

To Members of the Development Control Committee

Cllr. J.L. Weatherstone (Chairman)
Cllr. J.A. Dolby (Vice-Chairman)

Cllr. C. Bailey
Cllr. J. Blackwell
Cllr. J.A. Dilks
Cllr. R.S. Dixon
Cllr. F.E. Duffield

Cllr. J. Forey
Cllr. D. Freer
Cllr. N.M. Gilson
Cllr. D. Jennings
Cllr. B.M. Parkins

Cllr. J. Peachey
Cllr. J. Springthorpe
Cllr. A.C. Tanner
Cllr. R.C. Ward
Cllr. B. Wright

Dear Councillor,

A meeting of the **DEVELOPMENT CONTROL COMMITTEE** will be held in the Council Chamber at these offices on **THURSDAY, 5 FEBRUARY 2009** at **4.30 p.m.** for the transaction of the following business and your attendance is requested.

Yours faithfully

Liz Read
Democratic Services Manager

AGENDA

REFERENCING UP OF DECISIONS - COUNCIL CONSTITUTION PAGE 3-6-20

Any Committee or Sub-Committee may refer up any report for decision to its parent body. Referencing up shall be on the following basis:-

- a) At the beginning of the relevant meeting, any Committee/Sub-Committee Member may move reference up of any item of business. The Member must identify the grounds of significance justifying so doing. If this is seconded, the proposition shall be open to debate.
- b) There shall be no debate upon the contents of the report itself. Debate shall be limited to consideration as to whether the report item is of such significance as to justify its reference up to the parent body notwithstanding



that the parent body has delegated its decision making powers.

- c) If the referencing up motion is carried, the matter shall not be determined at the meeting. If the referencing up motion is not carried, the matter shall be dealt with in accordance with the Committee/Sub-Committee's delegated powers.

AGENDA

1. Apologies for absence

2. Disclosures of Interest

To receive disclosures of interests from Members (ie. The existence and nature of those interests in respect of items on this agenda).

3. Minutes (Pages 1 - 2)

To approve and sign the minutes of the meeting held on 8 January 2009 (enclosed).

4. Planning Applications (Pages 3 - 48)

Report of the Development and Conservation Manager (enclosed) relating to Planning Applications for Determination

Agenda Item 3

DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting held at the Council Offices, Narborough

THURSDAY, 8 JANUARY 2009

Present:-

Cllr. J.L. Weatherstone (Chairman)
Cllr. J.A. Dolby (Vice-Chairman)

Cllr. J. Blackwell
Cllr. R.S. Dixon
Cllr. F.E. Duffield
Cllr. J. Forey

Cllr. D. Freer
Cllr. D. Jennings
Cllr. B.M. Parkins
Cllr. J. Peachey

Cllr. J. Springthorpe
Cllr. A.C. Tanner
Cllr. B. Wright

Substitutes:-

Cllr. M.J. Bradbury (In place of Cllr. C. Bailey)
and Cllr. B. Garner (In place of Cllr. N.M. Gilson)

Officers present:-

Mrs J. Warner	- Legal Services Manager
Mr I. Davies	- Principal Development Control Officer
Mr I Jones	- Housing Strategy and Policy Officer
Mrs D. Johnson	- Democratic Services Officer

Also in attendance as observers:-

Apologies:-

Cllr. C. Bailey and Cllr. N.M. Gilson

337. DISCLOSURES OF INTEREST

No disclosures were received.

338. MINUTES

The minutes of the meeting held on 4 December 2008, as circulated, were approved and signed as a correct record.

339. PLANNING APPLICATIONS

Considered – Report of the Development and Conservation Manager in respect of applications to be determined by the Committee. Late letters were circulated in respect of applications 08/0485/1/LX and 08/0570/1/PX

DECISION

That the applications be determined in accordance with the recommendations of the Development and Conservation Manager in respect of applications to be determined by the Committee.

340. VARIATION OF SECTION 106 AGREEMENT IN RESPECT OF THE PROVISION OF AFFORDABLE HOUSING - JS BLOORS, STATION ROAD, STONEY STANTON

Considered- Report of the Housing and Community Services Group Manager presented by the Housing Strategy and Policy Officer.

DECISION

That a Deed of Variation to the Section 106 Agreement be entered into to allow the 5 vacant units currently being offered as “Low Cost Ownership Accommodation” to be offered as “Repurchase Shared Ownership Accommodation” as set out in sections 7.2 and 7.3 of the report of the Housing and Community Services Group Manager.

