will lead east from the existing access drive and turn to the south to enter the car park.

A new recreation space, to replace that lost through the redevelopment of the site is to be provided to the west of the building.

The facilities provided by the Leisure Centre will comprise of:-

- 8 lane 25m pool
- Learner pool with poolside spectators viewing
- splash / water familiarisation and fun zone
- Sauna / steam rooms and shower
- 8 court sports hall
- Dividing wall to Sports Hall (to enable 4 court halls to be provided for community use and sports)
- 120-station fitness suite
- Glazed group cycling studio
- 2 dance studios / multi-purpose rooms
- Climbing wall
- Café/vending
- Ancillary / associated staff areas and meeting room

Site and Surrounding Area

The site is located on the town centre fringe, with the areas to the north and west being characterised by the remnants of the historic town centre, and the areas to the east and south comprising areas of 19th and early 20th century urban housing.

The site known as Argents Mead is defined by the Queen Elizabeth II Fields to the North and the St Mary's Church (grade II* listed building) and Vicarage to the West. The site has an area of 1.5 hectares. To the East are the Health Centre and Hinckley and District General Hospital and the Mount Road car park is to the South. Further north east of the site is the Scheduled Monument of Hinckley Castle. The centre of the site was dominated by the now demolished 1960s 4 storey Council Offices with car parking and municipal planting to the South and West. The primary vehicle access is from the South West on Argents Mead with a secondary gated access adjacent to the Health Centre off Mount Road. A number of pedestrian paths are located around and across the site. Argents Mead Park and the grassed areas to the South are designated for recreation within the adopted Local Plan.

The site contains a significant number of mature and semi mature trees, with mature groups of trees lining the East, South and Western boundaries.

The natural topography of the site is a south-west facing slope, with the site levels rising by over 9m from Argents Mead up to the North East corner. The main level changes occur across the location of the now demolished Council Offices. However over much of the area the natural topography has been altered to create a series of level terraces.

The majority of the application site is located within Hinckley Town Centre Conservation Area, with only the Mount Road car park falling outside.

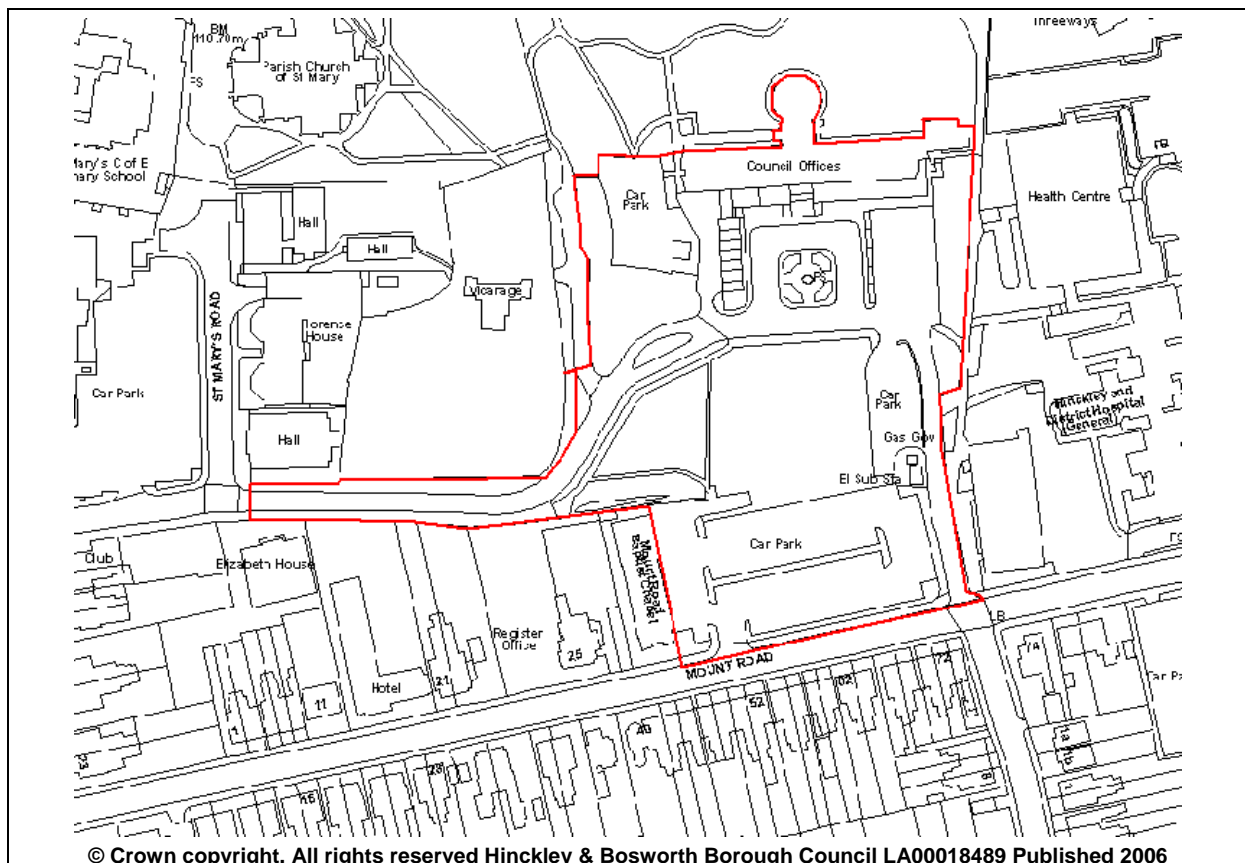
During the course of the application amended plans have been received, along with an updated Transport Assessment and Archaeology Report. These have been subject to a further, 10 day re-consultation.

Technical Documents Submitted with Application

Design and Access Statement
Planning Statement
Statement of Community Involvement
Archaeology and Heritage Report
Recreational Space Assessment
Transport Assessment
Draft and Conceptual Travel Plan
Tree Assessment
Heritage Report
Flood Risk Assessment
Noise Assessment

Relevant Planning History:-

13/00237/CON	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	Approved	09.09.13
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Consultations:-

No objection has been received from:-

Environment Agency
English Heritage
Sport England.

No objection subject to conditions has been received from:-

Director of Chief Executive (Archaeology)
Head of Community Services (Pollution)
Head of Community Services (Drainage)
Tree Officer.

No response has been received from:-

Severn Trent Water Limited
Director of Community Services (Ecology)
Director of Environment and Transport (Highways).

Site notice and press notice were displayed and neighbours notified.

Two letters of neighbour representation have been received raising the following issues:-

- a) lack of parking provision
- b) given the sensitive location of the proposal, hours of construction should be limited
- c) as soon as the main structure and roof of the proposal is completed, the landscaping for the development should be completed, in order to ensure the view from the park is restored.
- d) adverse impact in respect of transport generation
- e) queries in relation to transport assessment
- f) tree loss
- g) noise and disruption to future residents of the retirement home resultant of the coach drop off point
- h) concerns over the proposed location of the play area and its impact on the trees.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

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

Hinckley and Bosworth Local Plan 2001

The site is located in the settlement boundary and the town centre conservation area as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1: Design and Siting of Development
Policy BE7: Development in Conservation Areas
Policy BE5: The Setting of a Listed Building
Policy BE12: Scheduled Ancient Monuments
Policy T5: Highway Design and Vehicle Parking Standards
Policy NE2: Pollution
Policy NE12: Landscaping Schemes
Policy NE14: Protection of surface waters and Groundwater Quality
Policy BE16: Archaeological Investigation and Recording
Policy T11: Traffic Impact Assessment
Policy REC1: Development of recreation sites

Hinckley Town Centre Area Action Plan DPD

Policy 5: Land North of Mount Road

Supplementary Planning Guidance/Documents

Sustainable Design (SPG)

Appraisal:-

The main considerations in relation to this development are the principle of development, siting and design, impacts on the conservation area, listed building and Ancient Monument, residential amenity, highway safety, archaeology and other issues.

Principle

The NPPF introduces a presumption in favour of sustainable development, and identifies three dimensions to this, economic, social and environmental. The planning systems role is to deliver developments which comply with these intentions:-

- An economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- A social role - supporting strong, vibrant and health communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- An environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

Paragraph 9 of the NPPF states that sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. Paragraph 23 suggests that planning policies should be positive, promote competitive town centre environments and set out policies for the management and

growth of town centres. It is identified in paragraph 73 that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and paragraph 17 encourages the effective use of land by reusing land that has been previously developed.

The Core Strategy identifies the strategic policies for the development of Hinckley and Bosworth to the year 2026.

Spatial Objective 7: Healthier Active Communities states that the council will "develop healthier and stronger communities by improving access to, and the provision of, community, sports and cultural facilities, green infrastructure and walking and cycling routes integrated with local public transport...provision is generally sufficient across the borough, but the quality of these facilities needs to be improved".

Strategic priorities for the development of Hinckley are specifically detailed in Policy 1. This policy states that the council will, amongst other things:-

- Support the development of new leisure facilities and sporting hub on land off the A47 in the vicinity of Hinckley United Football Stadium supported by sustainable public transport links including enhanced walking and cycling connections from Barwell, Earl Shilton, Hinckley and Burbage;
- Address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Hinckley as detailed in the council's most up to date strategy.

The Council's Open Space, Sports and Recreational Facilities Study (2011) identifies the need for the replacement of Hinckley Leisure Centre. The study identified the potential to relocate the Leisure Centre to the existing 'sporting hub' on land off the A47. That option has been discounted as being no longer suitable or viable for this facility.

As the proposal would be replacing the existing, outdated facility, it is considered that it would be enhancing the quality of this type of indoor provision within the town and therefore accords with Policy 1 of the Core Strategy.

The proposed development of this site is contained within the adopted Hinckley Town Centre Area Action Plan and forms part of Policy 5: Land North of Mount Road. The key aspirations identified for the development of this site are:-

- Retention and enhancement of Argents Mead and the Memorial Gardens to provide public walkways and improved linkages within the site and the wider town centre. This could include a 'green link' running through the site from north to south.
- Provision of a mixed use development within the site. Uses could include residential units, office space and community facilities. The development of a residential care home and/or retirement living units could also be explored in this location.
- Provision of retail units and a civic facility to the north of the site to compliment existing uses on Castle Street.
- Enhancement of town centre car parking facilities.

It is considered that the proposed development is in conformity with Policy 5 in relation to the retention and enhancement of the green spaces in the site and the development of a green link. While the development of the site with a leisure centre is not specifically identified, it is considered that a leisure centre provides a community facility that is fully in accordance with the aspirations set out in the AAP.

The emerging Site Allocations and Development Management Policies DPD - Pre-submission underwent public consultation between February and March 2014 identifies this site as an Open Space, Sport and Recreational Facility with the reference HIN98. The specific allocation is for the development of the replacement Hinckley Leisure Centre and, when adopted, would replace policy 5 of the Hinckley Town Centre Area Action Plan.

Although this allocation signals the intent of the Borough Council, and the allocation is not subject to any significant unresolved objections, this document has not yet been considered by the Secretary of State at Examination so can be afforded only limited weight in the consideration of this application.

The proposed development would facilitate the re-use of a previously developed site in a highly sustainable location adjacent to the town centre, would constitute sustainable development and would significantly contribute to the regeneration of Hinckley town centre. The proposal is therefore in accordance with the development plan as well as the principles set out in the NPPF and is therefore acceptable in principle.

Design and Siting

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, materials and architectural features'.

The proposed design has been subject to lengthy pre-application discussions. Alongside fulfilling its functional requirements as a Leisure Centre, the design and siting of the building has had to be responsive to its sensitive location within the conservation area, its proximity to both the Grade II* listed church and the Ancient Monument, and has had to take into consideration the changing topography, the presence of protected trees and the existing recreational space.

Design

Although the accommodation has been split over three levels and has an extensive floor area (6500 sqm²), the scale and mass of the building has been both visually and physically reduced through the buildings subdivision into different elements. This has been denoted through a change in material and height and through staggering the elevations. Furthermore the façade treatments establish a hierarchy across the site and reinforce the importance of the elevation to the park and Argents Mead. Despite the varying elements, consistency to the design has been ensured through the use of vertically emphasised curtain walling and a limited pallet of materials. Furthermore to capitalise on the buildings parkland setting, and to ensure it remains compatible with the surrounding buildings, natural materials, including cedar cladding, a cedum roof and red brick have been proposed, which are common of the vernacular. Furthermore, the curved curtain walling, in addition to adding interest to the principle elevation, will provide a reflective surface, which will further assimilate the building within its parkland setting. Whilst glazing has been used to provide views and natural surveillance, the use of solar shading has been integrated into the design by a means of brise-soleil to reduce solar gain and improve the environmental performance of the building.

Legibility and a focal point has been ensured through the centrally positioned vertically emphasised copper clad entrance, which projects in excess of the common mass of the building and is further complimentary of the natural materials and colours proposed throughout. The buildings functionality is reflected through its use of simplistic elements, including the box-like structure of the sports hall, which has limited openings; however due

it's sensitive siting, through the use of timber cladding this comprises a crisp contemporary element which enhances the overall appearance of the building. Furthermore louvres have been incorporated within the timber cladding to provide natural ventilation. The functional/operational requirements of the swimming pool, along with the requirement to reduce solar gain on this south facing elevation and respond to the adjacent parkland and limit visual impacts on the Scheduled Ancient Monument has resulted in a shallow pitched oversailing sedum roof, and a ground floor run of curtain walling.

To soften the building edge and ground the building into its landscape, the masonry base of the building is to be planted with a green wall.

Although an indication of the pallet of materials and landscaping details have been provided, specific details and samples will be requested by way of condition should the application be approved.

Siting and Trees

The building would be roughly rectangular in plan, extending from the footprint of the former Council Offices in a southern direction, encompassing the majority of the designated, saved REC 1 site. The REC 1 space is to be re-positioned through the removal of the existing council car park in the North West corner of the site and extended in a southerly direction. Through re-positioning this space, a green link is provided generated between Mount Road and the Town Centre. To the south the existing Mount Road car park will provide for the parking requirements of the development and a new access will be routed from the existing Argents Mead driveway to serve this. The design and siting of this has had to take into consideration a prominent Elm tree and the fall in ground level. The proposed route takes account of these factors and results in the most viable solution.

The site is within the conservation area, which is characterised by mature, dense vegetation. All boundaries of the site are flanked by mature trees. The Council, is committed to retaining as much of this vegetation cover as possible.

The application is accompanied by an Arboricultural Impact Assessment and the effects on the trees have been considered by the Council's Tree Officer.

The footprint of the building has been carefully sited to ensure minimal impacts on the surrounding vegetation. The majority of the mature trees around the periphery of the site will be retained and that the trees planned for retention can be adequately protected by design techniques and physical barriers during the construction phase of the development. However some of the mature trees need to be removed to facilitate the proposal. This said, on balance, given the associated benefits brought about by the development of the site, this loss is considered justifiable. In order to ensure the remaining trees are adequately protected during construction, a number of conditions have been recommended by the Tree Officer. The recommended conditions are considered reasonable and necessary and will be imposed should the application be recommended for approval.

Overall, through the use of varying heights and staggering of the differing elements of the building and the use of a varied pallet of materials, the massing of the building would not appear out of character or unduly prominent. Furthermore, the elevations are highly legible and have an interesting and detailed appearance. The design and siting of the building proposed is considered sympathetic within its conservation area setting and respectful of the heritage assets within the area. The development would preserve the character of the conservation area and in terms of design is considered acceptable, complying with Policy BE1 (a) and BE7 of the Local Plan.

Impact on Character of the Conservation Area, Listed Building, Ancient Monument and Archaeology

Due to the site's location within the Hinckley Town Centre Conservation Area and its proximity to the Hinckley Castle Scheduled Monument, war memorial and Grade 2* listed St Mary's Church, heritage is a significant consideration with this application. Paragraph 128 of the NPPF states that in determining applications, an applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 129 requires consideration of the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance and paragraph 141 states that where there is a loss of the whole or a material part of the heritage asset', its significance should be justified. Developers should also record and advance understanding of the significance of the affected resource prior to loss.

Saved Policy BE7 requires developments within Conservation areas to preserve or enhance their special character or appearance.

Saved Policy BE16 states that when an archaeological field evaluation identifies the presence of important archaeological remains and their preservation in situ is not feasible or justified, further archaeological Investigation and recording will be required.

These policies are considered to be consistent with the intentions of the NPPF and therefore carry weight in the determination of this application.

The site lies to the south of St Mary's Parish Church which is a Grade II* listed building and due regard must be had to preserving the setting of this listed building. Given the physical distance between the Church and the development, and when taking into account the amount of tree screening that exists within the Churchyard, there is considered to be no adverse impact upon the setting of the Church. The development is broadly comparable with the scale of other developments within proximity of the Church and the proposal will not obscure views of the Church spire from distance, which must be protected. The scheme therefore complies with the requirements of Policy BE5.

The site lies to the southwest of the Scheduled Ancient Monument (SAM) of the Former Castle Mound, Hinckley. Again, given the physical separation, distances, the fact that the castle mound sits at a much higher elevation and the nature of development surrounding it, there will be no adverse impact on the setting of the SAM. The scheme there complies with the requirements of Policy BE12.

Within the accompanying Heritage Impact Assessment, it is considered that the proposal will have a neutral impact on the setting of the identified assets. This is resultant of the fact that the leisure centre will be replacing the former Council Offices, rather than comprising the introduction of a building on previously undeveloped land.

Given the sites sensitive location, the application was submitted with an archaeological written scheme of investigation, and during the course of the application trial trenching has been undertaken, and an updated report has been provided.

The results of the trial trenching demonstrate the potential for the survival of archaeological remains of medieval date, evidenced by the 13th or 14th century feature partially exposed in Trial Trench 1. Surviving archaeological remains are likely to consist of truncated earthfast features cut into the geological natural at approximately 118.0m - 118.3m above Ordnance Datum in this part of the site. The medieval feature in Trial Trench 1 was overlain by modern deposits in this area during landscaping associated with the development of the former Council Offices in the late 1960s.

At a similar depth, 19th century pottery was also identified in Trial Trench 2, along with a 19th century land drain. No earlier archaeological remains were encountered.

Any groundwork associated with the proposed development that exceeds the depth of the 20th century made ground in this part of the site has the potential to impact upon buried archaeological remains.

In their consultation response, English Heritage have suggested that they would ideally like to see the footprint of the proposal adhering as closely as possible to that of the former Council Offices, to avoid any collateral damage. However they have raised no objections to the scheme and have advised that the proposal be determined in accordance with planning policy and the advice of Director of Chief Executive (Archaeology).

Director of Chief Executive (Archaeology) has stated that further archaeological trial trenching is required to ascertain the survival of archaeological remains within parts of the site that were not accessible during the recent phase of evaluation trenching, in close proximity to the now demolished Council Offices. However, given the evidence for past ground disturbance, it is considered likely that any surviving remains would have been truncated and, whilst worthy of further investigation and recording, are unlikely to warrant preservation in situ. In addition, the archaeological remains revealed in the recent trenching were shown to have been truncated by 20th century landscaping and would also warrant further investigation and recording within areas of the development that will impact those remains.

To safeguard any important archaeological remains potentially present, it is recommended that if approved, the application should be subject to conditions. The suggested conditions are considered both reasonable and necessary and will be imposed should the application be recommended for approval.

The design and siting of the building proposed is considered sympathetic within its conservation area setting and respectful of the heritage assets within the area. The development is considered to preserve the character of the conservation area and in terms of design is considered acceptable. The proposal is in accordance with Policy BE1 (a) and BE7 of the Local Plan.

Residential Amenity/Noise Impacts

Criterion i of Saved Policy BE1 states that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties; this policy is considered to have limited conflict with the intentions of the NPPF and as such should be given weight in consideration of this application.

The closest residential dwellings are those on Mount Road, to the south of the site. However by virtue of the separation distances between these and the application site, the scheme is not considered to result in any adverse impacts on their residential amenity in terms of privacy, overshadowing, over-dominance, or overbearing impacts.

The application has been accompanied by a Noise Impact Assessment which assessed any potential noise impacts on the most noise sensitive receptors, in this case the health centre to the east and the residential properties to the west, and recommended necessary mitigation.

The assessment has considered the impact of noise levels generated by the proposed plant rooms and gymnasium studios, as these have been determined as being the major sources of noise likely to be of concern. A standard lightweight roof was modelled and found not to be

sufficient to attenuate the noise level at the facade of health centre to achieve required levels. Therefore, a suspended plasterboard ceiling has been recommended to achieve acceptable levels.

The acoustic report has been considered by Head of Community Services (Pollution). Initially queries were raised in respect of whether music would be played in the sports hall and of the specific locations where passive ventilation would be used, and whether this had been assessed. Following further discussions, it has been agreed that if recommended for approval, a condition is necessary requiring a scheme to be submitted illustrating how noise levels can be suitably attenuated. This information will be required prior to commencement, as there may need to be alterations and upgrades to the fabric of the building.

Given the scale of the development proposed, and the potential for sensitive receptors to be impacted on by dust, noise and lighting during the construction process, a condition requiring the submission of a Construction Environment Management Plan has also been suggested. This would include details of hours of operation, a complaints procedure and details of community liaison. This condition is considered necessary and reasonable and will be imposed.

Lighting

No details of lighting have been included with the application. External lighting, and light escaping from the building has the potential for impacting upon the nearby dwellings and hospital, and should be assessed. Accordingly, a condition has been recommended to agree these details.

Subject to the suggested conditions there are considered to be no adverse impacts on the residential amenity of surrounding properties.

Highway Safety

Saved Policies T5, T9 and BE1 (criterion g) are considered to have limited conflict with the intentions of the NPPF and is therefore given weight in the determination of this application.

Vehicular access to the proposed leisure centre is via the existing access to the site on Argents Mead Road. The access will serve all leisure centre car parking, along with providing an access to the existing vicarage adjacent to the western boundary of the site. Access for delivery/servicing vehicles is proposed via Hurst Road adjacent to the eastern boundary of the site. Pedestrians/cyclists will be able to access the site via the vehicular access. In addition, the site is well connected by a series of pedestrian routes to the north, east and west of the site.

Vehicular access to the existing Mount Road car park is to be blocked off from Mount Road and a new access provided from St Mary's Road. This car park will serve the leisure centre and will provide 110 parking spaces and 6 disabled parking bays. This is 24 more than that provided by the existing Leisure Centre car park. To the north of the proposed access drive (and adj. to the recreational space) 6 disabled parking bays and a coach drop-off area is proposed. A cycle storage area providing 17 spaces is sited adjacent to the front of the sports hall.

The accompanying Transport Assessment states that the site is close to existing sustainable transport Infrastructure and is located in Hinckley town centre, and that the majority of the town live within a reasonable walk or cycle distance of the site. It states that the site location and proposed use is considered to accord with national and local transport policy objectives.

The assessment concludes that the estimated traffic impact of the development is minimal and is not considered to have a significant impact on the existing highway network. The proposed site access is also predicted to operate within capacity.

In response to this the Director of Environment and Transport (Highways) has raised further queries and has requested that an amended Transport Assessment should be undertaken. Details of the scope of this have been included within their initial response. The developer has been informed of this requirement, and any further information received will be reported as a late item.

Other Issues

Head of Community Services (Pollution) has suggested a condition requiring further details to be provided should land contamination, not previously identified be found on site. This condition is considered reasonable and necessary and will be imposed should the application be approved.

The development will result in the re-siting of a designated open space which is protected under policy REC1 of the adopted local plan. The existing open space is to the south of the site and constitutes an area of grass measuring 35 metres². This provides the recreational area for St Mary's Primary School. This area is to be replicated to the west of the proposed leisure centre building. Sport England has been consulted on the application and are supportive of the scheme.

Head of Community Services (Land Drainage) has recommended that surface water should be managed by sustainable methods and that the access way, parking and turning areas should be constructed in a permeable paving system. Accordingly a condition has been recommended to secure drainage details incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. Similarly Severn Trent has requested a condition which requires the submission of drainage details for foul and surface water runoff. These are considered necessary and reasonable requests and a suitably worded condition is recommended.

Sustainability

Whilst there is no policy requirement for the building to be developed to a specific BREEAM level, in the interests of sustainability and energy efficiency, the Leisure Centre will be developed to a BREEAM very good standard.

Conclusion

This development will result in the re-use of this highly sustainable, town centre brownfield site and will provide the Borough a state of the art leisure complex. The siting and design of the proposal both capitalise on the site available whilst also being sensitive to the character of the surrounding conservation area, heritage assets and the maturely vegetated setting. Furthermore, subject to the imposition of conditions, the development is not considered to give rise to any materially adverse impacts in terms of residential amenity, highway safety, drainage, pollution, trees or archaeology. Therefore the scheme is considered acceptable and in accordance with policies BE1 (a, i, h), BE5, BE7, BE12, BE16, , NE12, NE14 T5, T11 and REC1 of the Hinckley and Bosworth Local Plan, Policy 1, Policy 19, Policy 24 of the Core Strategy and the overarching principles of the NPPF.

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 within the settlement boundary of Hinckley and comprises the highly sustainable re-use of this brownfield site. Furthermore, subject to the imposition of conditions, the development is not considered to give rise to any materially adverse impacts in terms of residential amenity, highway safety, drainage, pollution, trees or archaeology. Therefore the scheme is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (a, b i, h), BE5, BE7, BE12, BE16, NE2, NE12, NE14 T5, T11 and REC1.

Local Plan 2006-2026: Core Strategy (2009): Policies 1 and Policy 19.

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 Nos:- PL011 rev C, PL012 rev C, PL013 Rev C, PL015 rev C, PL005 rev C, PL010P rev C received by the Local Planning Authority on 12 May 2014.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed Leisure Centre shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 Prior to commencement, full details of both hard and soft landscape works shall be 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) proposed finished levels or contours
 - b) means of enclosure
 - c) hard surfacing materials
 - d) existing trees and hedgerows to be retained and details of their protection
 - e) planting plans
 - f) written specifications
 - g) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - h) implementation programme.

- 5 The hard and soft landscaping scheme shall be carried out in accordance with the approved details. The hard landscaping scheme shall be completed prior to the first occupation of any dwelling hereby approved. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
- 6 No construction works shall take place outside of the following hours:- 7.30am - 6pm Monday - Friday, 8am - 1pm Saturday and at no time on Sundays or Bank Holidays.
- 7 Prior to commencement, a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke and light. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints.
- 8 No demolition/development shall take place/commence until a programme of archaeological work, informed by an initial phase of trial trenching and submission of groundworks details (foundation depths, formation levels, services, landscaping, etc.), has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:-
 - a) The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
 - b) The programme for post-investigation assessment
 - c) Provision to be made for analysis of the site investigation and recording
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation. Provision to be made for archive deposition of the analysis and records of the site investigation
 - e) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 9 No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (8).
- 10 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (8) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 11 Notwithstanding the recommendations provided in the Noise Impact Assessment (ref: R0873-REPO1b-PC) development shall not begin until a scheme for protecting the hospital, health centre and the nearby dwellings from noise from the proposed development has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before the permitted development first comes into use.
- 12 Details of any external lighting of the site, including light emitted from the building, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan

with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

- 13 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 14 No work shall commence on site until trees on and adjacent to the site have been securely fenced off with protective barriers to form a construction exclusion zone in accordance with BS 5837:2012 Tree in relation to design, demolition and construction. A Tree Protection Plan shall have been submitted to and approved in writing by the Local Planning Authority. Within the protected areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and no service trenches shall be dug unless first agreed in writing by the Authority.
- 15 No works or development shall take place until an auditable system of arboricultural site monitoring by the appointed project arboriculturist has been submitted to and approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and shall be implemented as approved.
- 16 No works or development shall take place until a suitable "no-dig" road construction scheme for the access drive where it crosses root protection areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

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 (criterion a) and Policy BE7 (criterion b) of the adopted Hinckley & Bosworth Local Plan.
- 4 To enhance the appearance of the development in accordance with Policies NE12 (criteria a - d) and BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies NE12 (criteria c and d) and BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that the development does not have an adverse impact in terms of noise and disturbance on the residential of surrounding properties in accordance with Policy BE1 (h and i).