Reasons:

1. The 5 units have been empty since completion in June 2007 and there has been little interest from the public since then.
2. There is continued interest in the low cost shared ownership product with Blaby residents.
3. The variation to the agreement would give Blaby residents in need of affordable housing an opportunity to gain access to accommodation.

THE MEETING CONCLUDED AT 4.45 P.M.

BLABY DISTRICT COUNCIL

Committee:	Development Control
Date:	5 February 2009
Subject:	Planning Applications for Determination
Report of:	Development & Conservation Manager
Status:	Public

1. Purpose of Report

To determine planning applications as listed in paragraph 5.2 below and detailed in the attached report

2.	<u>Recommendation</u>
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	That the recommendations listed within paragraph 5.2 below and detailed in the attached report be approved.
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3. Forward Plan

Not applicable.

4. Key Decision

Not applicable.

5. Matter(s) for Consideration

5.1 To avoid unnecessary delay in the processing of planning applications, the recommendations included in this list must often be prepared in advance of the closing date for the receipt of representations. This list was prepared on **26 January 2009** and information of representations received will be updated at your meeting. This updating will also cover any other information which may come to hand in the intervening period. Closing dates are given where they fall on or after the day of preparation of the list.

5.2	<u>App. No.</u>	<u>Page No</u>	<u>Site Address</u>	<u>Recommendation</u>
	08/0709/1/PX	6	County Arms Public House Leicester Road Glen Parva	APPROVE
	08/0742/1/HY	16	County Arms Public House Leicester Road Glen Parva	APPROVE
	08/0899/1/OX	21	Manor House Farm Sharnford Road Aston Flamville	REFUSE
	08/0905/1/PX	26	Former Sapcote Supplies Site Leicester Road Sapcote	APPROVE
	08/0950/1/PX	38	Land at 29-59A Duncan Avenue Huncote	APPROVE
	08/0980/1/HY	45	2a Peatling Road Countesthorpe	APPROVE

5.3 Other Options Considered. These are included where appropriate as part of the reports relating to each individual application.

6. Appropriate Consultations

Details of organisations/persons consulted in relation to the applications are included in the reports for each individual application.

7. Resource Implications

There are no specific financial implications arising from the contents of this report.

8. List of Background Papers

Background papers are contained in files held in the Planning Division for each application being considered.

(Place a tick (√) to confirm that these officers have been consulted)

CE:

DR:

MO:

CPH:

08/0709/1/PX	Registered date 29 September 2008	Everards Brewery Ltd Part demolition and conversion of existing building into 16 residential apartments (Class C3) and erection of two blocks consisting of 10 apartments and 6 houses to include associated parking and infrastructure including vehicular access and altered pedestrian access - County Arms Public House, Leicester Road, Glen Parva
	Expiry date 29 December 2008	

RECOMMENDATION

THAT APPLICATION 08/0709/1/PX BE GRANTED SUBJECT TO THE APPLICANTS ENTERING INTO A SECTION 106 AGREEMENT TO SECURE THE FOLLOWING:-

1. **On-site affordable housing provision of 10 units (30% of the total number of dwellings to be provided);**
2. **Provision of the sum of £73,995.20 for the maintenance and enhancement of off-site public open spaces;**
3. **The payment of £1,500 towards the cost of refurbishment and improvements to local library facilities.**

And subject to the imposition of the conditions relating to the following matters:

Précis of Conditions

1. Standard time limit
2. Materials to be agreed
3. Landscaping scheme to be submitted
4. Landscaping scheme to be implemented
5. Permitted development rights removed for certain dwellings
6. Screen walls/fences to be erected prior to occupation of specified dwellings
7. Additional ground contamination report to be submitted
8. Finished floor levels to be set
9. Scheme to be submitted to protect lower ground floor flats against the risk of flooding.
10. Surface water drainage scheme to be submitted
11. Trapped gullies to be installed
12. Scheme for foul and surface water drainage to be submitted
13. Programme of historic building recording to be undertaken
14. Programme of archaeological work to be agreed and undertaken
15. Scheme for CCTV to be agreed and provided

16. Programme for dust control during construction phase to be submitted and agreed
17. Footpath links to canal towpath as shown on submitted plans to be provided.
18. Bat boxes/bricks to be incorporated into the design of the buildings.