- 7 To ensure that the development does not have an adverse impact on the residential amenity of surrounding properties Policy BE1 (h and i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 8-10 To ensure satisfactory archaeological investigation and recording in accordance with paragraphs 129 and 141 of the NPPF.
- 11&12 To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy BE1 (i) of the adopted Hinckley and Bosworth Local Plan.
- 13 To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with the overarching intentions of the NPPF and Saved Policy NE2 of the adopted Hinckley and Bosworth Local Plan 2001.
- 14 To ensure the existing trees are adequately protected during construction in the interests of the visual amenities of the area in accordance with policy BE1 (b) of the adopted Hinckley and Bosworth Local Plan.
- 15&16 To ensure that the tree protection plan is adequately implemented in the interests of the visual amenities of the area in accordance with policy BE1 (b) 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 In reference to condition 15, there will be a need for "no-dig" road construction close to T76 -T79 and a need to avoid an increase in soil bulk density detrimental to the long-term health of the affected trees. The applicants should provide evidence that they have sought specialist advice from an engineer in order to ensure that "no-dig" surfacing is fit for purpose as recommended in paragraph 7.4 of BS5837:2012.

Contact Officer:- Eleanor Overton Ext 5680

Item: 02

Reference: 14/00060/FUL

Applicant: Mr R Wright

Location: 1 Burton Road Twycross Atherstone

Proposal: Erection of 3 bedroomed detached dwelling and revised car parking layout to serve existing neighbouring dwellings

Target Date: 8 May 2014

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has generated more than five letters of objection.

Application Proposal

The application seeks full planning permission for the erection of a single dwelling on a parcel of land in-between 5 Burton Road and 6 and 8 Hallfield Close Twycross. This scheme follows previously withdrawn application (13/00928/FUL). This was withdrawn on grounds of unsuitable siting and due to potential adverse impacts on residential amenity.

In further detail, the scheme comprises of a 3 bedroomed detached dwelling. The dwelling is set back in its plot and is horizontally aligned. To the rear is an enclosed garden and to the front is a long driveway and parking area running to the rear of 1 - 4 Main Street, leading to Main Street. Ten parking spaces are to be provided on the land to the front of the dwelling, 2 for the application property and 2 each for 1 - 4 Barton Road. This situation has arisen as the application site previously formed the parking area for 1 - 4 Barton Road.

During the course of the application, the agent has been requested to re-site two of the parking spaces to the front of the proposed dwelling, to lessen the potential adverse impacts on the residential amenity of the future occupiers of this proposed dwelling. The agent has declined to do this and wishes the scheme to proceed on the basis of the details submitted.

In terms of design, the front and rear elevations have similar detail, each has a centrally positioned projecting two story gable with pitched roofed dormers set off the wall plate, either side. The main entrance is sited within the gable and there is a window either side on the elevation. A similar pattern is replicated to the rear, but with two sets of patio doors to replace the ground floor windows. The fenestration is aligned and horizontally emphasised. To the eastern gable end is a pitched roofed single storey element and to the western gable is a full height external chimney stack, with external log burner housing.

Site and Surrounding Area

The application site comprises a parcel of land accessed from Burton Road. The site is within the settlement boundary of Twycross and currently comprises an unused parcel of land, which was formally proposed to provide the parking area for numbers 1 - 4 Burton Road. The physical boundaries of the site comprise of overgrown vegetation and close board timber fencing. The applicant is also in ownership of 1 - 7 Barton Road.

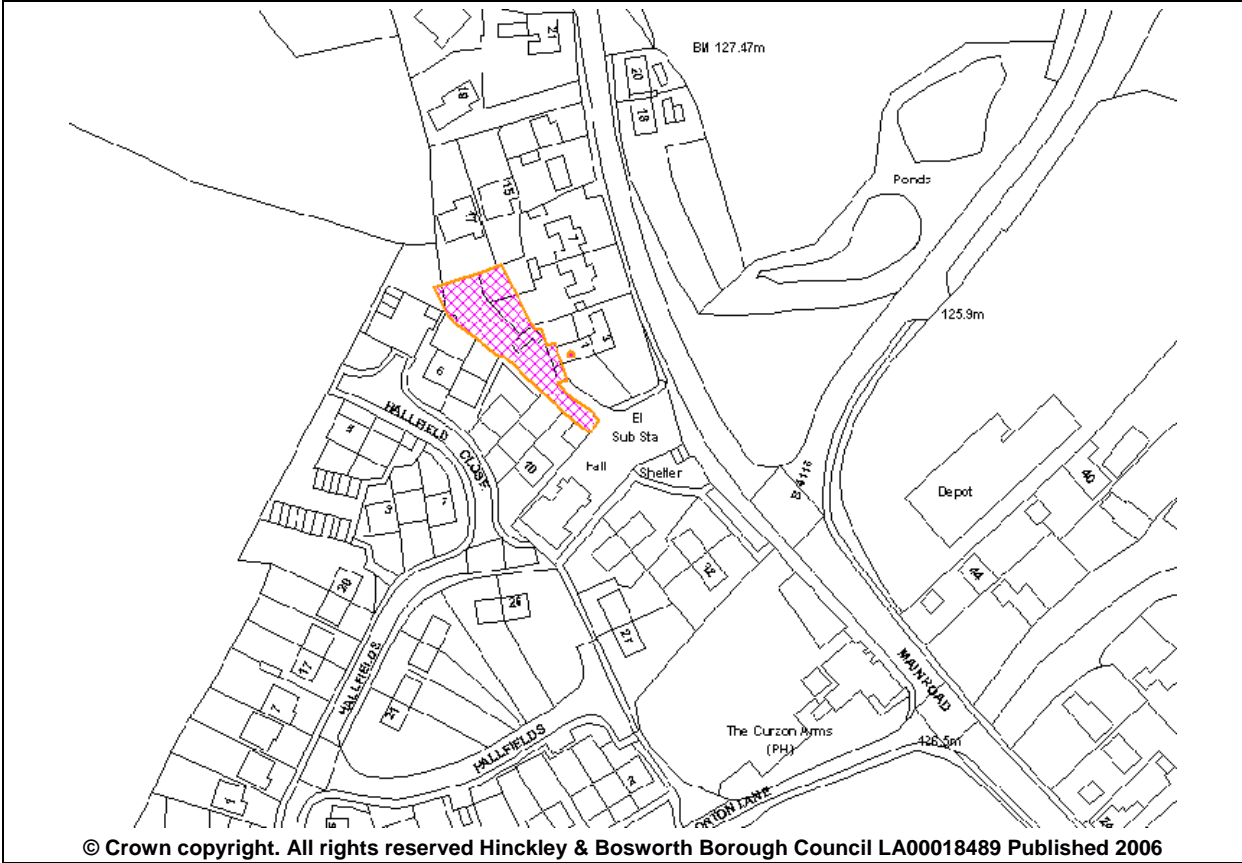
The immediate area has no definable residential character. There is a dispersed pattern of built development, focused around the linear nature of Burton Road. There is a mix of housing and architectural types within the vicinity. With bungalows on Hallfields Close, two traditional semi-detached cottages (Nos. 5 & 7) and a modern row of terraced properties (Nos.1 - 4) to the east of the site, and modern detached dwellings to the north. The dwellings range in age and size, but most have limited curtilages of differing width and depth. This random pattern has resulted in variety of development and the area having a semi-rural nature. The topography of the site remains relatively constant and indicates no considerable changes in external ground level.

Technical Documents submitted with the Application

Design and Access Statement
Draft Heads of Terms: Unilateral Undertaking for Play and Open Space Contribution

Relevant Planning History:-

13/00928/FUL Erection of one new dwelling Withdrawn 13.12.13



Consultations:-

No objection has been received from:-

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

No objection subject to conditions has been received from:-

Director of Environment and Transport (Highways)
Head of Business Development and Street Scene Services (Waste and Recycling).

David Tredinnick MP objects to the scheme on the following grounds:-

a) that the proposal will have a detrimental impact on the local residents in terms of amenity and the wider community as a whole.

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

- a) the proposed dwelling will compound the existing parking and access issues
- b) the site (red edge) includes the Village Hall car park which belongs to the Parish Council
- c) the removal of vegetation will have an adverse impact on ecology and residential amenity
- d) the proposal will compound the problems associated with emergency vehicles accessing the Village Hall.

Site notice posted and neighbours notified, six letters of representation received raising the following issues/concerns:-

- a) concerns over the removal of vegetation and the consequential impacts on ecology
- b) no provision for vehicle turning
- c) trees removed without planning permission
- d) contrary to SPG guidance on separation distances and thus adverse impacts on residential amenity and privacy
- e) highway safety and parking concerns
- f) no local need for the development - houses available in local property market
- g) development contrary to the character of the area
- h) proposal will result in a loss of light/overshadowing
- i) The site is currently untidy
- j) development will further reduce parking available at Village Hall.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

Policy 12: Rural Villages

Hinckley and Bosworth Local Plan 2001

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

Policy BE1: Design and Siting of Development
Policy RES5: Residential Proposals on Unallocated Sites
Policy T5: Highway Design and Vehicle Parking Standards
Policy IMP1: Contributions towards the Provisions of Infrastructure and Facilities
Policy REC3: New Residential Development Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

New Residential Development (SPG)

Appraisal:-

The main considerations with regards to this application are the principle of development, siting, layout and design, impact upon residential amenity, access and highway safety, play and open space contributions and other matters.

Principle of Development

The site is located within the settlement boundary of Twycross as defined in the adopted Local Plan Proposals Map.

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. The application site is located in a sustainable location within a reasonable distance of local services and public transport. The proposals will contribute to the social role of sustainable development by providing additional housing to contribute to meeting the current shortfall in Twycross, will contribute towards the economic role by providing local construction jobs and through the purchasing of materials /services and the environmental role by tidying and upgrading the site.

Adopted Core Strategy Policy 12 supports residential development within the settlement boundary of Twycross to deliver a minimum of 20 new homes and the provision of one unit is not considered to impact compromise the spatial vision or character of the settlement.

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

The site is considered to be in a sustainable location close to local amenities and services and paragraph 111 of the NPPF is supportive of the development of brownfield sites, stating that planning should encourage the effective use of land by re-using land that has been previously developed. Three dwellings were historically situated on this site, so the proposed development is in accordance with this aim.

Siting, Layout and Design

Criterion (a) of Policy BE1 seeks to ensure that the development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the character of the surrounding area.

This is considered to have a high degree of conformity with the NPPF and can therefore be given significant weight in the determination of this application.

The Council's adopted Supplementary Planning Guidance on New Residential Development aims to ensure that new development has regard to the character of the surrounding area, is well integrated into its surroundings, offers a good standard of security and amenity to future residents and protects the amenity of existing occupiers. In addition, paragraph 64 within the NPPF states that permission should be refused for development of poor design that fails to

take the opportunities available for improving the character and quality of an area and the way it functions.

The proposed development is replicable in design, scale and architectural detail to numbers 1 - 4 Burton Road. The design results in a well balanced and proportioned dwelling, with enhanced interest to each elevation through the incorporation of architectural features. A similar palette of material is proposed to numbers 1 - 4 Barton Road, but specific examples will be requested by way of condition should the application be approved. The dimensions of the external chimney stack and the design of the external log-burner storage to the west are not entirely in keeping with the design of the proposal however these are minor points and do not result in a materially detrimental impact on the overall design of the scheme, which would warrant refusal of the application. Given the variation in design and types of surrounding dwellings, the proposed dwelling will not appear out of keeping within the setting and by virtue of its backland position, there will be no impact on, and the dwelling will not be prominent within, the street scene. Furthermore its backland position is similar to that of dwellings further north, and thus is not considered contrary to the character of the area. Resultant of the layout, there is access to the rear of the property either side, leading to an extensive private amenity space. There is off road parking to the front. In respect if the parking layout, although it is not ideal that two of the parking spaces for numbers 1 - 4 Burton Road are sited to the front of the proposed dwelling, the use of these spaces will be a private, operational issue to be managed between the residents and will not result in a material impact on the residential amenity of the future residents of the property.

The scale of the dwelling is 1 and ½ storey (with accommodation within the roof slope). This reflects there are bungalows to the west of the site and ensure the proposal will not be over-dominating/bearing.

As discussed above, the proposed development is considered acceptable in terms of design, siting and layout, will have no detrimental impacts on the character of the area and will result in the sustainable re-use of this brownfield site. In this respect the proposal is considered to be in accordance with Policies BE1 (a and b), and paragraphs 64 and 111 of the NPPF.

Impact upon Residential Amenity

Criterion (i) of Policy BE1 of the adopted Local Plan requires that development does not adversely affect the occupiers of neighbouring properties. The NPPF seeks to ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

Concerns have been raised within the letters of representation that the proposal does not comply with the standards within the SPD and will result in a detrimental impact in terms of residential amenity.

The dwellings most likely to be impacted upon by the proposal will be 5 Burton Road, 6 and 8 Hallfield Close and 17 Burton Road.

5 Burton Road

In order to reduce any potential impacts in terms of overshadowing/overbearing to this property, the single storey element of the scheme has been re-sited from the western gable end, to the eastern gable end and the property has been re-orientated to ensure its eastern gable is not directly opposite the rear elevation of this property. There will be a separation distance of 16 meters between the single storey element and 18 metres between the two storey element and the rear elevation of number 5 Burton Road. There is no guidance within the SPG in relation to separation distances between a principle elevation and a side

elevation, however, given the distances between the dwellings and the orientation of the application property, the proposal is not considered to result in any adverse impacts in terms of overshadowing/over dominance and the separation distances are considered acceptable. Furthermore there are no windows serving habitable rooms within the eastern elevation of the proposal and thus there will be no impacts on the privacy of 5 Burton Road.

6 and 8 Hallfield Close

The dwellings on Hallfield Close are bungalows which occupy a slightly elevated ground level in comparison to the application property. These have relatively short rear gardens (8 metres) and there is vegetation and a closed boarded fence along their common boundary. There are no windows within the western elevation of the proposal and thus there will be no arising impacts in terms of privacy. In terms of overbearing/overshadowing, there is a separation distance of only 9 metres, however this said, given that the dwelling has a width of only 5 metres and a height of 7.5 metres, combined with the fact that it is sited to the east of these dwellings, the small amount of overshadowing that will occur is not considered materially detrimental, and would not warrant refusal of the application, and the proposal is not considered to result in any overbearing impacts.