Note: Suggested highway conditions to be reported at the meeting.

NOTES TO COMMITTEE

National Planning Guidance

PPS 1: Delivering Sustainable Development
PPS 3: Housing
PPG 15: Planning and the Historic Environment

List of Relevant Policies

Regional Spatial Strategy for the East Midlands (RSS 8 – March 2005)

Policy 2 – Locational Priorities for Development
Policy 3 – Sustainability Criteria
Policy 4 – Promoting Better Design
Policy 5 – Concentrating Development in Urban Areas
Policy 17 – Regional Housing Provision
Policy 18 – Regional Priorities for Affordable Housing

Leicestershire, Leicester and Rutland Structure Plan

Housing Policy 1 – The Quantity of Housing Land
Housing Policy 3 – New Housing Provision on Previously Developed Land and Through Conversions.

Blaby District Local Plan

Policy R1 – Primarily Residential Areas
Policy R4 – Affordable Housing
Policy R13 – Public Open Space
Policy CE8 – Conservation Areas
Policy CE9 – Conservation Areas
Policy CE10 – Conservation Areas
Policy CE11 – Conservation Areas
Policy CE12 – Conservation Areas
Policy T6 – Parking and Servicing
Policy IM1 – Planning Obligations
Policy L8 – The Grand Union Canal

Consultations

Glen Parva Parish Council – Wishes to make the following comments:-

“There should be access included adjacent to steps from Leicester Road to the canal to be a Public Right of Way.

Established garden at the end of the development should be retained within the existing development.

The development, with a provision of 50 car parking spaces and as many cars will affect an already busy intersection.”

Blaby Parish Council – Does not object to this proposal.

Senior Environmental Health Officer – Has no objections subject to the imposition of conditions.

Housing Strategy and Policy Officer – Has confirmed that there is a clear need for affordable housing within the local area.

County Highways - No objections subject to the imposition of conditions. However, they have requested that a strip of land (approximately 2.5m wide) be dedicated as highway abutting Leicester Road, to secure a dedicated left turn lane.

English Heritage – Welcomes the retention of the County Arms and considers that its conversion to residential is an appropriate use.

Environment Agency – Has no objections subject to the imposition of conditions.

Severn Trent Water – Has no objections subject to the imposition of a condition.

Leicestershire County Council Access Officer (footpaths) – Has no objections in principle but wish to see the existing footpath link to the canal towpath being re-instated and dedicated as a public right of way.

Ramblers Association – Has no objections to this proposal but would wish to see a formal link to the public right of way adjacent to the canal.

Police Force Architectural Liaison Officer – Has no objections in principle subject to various design and security details, one of which relates to the provision of on-site CCTV. A request has also been made for a financial contribution towards supporting and maintaining the Local Policing Unit.

British Waterways – Has no objections in principle but has requested a financial contribution towards the cost of repair and maintenance of the adjoining canal towpath.

County Ecology – No objections in principle but would wish to see native trees planted as part of a landscaping scheme and would also wish to see bat bricks and boxes incorporated into the design of the new dwellings.

County Education – No contribution is requested due to all local schools having some spare capacity.

County Head of Commercial & Support Services – Has recommended a contribution of £1,500 towards the cost of refurbishment and improvements to facilities within libraries in the area.

County Waste Disposal & Treatment – No contribution requested.

County Archaeologist – No objection subject to the imposition of conditions requiring further archaeological assessment.

Representations

9 letters of representation from local residents have been received and 1 letter from the local District and County Member – (**See Letters A attached**).

Relevant History

06/1039/1/PX	Demolition of public house, erection of 13 apartments & 11 houses.	Appeal against non-determination. Appeal withdrawn July 2007
06/1043/1/HY	Total demolition of existing building	Appeal against non-determination. Appeal withdrawn July 2007
08/0742/1/HY	Part demolition of existing building and demolition of existing boundary wall (to be replaced with new)	Application pending

EXPLANATORY NOTE

The Proposal

This application for full planning permission proposes the limited and partial demolition of the currently vacant County Arms Public House and its subsequent extension and alteration to create 16 residential apartments. The application also proposes the erection of 2 free-standing blocks within the former car park area to provide a further 10 apartments and 6 houses. The site is proposed to be served by a new vehicular access being formed off the Little Glen Road. The two existing vehicular accesses onto Little Glen Road are to be closed. 54 on-site car parking spaces are to be provided.