17 Burton Road

In order to reduce direct overlooking of this dwelling, since the earlier scheme the application property has been re-aligned. This said, the rear elevations of both properties will still have views over one another. There is a separation distance of 23 metres between the elevations. To ensure no overlooking occurs, the SPG suggests a separation distance of 25 metres between the principle elevations of properties, with this distance being relaxed based on site specific conditions. As the application property has been re-aligned, there will be no direct overlooking of habitable room windows and thus although the ideal separation distance has not been achieved in the case, the shortfall is not considered to result in any detrimental impacts in terms of privacy.

In terms of noise and disturbance on the proposed dwelling from the 10 parking spaces to the front of the property, when considered comprehensively, the majority of these spaces will be sited an acceptable distance away from the property to ensure no adverse impacts occur and the layout is similar to that found on many modern residential developments.

On balance, it is considered that as a result of the layout, scale and design of the proposal, the development will not give rise to any materially adverse impacts on the residential amenity of the surrounding dwellings either by way of overbearing/overshadowing/over dominating impact, loss of privacy from overlooking or loss of amenity from noise and disturbance. The proposal is therefore in accordance with Policy BE1 (criteria i) of the adopted Local Plan, the Council's Supplementary Planning Guidance on New Residential Development and the overarching principles of the NPPF.

Access and Highway Safety

Criterion (g) of Policy BE1 seeks to ensure that there is adequate highway visibility for road users and adequate provision of off-street parking and manoeuvring facilities. Policy T5 applies highway design and vehicle parking standards. These policies are considered consistent with the intentions of the NPPF and so are afforded weight in the determination of this application.

Two off road parking spaces have been provided for this three bed property and this is considered acceptable and the proposal will use the existing access from Burton Road.

The scheme has been considered by the Director of Environment and Transport (Highways) who recommends approval subject to conditions. The suggested conditions seek to control the erection of gates etc, the provision and surfacing of parking and surfacing of the site access.

Based on the above, and subject to the recommended conditions, in terms of highway safety, the proposal is considered to be in accordance with Policy BE1 (criterion g) and Policy T5 of the adopted Local Plan.

Play and Open Space Contributions

The requirement for developer contributions must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Core Strategy Policy 19 and Saved Local Plan Policy REC3 require new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. Policy REC3 is accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update). In time it is intended that Policy REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport & Recreation Facilities Study (2011) once the Green Spaces Delivery Plan has been completed. However, as the evidence base is not yet complete to complement Policy 19, this application is to be determined in accordance with the requirements of Policy REC3, the SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

As the proposed development will result in a net gain of 1 residential unit and is within 400 metres of Orton Lane Playing Fields, a Local Equipped Area of Play the application triggers a requirement for contributions in accordance with Policy REC3 and the Council's SPD on Play and Open Space. The quality of the space has been considered within the Quality and Accessibility Audit update of 2007 which awarded a low quality score of 29.6%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. In this case contributions will be used to improve and maintain an equipped children's play space. The required contribution in this case would be £1250.80 (which comprises of £817.80 for the provision element and £433 for the maintenance element). The size of the unit proposed would appeal to families and given the proximity of the application site to this open space it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance. A Unilateral Undertaking is currently under negotiation to secure off-site play and open space financial contributions.

Other Matters

Drainage

Head of Community Services (Land Drainage) has recommended that surface water should be managed by sustainable methods and that the access way, parking and turning areas should be constructed in a permeable paving system. As the access drive and proposed parking areas are already hard surfaced, it would not be reasonable to impose a condition requesting such. Accordingly, this preference will be listed as a note to applicant.

Letters of Representation

Issues raised within the letters of representation not addressed elsewhere within the report will be appraised below:-

Concerns have been raised in respect of the removal of vegetation and adverse impacts on ecology. As the site is not within the Conservation Area and as there are no TPO protected trees on site, planning permission is not required for the removal of vegetation on this site. Thus also the removal of the vegetation will have resulted in the loss of some habitats this in not something in this case that the Local Planning Department have control over. There are no know protected species on site and thus it is not considered that the proposal will result in any materially adverse impacts on ecology.

The Parish Council have stated that some of the application site falls within their ownership. This has been investigated further and the developer has confirmed that he owns the entire application site. Notwithstanding this, landownership is not a material planning consideration.

Concerns have been raised that there is no local market need for the proposal. This is not a material planning consideration and will have no bearing on the outcome of the scheme.

It has been stated that the proposal will compound existing parking issues at the village hall. Adequate parking has been provided to serve the development and thus, this should not be an issue. However, if the residents were to park on the village hall car park, this would be a private matter to be resolved between the parties involved.

Concerns have been raised in respect of loss of view from surrounding dwellings. This is not a material planning consideration and has not been taken into consideration in the determination of this application.

Conclusion

The proposed dwelling would be located within the settlement boundary of Twycross where there is a presumption in favour of development subject to all other matters being addressed. The development would not give rise to any significant material impacts upon the visual amenity of the area, occupiers (and future occupiers) of the neighbouring dwellings or highway safety and no other material impacts have been identified, that would indicate that the proposal is not in compliance with local development plan policies.

Accordingly the application is recommended for approval, subject to the imposition of planning conditions and a legal agreement to secure play and open space contributions. As a result the proposals are considered to be in accordance with Policy 12 of the adopted Core Strategy, Policies BE1 (criteria a, g and i), and RES5, T5, IMP1 and REC3 of the adopted Hinckley and Bosworth Local Plan, the Council's adopted Supplementary Planning Guidance on New Residential Development and the overarching principles of the National Planning Policy Framework and is therefore recommended for approval subject to conditions.

RECOMMENDATION : - That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide financial contributions towards play and open space, the Chief Planning and Development Officer shall be granted delegated powers to granted planning permission subject to the conditions below.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below 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 within the settlement boundary of Twycross and by virtue of the siting, design, layout, mass and appearance is considered acceptable and would not have any adverse impact on the amenities of the occupiers of neighbouring properties or highway safety and would contribute to play and open space facilities.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a, g and i), RES5, T5, IMP1 and REC3.

Local Plan 2006-2026: Core Strategy: Policy 12.

In dealing with the application, through ongoing negotiation 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: Detailed Planning Drawing, drawing no. 2011.001-009d received by the Local Planning Authority on 13 March 2014.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 Before any development commences full details of both hard and soft landscape works shall be 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) proposed finished levels or contours
 - b) means of enclosure
 - c) hard surfacing materials
 - d) existing trees and hedgerows to be retained and details of their protection
 - e) planting plans
 - f) written specifications
 - g) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - h) implementation programme.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The hard landscaping scheme shall be completed prior to the first occupation of the dwelling hereby approved. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

- 6 Prior to the first occupation of the dwelling hereby approved, the car parking and turning facilities shall be provided within the application site in accordance with the details shown on the submitted plan; the parking and turning areas shall be surfaced and marker out prior to the development being brought into use, and shall be maintained that way thereafter.
- 7 Before first occupation of the dwelling hereby approved, the access drive and turning space shall be surfaces with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be maintained that way thereafter.
- 8 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.

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 (criterion a) of the adopted Hinckley & Bosworth Local Plan 2001.
- 4 To enhance the appearance of the development in accordance with Policies NE12 (criteria a - d) and BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies NE12 (criteria c and d) and BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 To reduce the possibility of deleterious material being deposited in the highway, in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians in the public highway, in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

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 suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively, assembled from units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

Contact Officer:- Eleanor Overton Ext 5680

Item: 03

Reference: 14/00141/COU

Applicant: Mr Matthew Evans

Location: Antony Woodward Carriers Ltd Goose Lane Barwell

Proposal: Change of use to a multi-use facility incorporating a bus depot (sui generis), first floor offices (B1) and warehouse (B2/B8) (retrospective)

Target Date: 15 May 2014

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it proposes extensions that have a gross floorspace greater than 500 square metres.

Application Proposal

This application seeks the change of use of this former distribution depot to a mixed use facility incorporating a bus depot, first floor offices and warehouse. The warehouse element is retrospective.

The proposed use can be broken down as follows:-

- The bus depot will occupy 352 square metre of internal floorspace within the existing office and part of the existing yard
- Anthony Woodward Carriers will occupy the existing first floor offices

- The remainder of the warehouse will be for a future occupier.

A bunded fuel tank is also proposed.

The Site and Surrounding Area

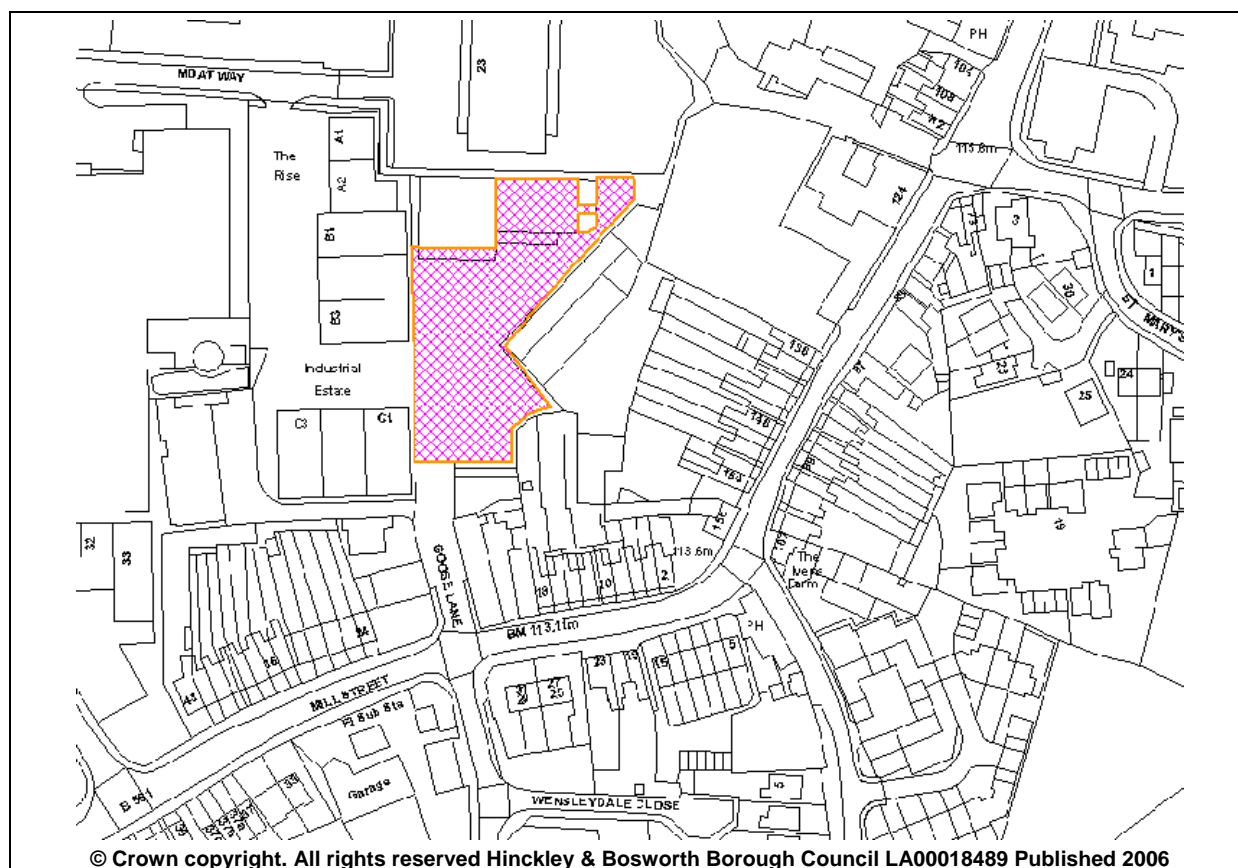
The site is located within the Mill Street Industrial Estate which is an allocated employment site. Access is from Goose Lane and Main Street. The nearest residential dwellings are to the southeast on Main Street.

Technical Documents submitted with application

Design and Access Statement

Relevant Planning History:-

None relevant.



Consultations:-

No objections have been received from:-

Barwell Parish Council
Head of Community Services (Pollution).

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

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

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy

Policy 3: Development in Barwell

Hinckley and Bosworth Local Plan 2001

BE1: Design and Siting of Development
EMP1: Existing Employment Sites
T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

None relevant.

Other Material Policy Guidance

The Employment Land and Premises Study Review 2013

Appraisal:-

The main considerations with regards to this application are the principle of development, impact upon residential amenity, pollution and highways.

Principle of Development

The site is located within the existing and allocated employment site known as the Mill Street Industrial Estate. Local plan Policy EMP1 seeks to retain the use of the site for employment purposes. The most recent employment land and premises study equally confirms that the site should be retained for employment uses proposes. Given that the proposal seeks extensions to an existing employment facility there is a clear policy presumption in favour of development. Furthermore, by virtue of the sites location and the nature of the uses, the development is sustainable development and therefore benefits from the overarching support of the NPPF.

The proposed change of use seeks to maintain the historic use of the site for commercial vehicle based operations.

Due to a continuation in the use for haulage, there is no objection to the warehouse and storage element as proposed. Further the first floor offices will remain as offices and as such there is not material change of use in this respect.

The use of the site as a bus depot represents a minor change in the characteristics of the operation of the site. The parking of buses on site and the mutinous of them within the building is not dissimilar to the existing use. The nature of the use as a bus depot is likely to

result in intensive operations on site during isolated times during the day, particularly so in the morning and the evening. However during the remainder of the day operations on site will be much reduced as the buses will be off site.

In conclusion, there is no in principle objection to the mixed use nature of this proposal, however the specific matters of pollution and impact on neighbours are considered below.

Impact upon Residential Amenity

For the reasons discussed above under the Pollution section of this report there are no identifiable impacts on neighbours. However, at the time of writing the report, no objection has been received from residential dwellings. Given that the consultation period remains open, any objection received in the remaining period will be reported in the late item.

Pollution

When considered against the nature of the existing lawful use of the site the proposed use is very similar and there is no identifiable intensification in the noise generation arising. The use is therefore considered to be acceptable and compliant with the requirement of Policy BE1.

The matter of the fuel tank has been considered and such matters are controlled by secondary legislation. There is no objection to the siting or appearance of the fuel tank and it is distant from residential dwellings.

Highways

At the time of writing the observations of the Director of Environment and Transport (Highways) have not been received. The formal observation will be reported in the late item.

Conclusion

Notwithstanding the absence of the formal observations of the Director of Environment and Transport (Highways) the proposal represents a sustainable form of development that will result in economic growth. It is on an allocated employment site where such a use should be acceptable and as such is considered to be acceptable.