The site has an area of 0.54 ha (1.33 acres) and, as stated above, currently comprises the County Arms Public House and a car parking area able to accommodate 100 vehicles.

The areas of the existing building that are proposed for demolition are what appear to be later 1950-60's additions. These areas are proposed to be removed in order to enhance the original character of the building and to allow for the proposed additions that are more sympathetic in form and character to the original features of the existing building. It is also intended to demolish and re-build certain boundary wall features. This aspect is dealt with in more detail in the report relating to application 08/0742/1/HY reported elsewhere in this agenda.

The design of the County Arms was originally inspired by the "Modern Movement" and the extensions/alterations to the building continue that trend and "re-invigorate" the appearance and form of the building.

The free-standing new build apartments/houses have been designed to complement the stylised design of the converted County Arms building, rather than take any inspiration from the existing, more suburban design, of the existing dwellings along Little Glen Road to the east and Woodbank to the north. The new building block closest to the existing houses on Little Glen Road is 2 storeys in height. The new building block adjacent to the existing County Arms building is proposed to be 3 storeys in height. The County Arms building is proposed to be increased in height to 4 storeys, albeit that the lower ground floor is, due to the change in ground levels, not readily visible.

A copy of the submitted site layout drawing and detailed elevations shall be displayed at the meeting.

The application has been accompanied by the submission of reports relating to flood risk; air quality; arboriculture; ecology and archaeology. The applicants also commissioned and held a public exhibition of the development proposals at the Glen Parva Memorial Hall on 20th June 2008, and a copy of the responses received by the applicants and petition signed in support of the proposal have also been submitted, and they are attached as **Letters A**.

Planning Considerations

The site is located within the built-up area of Glen Parva and lies within a Primarily Residential Area. The site also lies within the Grand Union Canal Conservation Area. The application site is prominently located at the junction of Leicester Road with Little Glen Road, and the site is bordered to the north by the towpath serving the Grand Union Canal, and to the east by pre and post-war 2 storey housing fronting Little Glen Road. To the south, lies the Little Glen Road which abuts the Blaby & Glen Parva (Sence Valley) Green Wedge. To the west of the application site lies the A426 Leicester Road.

Planning Policy

As stated above, the application site lies wholly within the Primarily Residential Area of Glen Parva and thus in an area where Policy R1 of the Local Plan applies. Policy R1 presumes in favour of residential development within Primarily Residential Areas, subject to satisfying various criteria, the most relevant of which requires that proposed development would not be significantly out of keeping with the character or appearance of the area. The application proposes a development that will reflect and enhance the original built form of the County Arms and will retain a landmark building. Accordingly, it is considered that the development accords with Policy R1.

As the site also lies within the Grand Union Canal Conservation Area, the development proposal also needs to be assessed against Policies CE8, CE9, CE10, CE11 and CE12 of the Local Plan. These policies seek to control development (including proposals for demolition) within Conservation Areas, with the presumption that development will only be allowed where it will not detract from the character and appearance of the area and where the design is of a high standard and sympathetic to the character of that area. These policies also state that planning permission will be granted for the redevelopment of sites which detract from or make no positive contribution to the conservation area. Furthermore, proposals for demolition should only be granted when it can be shown that, inter alia, the building in question is beyond repair or incapable of beneficial use. The areas proposed for demolition are very limited in area, and as stated above, relate to the apparently later additions to the building. These areas are proposed to be removed in order to enhance the original character of the building and to allow for the proposed additions that are more sympathetic in form and character to the original features of the existing building. The design of the alterations and new buildings are to a high standard and will enhance the original character of the building. Accordingly, it is considered that the development accords with the conservation policies of the Local Plan.

Furthermore, Government guidance contained within PPG 15: Planning and the Historic Environment advises that the presumption should be in favour of retaining buildings which make a positive contribution to the character and appearance of conservation areas. Whereas it is debateable at this time as to whether the current appearance of the County Arms makes a positive contribution to the area, the retention of the building is to be welcomed and encouraged. The proposed alterations and extensions to the building will result in a landmark building that will make a positive contribution to the Conservation Area and wider area. Accordingly it is considered that the proposal also accords with Central Government guidance as expressed in PPG 15.