RECOMMENDATION:- That the Chief Planning and Development Officer shall be granted powers to grant planning permission for the development subject to no significant planning objections being received before the expiry of the consultation period on 18 May 2014.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the sites location within an allocated employment area the development is acceptable.

Hinckley and Bosworth Plan (2001):- Policies BE1, EMP1 and T5.

Local Plan 2006-2026: Core Strategy (2009): - Policy 3.

In dealing with the application, through ongoing negotiation 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 Site Plan Drawing No. 1323-01CI received by the Local Planning Authority on 20 March 2014.

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

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: 04
Reference: 14/00208/CONDIT
Applicant: Mr R Sokhi
Location: Bubble Boyz Car Wash Watling Street Hinckley
Proposal: Variation of condition 3 of planning permission APP/K2420/A/12/2186862 (12/00338/COU) to extend opening hours
Target Date: 13 May 2014

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, at the request of the local ward member Councillor Bill who raises concern about the potential impact upon neighbouring residential properties. In addition, more than five objections have been received from five addresses.

Application Proposal

This application seeks to vary condition 3 of planning permission 12/00338/COU which was allowed on appeal APP/K2420/A/12/2186862. The appeal granted consent for the retrospective change of use to a hand car wash.

Condition 3 of this permission states:-

The use hereby permitted shall not be open to customers outside the following times: 0800 18.30 hrs. Mondays to Saturdays (except Bank Holidays) and 08.00 to 16.00 hrs. on Sundays and Bank Holidays.

The applicant is proposing to vary this condition to the following:-

The use hereby permitted shall not be open to customers outside the following times: 08:00 - 18:30 hrs. Monday to Sunday and Bank Holidays.

The applicant is therefore effectively seeking to gain consent to open to customers for an extra two and a half hours between 16:00 to 18:30 on Sundays and Bank Holidays.

The Site and Surrounding Area

The site consists of an area of 1156 sq m, located to the north of the A5, Watling Street, to the east of the Dodwells traffic island, within the defined settlement boundary of Hinckley. The site consists is a single storey building occupied by Bengal Chef (Indian restaurant), Bubble Boyz (subject of the application) and Enterprise (car hire). The buildings are set back from the highway behind a concrete forecourt that has two raised concrete islands located in the centre. The site has two access to the A5 which is at a higher ground level than the application site. There is vehicular access and parking to the rear of the Bengal Chef.

The northern and western boundary of the site abuts the rear gardens of residential properties on Coventry Road notably Nos. 554, 556, 558, 560 and 562. Whilst to the south east are two semi-detached residential properties known as 'Weldon' and 'Haven House'.

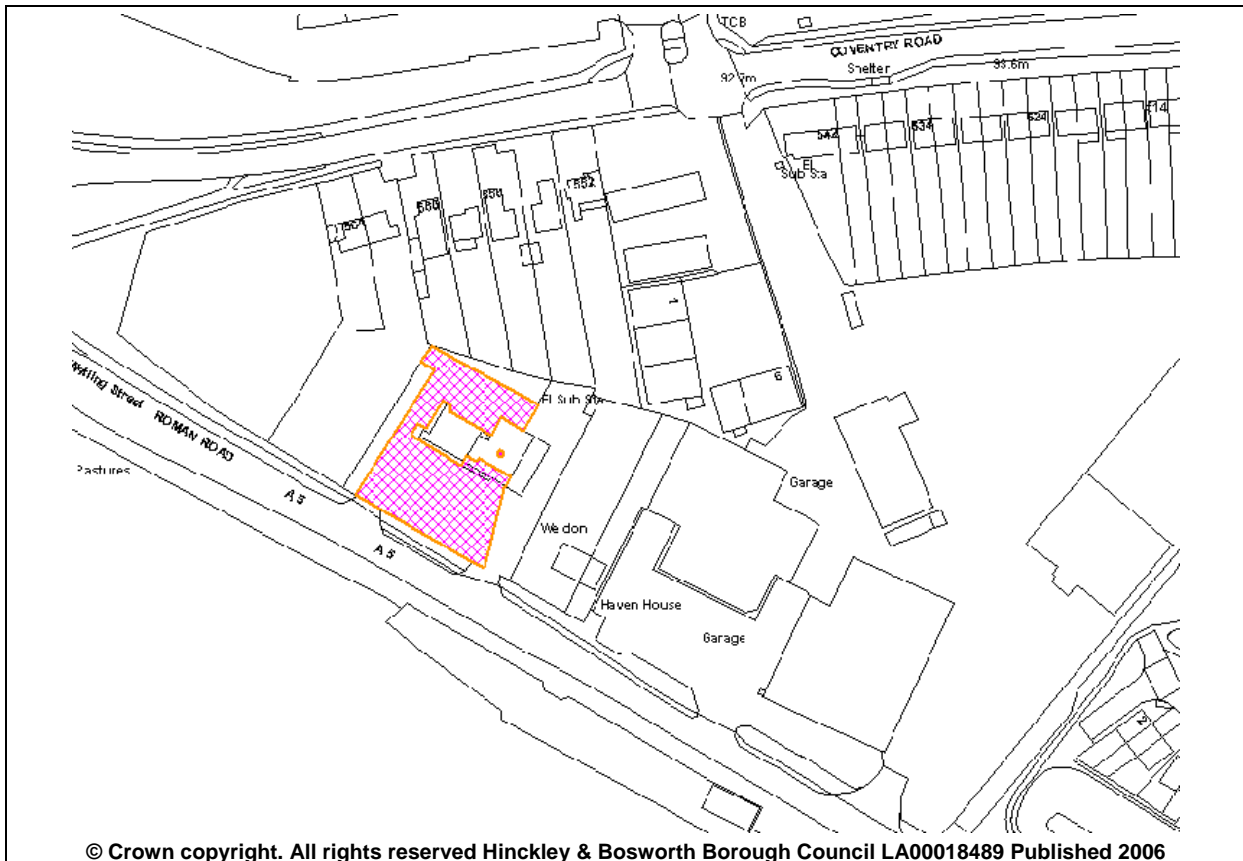
Paynes garage and car dealership and showroom exists further to the south east. To the south and across the A5, the site faces the countryside.

Technical Documents submitted with application

None relevant.

Relevant Planning History:-

12/00338/COU Change of Use to hand vehicle car wash (Retrospective). Allowed on Appeal 30.04.13



Consultations:-

Site notice displayed and neighbours notified.

Comments have been received from:-

Head of Community Services (Pollution): Since September 2012 limited complaints have been received from 2 local residents to the site regarding noise from various sources associated with the use of the site i.e. music, shouting, pressure washing. The complaint was closed in February 2014 owing to no significant impact being established from noise. The operation is sited within an area of mixed commercial/industrial/residential uses and a main trunk road generating a high noise environment. The use is not unusual for such an area and does not create a significant amount of noise above that of the existing uses. I therefore have no justification to object to this application. If noise complaints are received then the noise sources on site can be managed through nuisance legislation.

Additional comments received:-

I can confirm that Environmental Health are now investigating noise complaints against Bubble Boys. As discussed if background noise did drop off in the area after 4pm owing to a reduction in traffic noise or other commercial premises closing then this may reduce the background noise and therefore the noise from Bubble Boys would become more dominant. This could then increase impact from noise on residential premises. However without background and site specific noise data this can not be confirmed.

Five letters of objection have been received from neighbouring properties. Summary of comments:-

- a) vehicles are prepared and dried outside of the permitted area
- b) staff shouting causes disturbance
- c) engines are revved
- d) sounding of horns
- e) rubbish is thrown over garden fences
- f) regularly breach existing hours of operation
- g) spray from pressure washers reaches windows on house and into the garden.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012
The National Planning Practice Guidance (NPPG) 2014

Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Appraisal:-

This variation of condition application seeks approval to vary condition 3 of planning permission 12/00338/COU allowed under appeal APP/K2420/A/12/2186862 to extend the hours of operation for two and a half hours until 18:30 on Sundays and Bank Holidays. The main matter for consideration in this application is the effect on the amenity and living conditions of the residents of neighbouring properties close to the site.

Policy BE1 (criterion i) of the Local Plan states that development should not adversely affect the occupiers of neighbouring properties.

In the appeal decision notice the Inspector justifies his rationale for imposing such an hours restriction at paragraph 11. This states:-

The appellants have stated the hours of opening to be 0800 to 1800 Mondays to Fridays and 0800 to 1600 at weekends although there is strong evidence of activity as late as 19.30 and advertisements stating 0800 to 1830, 7 days a week. The operator of the adjacent Bengali restaurant has described the effect on his business of car wash activity outside the restaurant, which is a factor to which I accord weight. The Council have not formally requested an hours of opening limitation although a supplementary officer's report did

recommend such a condition should permission have been granted. From the evidence I have, I consider that to protect the adjacent business the car wash hours should be limited by condition to 0800- 18.30hrs. but I see no reason to differentiate Saturday from weekdays. Sundays and Bank Holidays tend to be quieter days generally. On those days a 16.00hrs. closing time would be reasonable, to protect the living conditions of nearby residents.

No evidence has been presented in support of this application to suggest that the situation at the site has changed significantly in the last twelve months since the Inspector issued his decision to amend the hours of operation on Sundays and Bank Holidays.

Clearly the Inspector considered that a 16:00hrs closing time would be reasonable and important to protect the living conditions of nearby residents and the Bengali restaurant.

It is considered that an extension of hours to 18:30hrs on Sundays and Bank Holidays would have a detrimental impact upon the amenity of neighbouring properties through noise and disturbance as a result of the operation of the car wash. Sundays and Bank Holidays are times when residents more often than not choose to enjoy their gardens and make use of their external amenity space, particularly in the summer months. Closing at 16:00hrs is a fair and reasonable balance which maintains the right of the car wash to operate on Sundays and Bank Holidays but affords local residents the protection and satisfaction in respect of safeguarding their amenity.

For that reason it is considered that the proposed variation of condition would be contrary to Policy BE1 (criterion i) of the Local Plan as it would lead to an adverse and detrimental impact upon the amenity of neighbouring properties.

Consideration has been given to comments made by the Head of Community Services (Pollution) and additional comments in respect of the fact that with lower background noise at later times in the evening on Sundays and Bank Holidays it is not considered that harm could be caused to the general amenity of neighbouring residents by allowing such a variation in the hours of openings. Separate matters arising from complaints in connection with the running of the existing operation are matters for noise nuisance legislation should this be necessary to be pursued.

RECOMMENDATION:- REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, however in this instance the proposed variation of condition remains in conflict with the development plan and the application has been refused.

Reasons:-

- 1 In the opinion of the local planning authority, the proposed variation of condition to extend the opening hours of the hand car wash until 18:30hrs on Sundays and Bank Holidays would lead to a detrimental impact upon the amenity of neighbouring properties as a result of noise and disturbance. The proposal is therefore contrary to Policy BE1 (criterion i) of the Hinckley & Bosworth Local Plan 2001.

Contact Officer:- Simon Atha Ext 5919

Item: 05
Reference: 14/00222/FUL
Applicant: Ms L Lester
Location: St Martins Catholic Voluntary Academy Hinckley Road Stoke Golding
Proposal: Erection of new teaching block
Target Date: 11 June 2014

Introduction:-

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

Application Proposal

This application seeks full planning permission for the erection of a new teaching block at St Martin's Catholic Voluntary Academy, Hinckley Road, Stoke Golding.

The proposed teaching block would be two storey, approximately 7.1 metres high and located to the north east of the existing school site. The school is increasing the number of pupils and as such the additional teaching block is required for the start of the September 2014 academic year.

The building would be constructed from a light coloured brick to match the existing school with timber cladded elements to break up the brickwork. The building would feature a flat roof with two rows of symmetrical fenestration along the front (south) elevation and a lesser amount of openings to the rear and side elevations.

The proposal would involve the loss of a number of existing trees to the north west of the school site to accommodate the proposed building.

The Site and Surrounding Area

The school is located to the east of Stoke Golding. The site is bound to the north and west by Hinckley Road, the new Marcity development to the east and open countryside to the south. The existing school comprises a mixture of two storey and single storey elements.

The site is accessed from Hinckley Road to the west. There is an existing parking and turning area to the front of the school.

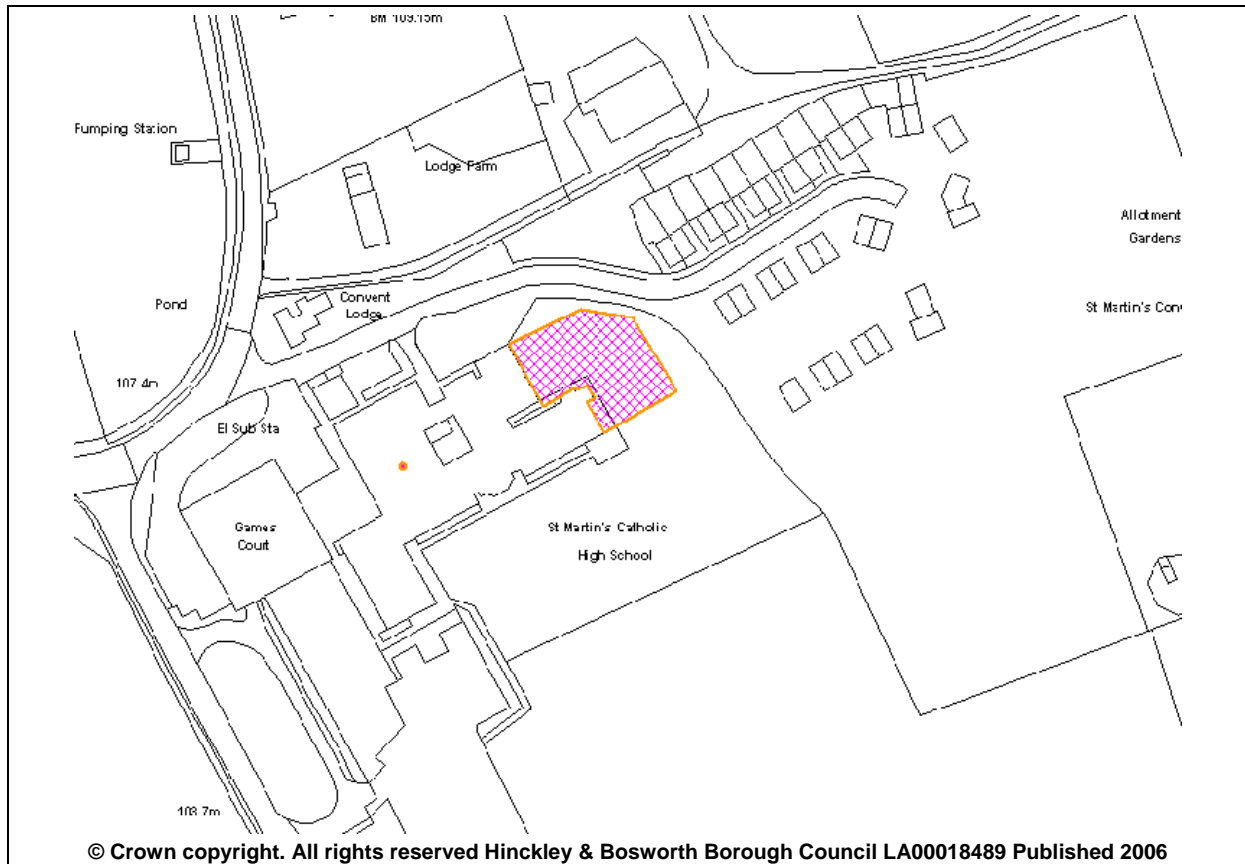
The site rises up to the north east.