In relation to the general over-arching planning policies of Central Government, as expressed in PPS 1: Delivering Sustainable Development, the application site is located within a sustainable location and the design of the proposal optimises the potential of the site whilst providing a visually striking and attractive development. Furthermore, in relation to PPS 3:

Housing, the guidance advises that new build residential development (and conversions) should be located within sustainable locations that have a range of facilities and with good access to jobs, key services and infrastructure. In addition, great emphasis is placed on development taking place on previously developed land and buildings. The location of the application site is close to local services and facilities (notably Blaby Central Area which is within walking distance) and has excellent access to public transport routes and walking and cycling facilities and will result in the beneficial re-use of currently vacant land. Accordingly, the proposal is considered to be in compliance with the guidance set out in Central Government guidance.

Highway Considerations

The Leicestershire County Council, as Highway Authority, have raised no objections to the re-development of this site. However, they acknowledge that even with the recent improvements that have been made to the junction of Leicester Road with Little Glen Road, there is still a problem of queuing traffic particularly in the weekday morning and evening peak hours. Accordingly, the Highway Authority has made a request that the applicant considers the ceding of a strip of land (approximately 2.5 metres wide) on the Leicester Road frontage to secure a dedicated left-turn lane in the future. Unfortunately, this request has not been viewed favourably by the applicants, and neither this Council nor the County Council are in a robust position to insist on its provision.

Other Issues

The issue of maintaining and providing additional public access to the canal towpath is considered to be an important benefit that will derive from this development, and the submitted plans show the retention and re-opening of the existing stepped access from Leicester Road as well as the provision of a new gated level access from within the site. It is proposed that a condition be imposed requiring this provision to be made, and further, in the case of the new access point, that this access be wheelchair accessible.

The Police Authority have raised some concerns about this development in relation to the potential for crime, as well as the potential that the development has to create a significantly safer area by the introduction of a system of limited CCTV coverage. It is thus recommended that a condition be imposed requiring the implementation of a scheme of CCTV, notably for the access to the canal network and the communal parking areas. The Police Authority have also requested a financial contribution be made (approximately £600 per dwelling) to assist the Local Policing Unit. However, this Council has historically never sought such contributions from developers as it is not considered that such requests meet all the tests for planning obligations as set out in Circular 05/2005. Accordingly, no request is being sought.

British Waterways have also requested that a financial contribution of £3,500 be sought to mitigate the impact of the proposed development on the adjacent canal network. British Waterways would wish to use this money to carry out

repair work to the canal bank and resurface the towpath. However, and for the same reasons as set out for the Police request for financial contributions, it is not considered that the request from British Waterways meets all the tests for planning obligations. Accordingly, no request is being made.

Consideration Of Terms Of Reference For Section 106 Agreement

Consideration of each of the terms of reference for the proposed Section 106 Legal Agreement are as follows:

Affordable Housing

Policy R4 in the adopted Blaby District Local Plan and the adopted Blaby District Council Supplementary Planning Guidance : Affordable Housing state that a target figure of 30% of dwellings will be the starting point for the negotiation of affordable housing on development proposals. In addition, the preference is for affordable housing to be provided on-site however off-site provision secured by a commuted sum is acceptable as an alternative. In this current instance, the Housing Strategy and Policy Officer has confirmed that there is a clear and demonstrable need for affordable accommodation within the Parish of Glen Parva. This application which proposes 32 dwelling units thus generates a requirement for 10 affordable units to be provided on site in accordance with the clear and relevant policies of this Council and Central Government guidance.

Public Open Space

Policy R13 of the adopted Blaby District Local Plan states that planning permission will only be granted for new residential development where informal children's play space is provided at a minimum ratio of 0.1 acres (0.04 ha) per 20 dwellings. This policy also states that planning obligations will allow for off-site provision in circumstances where this will create a more appropriate form of provision. This current application for 32 dwelling units generates a need for 640 m² of new public open space. However, due to the limited space available within the site, and the location of the site, it is considered that the provision of open space within the development site is not a practical or desirable option in this case. Accordingly it is considered that an off-site financial contribution should be sought. Based on the formula currently being used by the District Council, this financial sum is £2,311.10 per dwelling which equates to a total sum of £73,995.20.

Library Facilities

The Leicestershire County Council has requested that a contribution of £1,500 be made towards the cost of refurbishment and improvements to local library facilities.