Technical Documents submitted with application

Design and Access Statement
Tree Report

Relevant Planning History:-

None relevant.



Consultations:-

Site notice displayed and neighbours notified.

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

Comments have been received from the Tree Officer:-

The Tree Survey and Arboricultural Impact Assessment by Jonathan Hazell accurately identifies the condition and importance of trees proposed for removal. There is however a discrepancy in proposed tree removals between the schedule of preliminary recommendations and the Proposed Plans dwg. L1402/10/B. T1-T11 and T14 will need to be removed as proposed. Additionally I consider that it would be unrealistic to retain T10 Norway maple and T18 Hornbeam. Of the above, six trees are considered unsuitable for retention in the current environment. T18, T19 and T22 and T28 will be retained.

There are no individually important trees to be removed and to mitigate the cumulative loss it would be necessary to secure replacement planting around the classroom and in the space to the south-east of the school where additional screening from adjacent development would be desirable. If alternative locations at the south-east corner or west side of the school are unsuitable for a new classroom, an approved landscape scheme should secure a suitable, sustainable tree population. Implementation of the Tree Protection Plan should also be secured by planning condition.

One letter of objection has been received from a neighbouring residential property. Summary of comments:-

- a) location of two storey building to garden
- b) overlooking from classrooms
- c) loss of trees.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Hinckley & Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy T5: Highway Safety

Policy NE12: Landscaping Schemes

Appraisal:-

The main considerations in respect of this application are the principle of development, the siting and design of the building and the impact on the visual amenities of the site, residential amenity, trees and highway safety.

Principle of Development

One of the overarching principles of the National Planning Policy Framework (NPPF) is to ensure development proposals are sustainable. Paragraph 72 of the NPPF states that the government attaches great importance to ensuring that a sufficient choice of school places are available to meet the needs of communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.

By virtue of Paragraph 72 of the NPPF it is therefore considered that the proposed development of a new teaching block is acceptable in principle.

Siting, Design and Impact on the Character and Appearance of the Area

Policy BE1 (criterion a) of the Local Plan states that development should not have an adverse effect on the appearance or character of the area and should be in keeping with the scale and character of existing buildings and its general surroundings.

The proposed building would be located to the north east of the existing school, close to and functionally related to the existing school buildings. The siting has been chosen to ensure that proposed teaching block can be easily accessed and links into the existing school buildings to ensure there is suitable flow and connectivity across the site for staff and pupils. The proposed building at two storeys in scale and with a flat roof would replicate the form and appearance of the other school buildings within the site. There would be limited views of the proposed building from the footpath to the north and therefore the street scene will not be adversely affected by the proposed development. It is therefore considered that the proposal complements the character of the existing school and its surroundings and as such the proposal is in accordance with and BE1 (criterion a) of the adopted Local Plan.

Impact on Residential Amenity

Policy BE1 (criterion i) requires that development does not adversely affect the amenity of neighbouring properties. The nearest residential properties are located on the new Marcity development to the north east of the site. Whilst all the trees and fence along the boundary would remain, concern has been expressed in respect of the distance from the proposed teaching block to the dwellings and that the loss of trees would exacerbate the situation. Whilst the building itself would be a sufficient distance (approximately 28 metres) from the new dwellings to the north east to avoid overlooking from the first floor classrooms, the proposal would result in the loss of trees close to the boundary that currently provide a degree of screening to those new properties. However, even with the loss of some trees a sufficient number would remain along the boundary, those remaining trees together with the distance from the proposed teaching block to the rear gardens of those neighbouring properties to the north east would not result in a level of overlooking that would impact upon the privacy or amenity of those neighbouring properties. The proposal is therefore in accordance with Policy BE1 (criterion i).

Impact on Highway Safety

Policy T5 requires that development will not generate traffic likely to exceed the capacity of the highway network or impact upon highway safety and that adequate access, parking and manoeuvring facilities are provided within the site. There is adequate access, parking and manoeuvring to the front of the school. The Director of Environment and Transport (Highways) has raised no objection on highway safety grounds. The proposal is therefore considered to be in accordance with Policy T5 of the adopted Local Plan.

Impact on Trees

Policy NE12 of the Local Plan states that proposals should take into account the existing landscape features of the site. If existing landscaping features cannot be retained then a scheme will be required to replace or reinstate the nature conservation value of the features that will be lost.

The proposed teaching block would require the removal of at least 15 trees within the development area. These trees are all considered to be lesser quality specimens such as cherry, cypress, maple and cedar. Other trees outside the development area such as lime trees are proposed to have their crowns reduced to avoid impacting upon the proposed building. The Council's Tree Officer has considered the proposal and is satisfied with the proposed works on the basis that there are no individually important trees to be removed. Conditions have been recommended in respect of securing a tree protection plan prior to the commencement of development and monitoring of the works by a suitably qualified arboriculturist. The Tree Officer has also suggested that a suitable landscaping plan should be imposed prior to the commencement of development to secure replacement planting to the open countryside to the south of the site. These conditions are considered to be reasonable and are to be imposed. The proposal is therefore considered to be acceptable as per the requirements of Policy NE12 of the Local Plan.

Conclusion

The NPPF supports the development of school facilities and as such the proposal is acceptable in principle. As a result of the siting, scale and design of the building together with the proposed materials the proposal would not have any adverse impact on the character or appearance of the site or the surrounding area. As a result of the separation distance from the proposed building to the nearest residential properties and existing landscape screening which is proposed to remain, there will be no adverse impact on the amenities of any

neighbouring properties. Whilst several trees are proposed to be removed their loss is to be mitigated by a replacement landscape planting scheme. The proposal will not have any adverse impact on highway safety and there is sufficient parking within the site. The proposals are therefore in accordance with adopted Local Plan Policies BE1, NE12 and T5 and the overarching intentions of the NPPF.

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 principle of development is considered acceptable and by virtue of the siting, scale, design and proposed materials there would not be any adverse impact on the character or appearance of the site or surrounding area, residential amenity, highway safety or trees.

Hinckley and Bosworth Local Plan (2001):- Policies BE1, T5 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 permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Dwg No. P13-HLYR-FA-001 Site Location Plan 1:2500, Dwg No. P13-HLYR-FA-003 Proposed Site Plan 1:500, Dwg No. P13-HLYR-FA-004 Proposed Floor Plans & Elevations 1:100, Dwg No. P13-HLYR-FA-006 Proposed Roof Plan 1:500 and Dwg No. P13-HLYR-FA-005 Site Scene Elevations received by the local planning authority on 5 November 2013.
- 3 The development shall be constructed in accordance with the material details shown on section 9 of the application form.
- 4 No work shall commence on site until trees on and adjacent to the site, as shown within the Tree Survey & Report prepared by Jonathan Hazell, have been securely fenced off with protective barriers to form a construction exclusion zone in accordance with BS 5837:2012 Tree in relation to design, demolition and construction.
- 5 No development shall commence until full details of a landscaping scheme have first been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) means of enclosure and boundary treatments
 - b) hard surfacing materials
 - c) schedules of plants (including those to be retained), noting species, plant sizes, planting plans and proposed numbers/densities where appropriate
 - d) implementation programme.

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 the satisfactory appearance of the development in accordance with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure the existing trees are adequately protected during construction in the interests of the visual amenities of the area in accordance with Policy NE12 of the adopted Hinckley & Bosworth Local Plan.
- 5 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan 2001.

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:- Simon Atha Ext 5919

Item: 06
Reference: 14/00277/CONDIT
Applicant: Mr Dilip Nath
Location: 23-27 Station Road Ratby
Proposal: Variation of condition 2 of planning permission 13/00350/COU to change opening hours to 17:00 - 22:30 Monday to Thursday 17:00 - 23:00 Friday to Saturday and 17:00 - 21:30 Sunday
Target Date: 6 June 2014

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, at the request of the local ward member Councillor Boothby who raises concern about the potential impact upon neighbouring residential properties and the parking situation. In addition, more than five objections have been received from five addresses.

Application Proposal

This application seeks to vary condition 2 of planning permission 13/00350/COU which granted consent for the retrospective change of use from A1 (shop) to A3 (café/restaurant).

Condition 3 of this permission states:-

The premises shall not be open to the public outside the following times:- 07:00am to 18.00pm Monday - Saturday and 10:00 - 16:00pm Sunday and Bank Holidays.

The applicant is proposing to vary this condition to the following:-

The use hereby permitted shall not be open to customers outside the following times: 17:00pm - 22:30pm Monday to Thursday, 17:00pm - 23:00pm Friday to Saturday and 17:00pm - 21:30pm on Sunday.

The applicant is therefore effectively seeking to gain consent to change the hours of opening for the café/restaurant to the evening as opposed to in the day as per the existing consent.

The Site and Surrounding Area

The property sits on the corner of Station Road and Chapel Lane with the majority of the premises fronting onto Station Road. The site is located within the Ratby conservation area.

The property features large windows along the Station Road elevation as part of a traditional shop frontage with the door to the premises located on the corner of Station Road and Chapel Lane. To the rear of the premises is a yard accessed via a passageway between No. 21 and the building, used for the storage of waste bins.

Adjacent to the premises is a row of traditional terraced residential properties No. 15 - No. 21. To the other side of Chapel Lane is Ratby Methodist Church. Directly opposite the site

are a number of detached residential properties Nos. 16, 18 and 20 which are set back from the highway behind front gardens/driveways.

There is no parking within the site itself. Parking exists on-street to the front of the property.

Technical Documents submitted with application

None relevant.

Relevant Planning History:-

80/00547/4	Conversion of house into ground floor showroom with first floor lounge	Approved	July 1980
87/00316/4	Extension to shop change of use from residential to commercial	Approved	May 1987
13/00350/COU	Change of use from A1 (Shop) to A3 (Cafe) (retrospective)	Approved	30.07.13



Consultations:-

Site notice displayed and neighbours notified.

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

Comments have been received from:-

Head of Community Services (Pollution). This service has received complaints about odour and noise from the operation of cafe 27 impacting upon the resident of the flat above. It is my understanding that the former cafe 27 will now operate as an Indian restaurant. It is my understanding that the future operator of the Indian restaurant is to occupy the flat above and so any impact will be tolerated. For this reason I have no objection to this application. The impact may become an issue if the occupier of the flat changes to one not associated with the restaurant. Note - The ventilation used by the former cafe 27 is not suitable for an Indian restaurant and so a full commercial ventilation system is required to avoid odour impact on neighbours. The ventilation system will also have to be considered for noise impact. I am aware that these issues are not to be addressed under this application but I need to note my concern.

Eleven letters of objection have been received from neighbouring properties. Summary of comments:-

- a) if this operates as a takeaway it will cause further parking problems
- b) the café is close to the Methodist Church which is used in the evenings and has no parking of its own
- c) there is a builders storage yard and workshop to the rear of the site
- d) the junction with Chapel Lane is a bad blind spot
- e) opening in the evening will create anti-social behaviour on Station Road.
- f) parking wont be available for residents in the evening who live on Station Road and have no driveways
- g) it will create rubbish which will cause vermin
- h) people parking on the pavement opposite the café cause problems disabled people using mobility scooters.

Nine letters of support have been received for the application.

Ratby Local History Group raises the following comments:-

Whilst we welcome the continued commercial use of the site, we need to draw your attention to potential drawbacks, especially from a heritage perspective. The buildings occupied by Cafe 79 are part of Ratby's Conservation Area. They carry unique evidence of Ratby's economic and social history between 1770 and 1969. In particular, the outer fabric of the buildings on Chapel Lane provides clear visual evidence of different phases of this history (see below). We plead that, in the interests of heritage, the appearance of this wall should not be altered by any additions/changes to the building required by health, safety, sanitary or other considerations. In addition, we share the concerns of other residents about the lack of car parking facilities in the immediate area, especially during the evening. This part of Station Road and Chapel Lane has no off-street parking. During the evening, on-street parking is the only option for residents. This will leave little car parking space for restaurant customers and could create conflict. In contrast, previously Cafe 79 has only opened during the day, when local car parking was more easily managed.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012
The National Planning Practice Guidance (NPPG) 2014

Local Plan 2006-2026: Core Strategy 2009

Policy 8: Key Rural Centres Relating to Leicester

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy BE7: Development in Conservation Areas

Policy T5: Highway Design & Vehicle Parking Standards

Appraisal:-

This variation of condition application seeks approval to vary condition 2 of planning permission 13/00350/COU which granted consent for the retrospective change of use from A1 (shop) to A3 (café/restaurant). The proposed variation is to change the hours of operation from 07:00am to 18.00pm Monday - Saturday and 10:00 - 16:00pm Sunday and Bank Holidays to open in the evenings 17:00pm - 22:30pm Monday to Thursday, 17:00pm - 23:00pm Friday to Saturday and 17:00pm - 21:30pm on Sunday.