Conclusion

The application site is located in an area where the principle of development is acceptable, as set out in the policies of the adopted Local Plan. The scheme for conversion of this prominent building will result in the retention and renaissance of the building and site as a whole. It is considered that the scheme as proposed will enhance this part of the Grand Union Canal Conservation Area, and thus this scheme also accords with the guidance contained within central government guidance in relation to the historic environment. The proposal will utilise a “brownfield” site in a sustainable location and will positively contribute towards the Council’s housing land supply.

Accordingly, this application is recommended for approval subject to the proposed conditions and signing of the legal agreement as detailed above.

Summary of Reasons for Recommendation and Relevant Development Plan Policies

The application site is located in an area where the principle of development is acceptable, as set out in the policies of the adopted Local Plan. The scheme for conversion of this prominent building will result in the retention and renaissance of the building and site as a whole. It is considered that the scheme as proposed will enhance this part of the Grand Union Canal Conservation Area, and thus this scheme also accords with the guidance contained within central government guidance in relation to the historic environment. The proposal will utilise a “brownfield” site in a sustainable location and will positively contribute towards the Council’s housing land supply.

Accordingly, it is considered that the proposal complies with the following Policies of the Development Plan:

Regional Spatial Strategy for the East Midlands (RSS 8 – March 2005)

Policy 2 – Locational Priorities for Development

Policy 3 – Sustainability Criteria

Policy 4 – Promoting Better Design

Policy 5 – Concentrating Development in Urban Areas

Policy 17 – Regional Housing Provision

Policy 18 – Regional Priorities for Affordable Housing

Leicestershire, Leicester and Rutland Structure Plan

Housing Policy 1 – The Quantity of Housing Land

Housing Policy 3 – New Housing Provision on Previously Developed Land and Through Conversions.

Blaby District Local Plan

Policy R1 – Primarily Residential Areas

Policy R4 – Affordable Housing

Policy R13 – Public Open Space

Policy CE8 – Conservation Areas

Policy CE9 – Conservation Areas

Policy CE10 – Conservation Areas

Policy CE11 – Conservation Areas

Policy CE12 – Conservation Areas

Policy T6 – Parking and Servicing

Policy IM1 – Planning Obligations

Policy L8 – The Grand Union Canal

08/0742/1/HY	Registered date 15 October 2008	Everards Brewery Ltd
	Expiry date 10 December 2008	Part demolition of existing building to enable extension and conversion to 16 residential apartments (Class C3) and demolition of existing boundary wall (to be replaced with new) - County Arms Public House, Leicester Road, Glen Parva

RECOMMENDATION

PERMIT SUBJECT TO THE FOLLOWING CONDITIONS:

1. Conservation Area Consent standard 3 year condition.
2. No demolition to take place until contract made for the conversion of the building and the redevelopment of the site, for which planning permission has been granted.
3. Any retained fabric shall be made good.

NOTES TO COMMITTEE

Policy

Regional Spatial Strategy for the East Midlands (RSS 8)

Natural and Cultural Resources Policy 27

Leicestershire, Leicester and Rutland Structure Plan 1996-2016

There are no saved policies of the Structure Plan that relate to applications for Conservation Area Consent.

Blaby District Local Plan

Policy CE8: Conservation Areas; Demolition of Unlisted Buildings

Consultations

Glen Parva Parish Council – In response dated 18.11.08

- *The access from the existing steps on Leicester Road to the canal towpath should be open and retained as this route, until recently, has been used regularly by the general public.*
- *There should be ease of access provided from the site onto the canal towpath which should be open to the public.*
- *The original façade of the existing building should be retained as part of a legal agreement with the developers/owners.*

Blaby Parish Council – In response dated 29.10.08

- *Disappointed circular piers of the Art Deco period boundary wall are to be lost, it is hoped these could be retained.*
- *Public access to the canal towpath is to be retained.*
- *Public right of way of the canal towpath should be available along the perimeter of the development.*
- *Everards should be commended for trying to keep the Art Deco building.*

County Archaeologist – Recommend, in response dated 17 October 2008, that conditions be imposed on any consent that is granted (**See Letter B attached**).

County Senior Historic Buildings Officer – No reply received.

Leicester City Council – Has no objections to the scheme in principle, as they consider the proposal retains much of the original building and will thus retain some of the character of this distinctive landmark site (**See Letter B attached**).

British Waterways – Have no additional comments to those sent in relation to the planning application for the site reference 08/0709/1/PX (**See Letter B attached**).