Principle of Development

The premises currently benefits from permission for an A3 (Café/Restaurant) use. Therefore the principle of development has already been established for the use of the premises as a café/restaurant as per the existing consent. The main matters for consideration are the impact of the proposed change in opening times on the amenity of neighbouring residential properties, impact upon the conservation area and highway safety.

Impact upon Residential Amenity

Policy BE1 (criterion i) of the Local Plan states that development should not adversely affect the occupiers of neighbouring properties.

The proposed change of hours of opening for the café/restaurant would be until 22:30 Monday - Thursday, 23:00 Friday - Saturday and 21:30pm on Sunday.

There are neighbouring residential properties opposite and adjacent to the premises on Station Road. There is also a flat above the premises which the applicant has confirmed he is also taking over. Therefore the Head of Community Services (Pollution) has raised no objection but states there may be an additional impact should the flat above not be occupied by the restaurant owner. Concern has been raised about the existing ventilation system and if the premises are to be run as a restaurant a more substantial form of ventilation would be required. Ventilation for the existing café was considered to be acceptable by virtue of the fact that a limited range of hot food was prepared. Whilst ventilation is not part of the determination of this application as the use of the premises has already been established however, to avoid noise and smell this would have to be of an appropriate standard to meet environmental health legislation and further planning consent may be required should an external extraction system be required at a later date. However, it is not considered that the proposed change of hours of opening to evening use would result in an increase in smells that would impact upon the amenity of neighbouring properties. There would be more noise and comings and goings from the premises later into the evening as a result of the change of hours. However, due to the distance of the neighbouring properties both on the opposite side of Station Road and adjacent to the west, it is not considered that this noise or the level of comings and goings would have a significant detrimental impact upon the amenity of neighbouring properties over and above noise and comings and goings associated with this main busy thoroughfare through the village.

It is therefore considered that the change of hours of opening to the evening would not have a significant detriment impact upon the amenity of neighbouring residential properties and would be in accordance with Policy BE1 (criterion i) of the Local Plan.

Impact upon the Conservation Area and Character of the Area

Policy BE1 (criterion a) of the Local Plan requires proposals to not detract from the character of the area. Furthermore, Policy BE7 requires development to preserve or enhance the character of conservation areas. The site is located within the Ratby conservation area. It is not considered that the change of hours of opening would materially impact or fail to preserve the character of the conservation area. The proposed change of hours into the evening could potentially add to the vibrancy of the area by allowing a restaurant to become established which will contribute to the overall vitality and character of the area and potentially avoiding an empty premises. As such the proposed variation is considered to be in accordance with Policy BE1 (criterion a) and Policy BE7 of the Local Plan.

Impact upon Highway Safety

Policy T5 of the Local Plan requires development to provide a suitable amount of parking provision associated with its use and to not impact upon highway safety. The Director of Environment and Transport (Highways) has raised no objection to the proposed extension of hours. The premises due to its frontage along Station Road has no off-street parking. It is not considered that the change of hours would significantly change this situation. In addition, given the location of the site close to the centre of Ratby, it is considered to be a sustainable location where local customers could walk or cycle to and from the premises. Therefore it is not considered that the proposed change of hours presents a material impact over the existing consented hours of opening, the proposal would not lead to an impact upon highway safety or result in significant problems with on-street parking. The proposal is therefore considered to be in accordance with Policy T5 of the Local Plan.

Conclusion

The condition is therefore proposed to be varied to take into account the existing lawful daytime use of the café/restaurant and to extend the hours until 22:30 Monday - Thursday, 23:00 Friday - Saturday and 21:30 on Sunday as it is not considered that the proposed variation would result in a significant detrimental impact upon the amenity of neighbouring properties, the character of the surrounding conservation area or highway safety.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below 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 would not have any significant adverse impact on the amenities of neighbouring residents, the character and appearance of the conservation area or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a and i), B7 and T5.

Local Plan 2006-2026: Core Strategy (2009) Policy 8.

In dealing with the application, through ongoing negotiation 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Dwg No. 6240/P/00/A 1:1250 site location plan and 1:500 block plan and 1:100 ground floor plan received 6 June 2013.
- 2 The premises shall not be open to the public outside the following times:- 07:00am - 22:30pm Monday to Thursday, 07:00am - 23:00pm Friday to Saturday and 10:00am - 21:30pm on Sunday.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To ensure that the development does not have an undesirable impact on residential amenity to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 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:- Simon Atha Ext 5919

Item: 07
Reference: 14/00294/COU
Applicant: Glenhill Motors Ltd
Location: Units A And B Dawsons Lane Barwell
Proposal: Change of use from B2 (Industrial) to Sui Generis (car sales)
Target Date: 3 June 2014

Introduction:-

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

Application Proposal

This application seeks full planning permission for the change of use of an existing vacant commercial/industrial premises to car sales.

The proposed change of use would involve the sale of cars inside and to the rear of the building. The applicant has confirmed that cars would be purchased at auction and sold via the internet with customers arriving at the site to test drive and complete the final purchase of the vehicle.

The Site and Surrounding Area

The existing building features a vacant factory/warehouse with a yard located to the rear of the building. The site has been vacant since December 2012 when it was previously occupied by a printing company (use class B2 General Industrial).

The site is located to the south of Dawson's Lane adjacent to other employment uses. To the north are residential properties.

Vehicle parking for cars exists to the front of the premises.

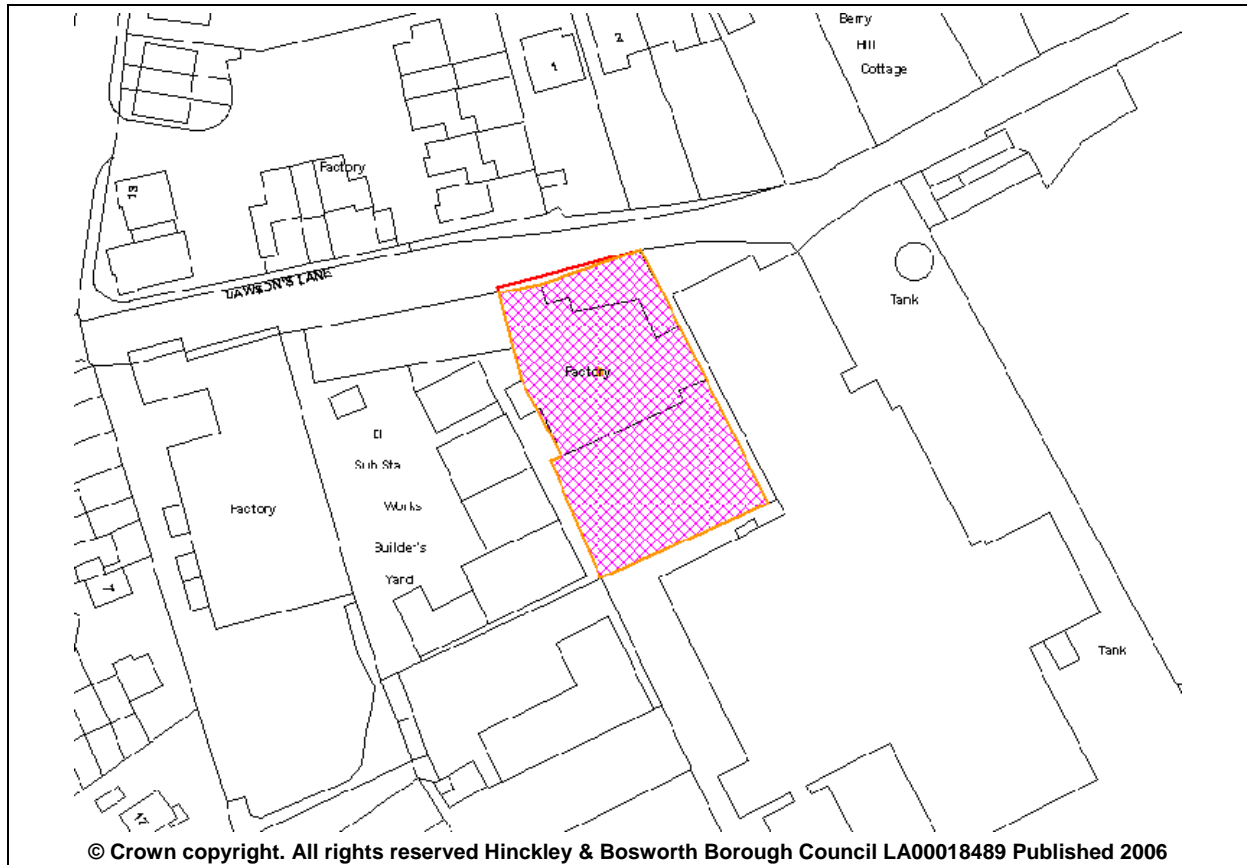
The premises are flat and level; however the rear yard slopes down to the south.

Technical Documents submitted with application

None relevant.

Relevant Planning History:-

None relevant.



Consultations:-

Site notice displayed and neighbours notified.

No objections have been received from:-

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

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Policy 3: Development in Barwell

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy EMP1: Existing Employment Sites
Policy T5: Highway Safety and Parking

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact upon the character and appearance of the area, residential amenity and highway safety.

Principle of Development

One of the overarching principles of the National Planning Policy Framework (NPPF) is to ensure planning and development proposals are sustainable. One of the core planning principles as set out in Paragraph 17 states that planning should proactively drive and support sustainable economic development.

The site is designated as an existing employment site and therefore Policy EMP1 of the Local Plan applies. The site is categorised under criterion (c) which states that alternative uses will be considered.

It is therefore considered that allowing the change of use of an existing B2 employment unit will bring the vacant site back into use for an employment purpose and as this is supported by the NPPF and Policy EMP1 of the Local Plan the principle is considered to be acceptable.

Impact upon the Character and Appearance of the Area

Policy BE1 (criterion a) states that development proposals should not have an adverse effect on the appearance or character of the area.

The proposed change of use would not result in any physical alterations to the external fabric of the building. The area is characterised by existing employment uses to the south of Dawson's Lane with residential properties to the north. Therefore given the existing mixed use character of the area it is not considered that the proposed change of use would have a detrimental impact on the character of the area. The proposal is therefore considered to be in accordance with Policy BE1 (criterion a) of the Local Plan.

Impact on Residential Amenity

Policy BE1 (criterion i) requires that development does not adversely affect the amenity of neighbouring properties. The nearest residential properties are located to the north along Dawson's Lane. Given the existing use of the site as an industrial B2 use it is considered that the change of use could result in less impact, noise and disturbance than an industrial use could potentially generate. Given the existing unrestricted industrial use it is therefore not considered reasonable to impose restrictions on hours of opening and delivery movements on the proposed use. However, it is likely that the premises will be open during the working day with the majority of vehicle movements occurring during this time. It is therefore considered that the proposed change of use would have no adverse impact on residential amenity and the proposal is therefore in accordance with Policy BE1 (criterion i).

Impact on Highway Safety

Policy T5 of the Local Plan states that development proposals should not generate traffic likely to exceed the capacity of the highway network or impact upon highway safety and that adequate access, parking and manoeuvring facilities are provided within the site. There is adequate access, parking and manoeuvring to the front of the site to accommodate customer/staff parking. The applicant has stated that vehicles will be driven to the site on an individual basis from auction as opposed to being delivered by articulated car transporters. The Director of Environment and Transport (Highways) has raised no objection subject to

conditions relating to a plan being provided for parking to be shown prior to first use of the development and cycle parking provision. As there is already existing parking to the front of the site appropriate for the proposed use and space is available within the building itself for cycle parking it is considered that these conditions are onerous and not necessary to be imposed. The proposal is therefore considered to be in accordance with Policy T5 of the adopted Local Plan.

Conclusion

The NPPF supports sustainable economic development and as the proposal is supported by Policy EMP1 of the Local Plan it is considered that the proposed change of use is acceptable in principle. It is not considered that the proposal would have an adverse impact on the character or appearance of the area or neighbouring residential amenity. As a result of the existing use of the site the proposed change of use is not considered to have an adverse impact upon highway safety and an appropriate level of parking provision exists to the front of the site. The proposal is therefore considered to be in accordance with adopted Local Plan Policies EMP1, BE1 and T5 and the overarching intentions of the NPPF.

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 principle of development is considered to be acceptable, there would not be any adverse impact on the character or appearance of the area, residential amenity or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies EMP1, BE1 and T5.

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 1:1250 received by the local planning authority on 24 March 2014.

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.

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:- Simon Atha Ext 5919

Item: 08

Reference: 14/00315/FUL

Applicant: Mr Andrew Wilebore

Location: 8 Nuffield Road Hinckley

Proposal: Extensions to commercial premises

Target Date: 17 June 2014

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it proposes extensions that have a gross floorspace greater than 500 square metres.

Application Proposal

This application seeks full planning permission for the erection of three separate extensions to an existing commercial property (Use Class B2 General Industrial) on the Harrowbrook Industrial Estate. The extensions provide an additional 1071 square metres of floorspace and are all of typical portal frame design and are of a comparable scale to the existing building. The application also proposes a reconfiguration of the existing parking arrangements.

The Site and Surrounding Area

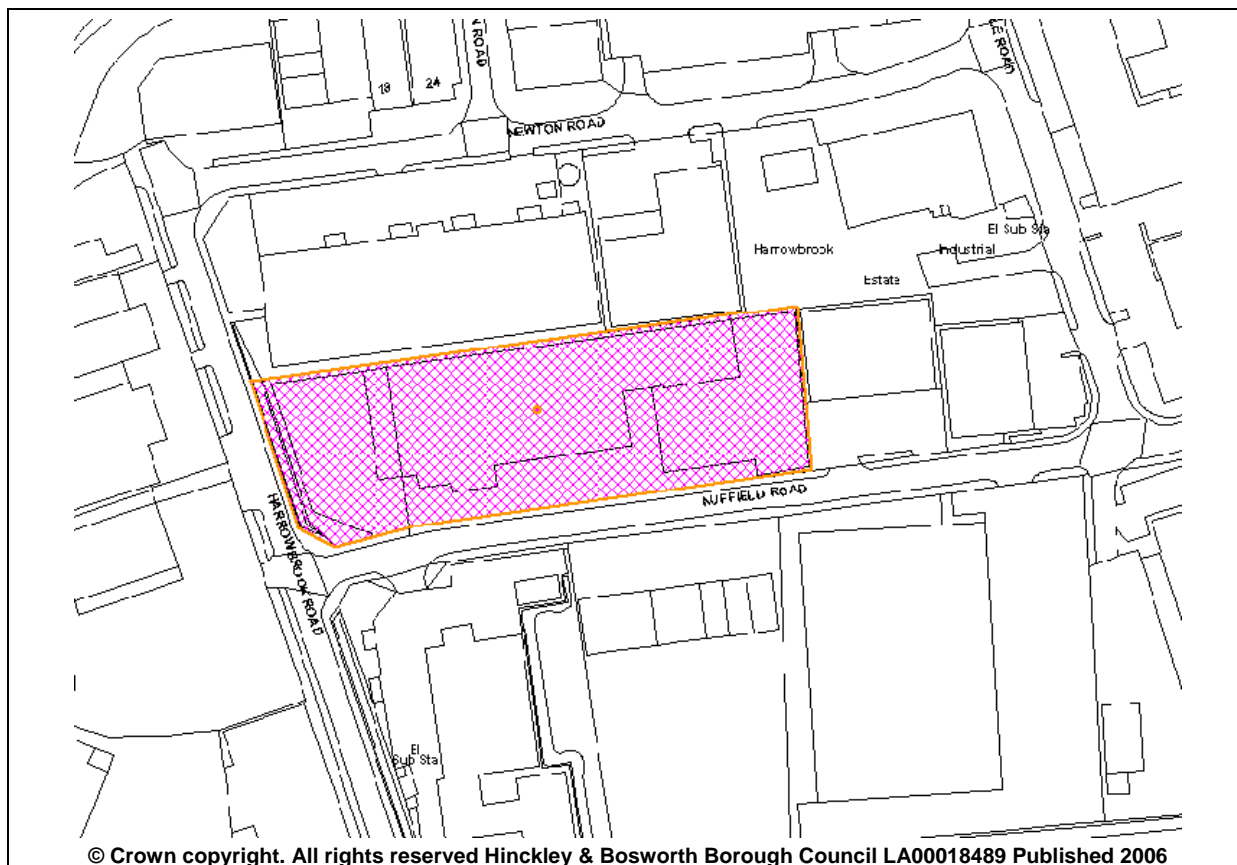
The site is located within the Harrowbrook Industrial Estate and is surrounded by other commercial uses. Most buildings in the locality have brick elevations with composite or profiled metal roofs. There are some two storey office buildings in the locality.

Technical Documents submitted with application

Design and Access Statement

Relevant Planning History:-

None relevant.



Consultations:-

No objection has been received from:-

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

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

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy EMP1: Existing Employment Sites
Policy EMP2: Expansion of Existing Employment Uses
Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

None relevant.

Other Material Policy Guidance

The Employment Land and Premises Study Review 2013

Appraisal:-

The main considerations with regards to this application are the principle of development, layout & design, pollution and highways.

Principle of Development

The site is located within the existing and allocated employment site known as the Harrowbrook Industrial Estate. Local Plan Policy EMP1 seeks to retain the use of the site for employment purposes, whilst Policy EMP2 seeks to support extensions to existing premises where design, amenity and character is maintained. The most recent employment land and premises study equally confirms that the site should be retained for employment uses. Given that the proposal seeks extensions to an existing employment facility there is a clear policy presumption in favour of development. Furthermore, by virtue of the development plan designation, the sites location and the nature of the uses of surrounding units, the development is considered sustainable development and therefore benefits from the overarching support of the NPPF.

Layout and Design

The extensions are to the east, south and west elevations of the building and are on areas of land that are previously forecourt areas. The extension to the west results in the loss of some car parking provision but this is proposed to be relocated elsewhere within the site and is considered later in this report.

All extensions are of pitched roof design with brick and metal clad elevations that reflect that of the existing building and surrounding commercial context and are therefore considered acceptable and compliant with the requirements of Policy BE1.

Pollution

The site is within an existing employment site and no concern has been raised by the Head of Community Services (Pollution) in respect of pollution issues.

Highways

The proposal results in a minor replan of the car park layout to maintain the existing 50 parking spaces that are available on site. The application does not provide any additional parking spaces commensurate with the increase in floorspace proposed and as such results in a deficiency of 13 spaces. Whilst this position is unfortunate, there is no further available land within the site that can be utilised for vehicle parking under the proposed development. At the time of writing the observations of the Director of Environment and Transport (Highways) have not been received and as such the implications of the parking deficiency are not yet known. The formal observation will be reported in the late item.

Conclusion

Notwithstanding the absence of the formal observations of the Director of Environment and Transport (Highways) the proposal represents a sustainable form of development that will result in economic growth. It is on an allocated employment site where expansion is acceptable subject to no adverse impacts arising and as such is considered to be acceptable.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the sites location within an allocated employment area the development is acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies BE1, EMP1, EMP2 and T5.

Local Plan 2006-2026: Core Strategy (2009): - Policy 1.

In dealing with the application, through ongoing negotiation 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: OS Mastermap (Scale 1:1250); OS Mastermaps (Scale 1:500); Proposed Elevations and Plans (Scale 1:200) and First Floor Layout (Scale 1:200) received by the Local Planning Authority on 22 April 2014.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed extensions and alterations hereby permitted 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 vehicle parking and turning facilities as detailed on the approved Proposed Drawing shall be provided, hard surfaced, marked out and made available for parking use prior to the first use of the extensions hereby permitted and once provided shall be permanently available for vehicle parking 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 has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan 2001.

- 4 To ensure that adequate off-street car parking facilities are available within the site to serve the building in accordance with Policy BE1 (criterion g) and T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Richard Wright Ext 5894

Item: **09**

Reference: **14/00372/COU**

Applicant: **Hinckley & Bosworth Borough Council**

Location: **Land North Of Old Sketchley Garage Rugby Road Burbage**

Proposal: **Use of land as a temporary car park for employees of the Hinckley Hub**

Target Date: **10 June 2014**

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 temporary planning permission to the change of use of the car park of an existing vacant retail and works to provide a temporary staff car park.

The proposed car park would provide a maximum of 22 parking bays for employees working at the Hinckley Hub.

The Site and Surrounding Area

The existing site is currently vacant and is intended for a future mixed use development as part of the adjacent Sketchley Brook development.

Before the site was cleared and prepared for development, it formed the car park of the former Rock Garage, with an existing vehicle access point from Rugby Road.

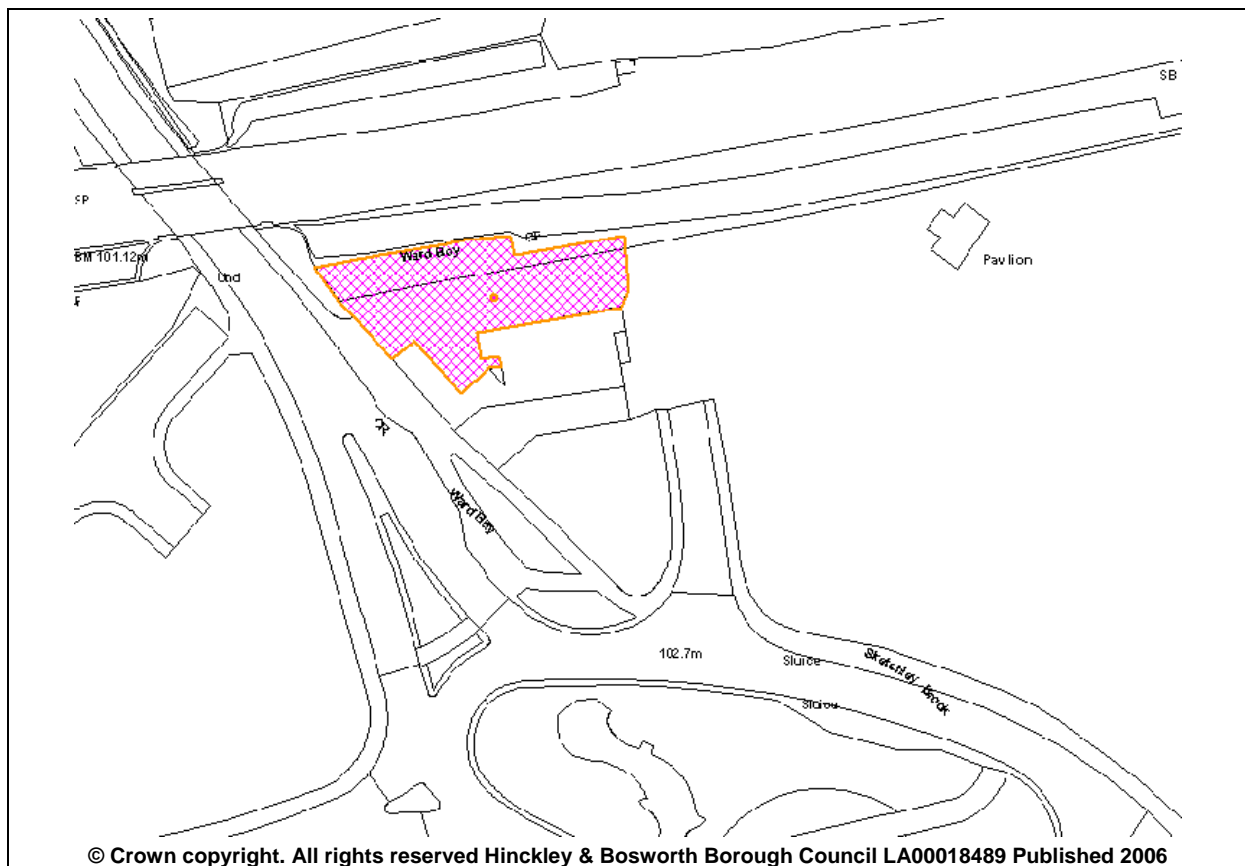
An existing fence and access point leads into the site which is currently surfaced with a mixture of tarmac/concrete and loose gravel.

Technical Documents submitted with application

None relevant.

Relevant Planning History:-

10/00518/OUT	Mixed use development comprising up to 375 dwellings, employment (use classes b1a, b1c, b2 and b8), local centre (use classes a1-a5 and d1), live-work units, works to Sketchley Brook corridor, remodelling of lake and associated open space, parking and accesses (outline - access only)	Approved	30.08.11
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Consultations:-

Site notice displayed and neighbours notified.

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

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy T5: Highway Safety & Parking

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact upon the character and appearance of the area and highway safety.

Principle of Development

One of the overarching principles of the National Planning Policy Framework (NPPF) is to ensure planning and development proposals are sustainable.

The site is designated as an existing employment site and therefore Policy EMP1 of the Local Plan applies. The long term proposal for the site is to be re-developed as a mixed use development as part of the Sketchley Brook development. However, the detailed plans for this section of the site have not yet been finalised. Therefore in the short term the temporary change of use for staff parking for the Hinckley Hub would meet a temporary need to provide parking for employees working at Hinckley Hub whilst not undermining the long term aspirations for the site to be redeveloped or compromising the spatial vision for the area. There is currently a strategic need to provide and deliver car parking for service users of the Hinckley Hub to alleviate problems with staff parking on residential streets in the area and the imminent closure of Brunel Road car park with the redevelopment of the Bus Station. It is therefore considered that the temporary change of use is acceptable in principle as it would fulfil a requirement of avoiding impact to local residents as a result of staff parking on neighbouring residential streets.

Impact upon the Character and Appearance of the Area

Policy BE1 (criterion a) states that development proposals should not have an adverse effect on the appearance or character of the area.

The proposed temporary change of use would not result in any physical alterations to the site with the exception of being re-surfaced with gravel and a barrier erected to the access gateway. The area is one of change with the mixed use residential and employment taking place over the road at Sketchley Brook. The site bounds the railway line to the north and Rugby Road to the west. The temporary change of use is not considered to significantly or detrimentally alter the character and form of the area. Given the temporary nature of the car park it is not considered that a detailed landscaping scheme would be appropriate as the future redevelopment of the site would bring a substantial level of changes and improvements to the site. Therefore the proposed change of use is not considered to have a

detrimental impact of the character of the area. The proposal is therefore considered to be in accordance with Policy BE1 (criterion a) of the Local Plan.

Impact on Residential Amenity

Policy BE1 (criterion i) requires that development does not adversely affect the amenity of neighbouring properties. There are no residential properties within the immediate vicinity of the site would be impacted upon by the proposed temporary change of use. It is therefore considered that the proposal would have no adverse impact on residential amenity and the proposal is therefore in accordance with Policy BE1 (criterion i).

Impact on Highway Safety

Policy T5 of the Local Plan states that development proposals should not generate traffic likely to exceed the capacity of the highway network or impact upon highway safety and that adequate access, parking and manoeuvring facilities are provided within the site. There is adequate access, parking and manoeuvring to the within the site to accommodate the proposed parking layout. The entrance of the site is close to the railway bridge and given the existing volumes of traffic that passes through the bridge the access could potentially pose problems especially if it were an intensively used site. However, given the temporary nature of the car park and limited number of parking spaces with the majority of vehicles arriving in the AM peak and departing in the PM peak it is not considered that a significant issue would occur in this instance. In addition, given the temporary nature of the car park it would be unreasonable to insist on the car parking being lit and hard surfaced. The Director of Environment and Transport (Highways) has raised no objection and as such it is not considered that the proposal would have a detrimental impact upon highway safety. The proposal is therefore considered to be in accordance with Policy T5 of the Local Plan.

Conclusion

The NPPF supports sustainable development and as the proposal would not undermine the intentions of Policy EM1 of the Local Plan, it is not considered that the proposed change would have an adverse impact on the character or appearance of the area or neighbouring residential amenity. As a result of the existing use of the site the proposed change of use is not considered to have an adverse impact upon highway safety and the site can satisfactorily accommodate the required turning and manoeuvring. The proposal is therefore considered to be in accordance with adopted Local Plan Policies EMP1, BE1 and T5 and the overarching intentions of the NPPF.

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 principle of development is considered to be acceptable, there would not be any adverse impact on the character or appearance of the area, residential amenity or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies EMP1, BE1 and T5.

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 use hereby permitted shall expire and the land restored to its former use within three years from the date of this decision.
- 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 1:1250 and proposed Block Plan 1:500 received by the local planning authority on 15 April 2014.

Reasons:-

- 1 To ensure the land is returned to its former use following cessation of the temporary use hereby permitted.
- 2 For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 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:- Simon Atha Ext 5919