Twentieth Century Society – No reply received.

English Heritage – There is no statutory requirement to consult English Heritage on applications for conservation area consent. However, there is a statutory requirement to consult with them on planning applications where the site area of the application exceeds 1000 square metres. English Heritage were thus consulted on the application 08/0709/1/PX for the redevelopment of the site. Their response, attached as **Letter B**, also refers to the proposal to demolish the County Arms and is thus considered to be relevant to this application.

Rights of Way Section, Leicestershire County Council – Comments regarding a public access route (**See Letter B attached**).

Environment Agency – Have no comment on the application.

The Ramblers Association - Request a direct link between the site and the Public Right of Way Z13 along the canal towpath, rather than the present route but do not object (**See Letter B attached**).

Severn Trent Water – No objection subject to the imposition of a condition (**See Letter B attached**).

Representations

A total of 3 representations have been received regarding this application, all of which object to the application (**See Letters B attached**).

Relevant History

06/1039/1/PX	Demolition of existing public house and erection of 13 no. apartments and 11 no. houses with associated parking and infrastructure, including new vehicular access and altered pedestrian access.	Withdrawn 3/7/07
06/1043/1/LX	Total demolition of existing building.	Withdrawn 3/7/07

EXPLANATORY NOTE

The Proposal

This is an application for Conservation Area Consent for the partial demolition of the County Arms Public House and the total demolition of the front boundary wall and piers. Both the building and boundary wall are situated in a prominent position at the junction of Leicester Road and Little Glen Road, Glen Parva. The Grand Union Canal passes to the north side of the curtilage of the building. The County Arms, its adjacent car park and the adjoining bridge over the canal are all, together with the canal itself, located within the Grand Union Canal Conservation Area. Conservation Area Consent is required for the total demolition of an unlisted building within a conservation area or for the demolition of a substantial part of it. It is also required for the demolition of any wall which exceeds one metre in height adjacent to a highway or two metres in height elsewhere.

There are two principal parts of the building that it is proposed to demolish. The first is a former service range attached to the distinctive stair tower of the building on its north side. From Leicester Road, this element appears to be single storey although it has a lower ground floor evident from the north side of the building. This part of the building was originally designed to provide garaging, although it was subsequently altered, both internally and externally, to create toilet accommodation. It is also proposed to demolish the length of wall attached to this part of the building, which curves round to meet Leicester Road. It is also proposed to demolish a further single storey element attached to the south side of the stair tower and the stairs leading to a doorway on the south western corner of the building. The second principal part of the building that it is proposed to demolish is located on the south eastern corner of the building and comprises staircases and toilet accommodation. From the Little Glen Road frontage, this element appears to be of 1 to 1½ storeys in height, although it also has a lower ground floor level that cannot be readily perceived from outside the building. Again, this part of the building appears to have been altered at some time in the past.

The majority of the boundary wall that it is proposed to demolish is less than 1 metre high but a short length on the Little Glen Road frontage, and some of the circular piers, exceed 1 metre in height and thus those parts of the wall attached to these lengths are considered to require Conservation Area Consent for their demolition.

The demolition is proposed as part of a scheme for the extension and conversion of the building to create apartments, together with the redevelopment of the remainder of the site (planning application 08/0709/1/PX for the part demolition and conversion of existing building into 16 residential apartments (Class C3) and erection of 2 blocks consisting of 10 apartments and 6 houses to include associated parking and altered pedestrian access refers). This is reported elsewhere on the agenda.

Planning Considerations

PPG 15: Planning and the Historic Environment states, in paragraph 4.26 under the heading “Conservation area control over demolition”, that *“In exercising conservation area controls, local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question; and, as with listed building controls, this should be the prime consideration in determining a consent application. In the case of conservation area controls, however, account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building’s surroundings and on the conservation area as a whole.”*

Paragraph 4.27 stated *“The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a Conservation Area. The Secretary of State expects that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (paragraphs 3.16 – 3.19 above). In less than clear-cut cases – for instance where the building makes little or no such contribution – the local planning authority will need to have full information about what is proposed for the site after demolition ...”*

The Grand Union Canal was designated a Conservation Area by the Leicestershire County Council in 2000. The Conservation Area Character Assessment made reference to canal side inns and public houses contributing to the character and appearance of the Conservation Area. Whilst the County Arms is of a later date than many of the other public houses, it is of distinctive character and appearance and is worthy of retention as a local landmark building.

Those parts of the building which it is proposed to demolish are relatively small in relation to the building as a whole and appear to have been altered in the past. It is not considered that their demolition, as part of an approved

scheme for the conversion of the building, will harm the overall contribution that the building makes to the conservation area.

It is proposed to demolish the existing boundary wall and piers. A new boundary wall, topped by railings and piers, to a similar design as the existing are proposed as part of the redevelopment scheme. Consideration was given to retaining the piers and replacing the sections of wall. Given the difficulties of sourcing matching materials and the poor appearance that would result from not being able to achieve a satisfactory match, it was concluded that the total rebuilding of walls and piers was the most satisfactory solution.

Summary of Reasons for Recommendation and Relevant Development Plan Policies

It is considered that, subject to compliance with the conditions attached to this consent, the proposed demolition would not materially harm the character or appearance of the Grand Union Canal Conservation Area and would thus be in accordance with the relevant provisions of the development plan as summarised below:

Regional Planning Strategy for the East Midlands (RSS 8) (March 2005):

Natural and Cultural Resources Policy 27

Blaby District Local Plan:

Policy CE8: Conservation Areas; Demolition of Unlisted Buildings

08/0899/1/OX	Registered date 11 November 2008	F J Powner Erection of one dwelling and detached garage (re-submission) –
	Expiry date 6 January 2009	Manor House Farm, Sharnford Road, Aston Flamville

RECOMMENDATION

REFUSE FOR THE FOLLOWING REASONS:

1. No evidence of a functional need has been submitted that demonstrates that a new dwelling in the countryside would be justified in accordance with the criteria of Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas. The proposed development would therefore amount to a second new dwelling in the countryside at Manor Farm where there is no agricultural justification. As such, it would be contrary to both national guidance contained in PPS 7 and Policy C2 of the Blaby District Local Plan aimed at protecting the character and appearance of the countryside for its own sake.
2. Furthermore, the application site is situated within an area designated as countryside in the Blaby District Local Plan (1999) where National and Local Policy presumes against new residential development except in certain special circumstances. Policy C2 of the Blaby District Local Plan states that any new development should be sited, designed and landscaped in a manner which limits the effect on the appearance and character of the landscape. The District Planning Authority considers that the proposed location of the dwelling, which is outside the curtilage of the existing farm house and associated buildings, would be located in a prominent elevated position where, together with any external domestic curtilage (with inevitable associated domestic paraphernalia), it would be visually obtrusive within the landscape and have an unduly detrimental impact on both the rural character and appearance of this prominent countryside location. The proposal is therefore contrary to Policy C2 of the Blaby District Local Plan.

NOTES TO COMMITTEE

Policy

National Planning Guidance:

PPS 1: Delivering Sustainable Development
PPS 3: Housing
PPS 7: Sustainable Development in Rural Areas
PPS13: Transport

Blaby District Local Plan (BDLP):

C2: Other Development in the Countryside

T6: Parking and Servicing

Consultations

Aston Flamville Parish Meeting – Supports the proposal.

Highways Authority – No formal comment to make.

District Council's Agricultural Planning Consultant – No agricultural support for the proposed second dwelling on this holding as the holding fails the functional test for a second dwelling.

Leicestershire County Council Historic and Natural Environment Team – Since the proposal is of a small scale, it will not have a significant impact upon archaeological remains. Therefore, no comment.

Severn Trent Water – No objection to the proposal subject to the inclusion of a condition associated with surface water and foul sewage drainage.

Ramblers Association – No objection.

Ecology – Although no protected species have been recorded in the vicinity, a watching brief is recommended.

Waste Planning Authority – No objection, subject to the prior implementation of the replacement composting facility.

Representations

No letters of representation have been received.

Relevant History

08/0653/1/CY	Proposed replacement composting, reception and storage area (County Matter)	Approved 13/11/08 (subject to legal agreement)
07/0932/1/OX	Erection of one dwelling and detached garage	Withdrawn 11/9/08
02/0747/1/PY	Change of use of buildings and land for Green Waste processing and composting	Approved March 2006
00/0145/1/PX	Erection of one new agricultural dwelling	Approved Feb 2000

EXPLANATORY NOTE

The Site and Surrounding Area

The application site is located within countryside, on farmland relating to Manor Farm. The nearest built up area is Aston Flamville, which is some 300 metres away. The existing farm house, together with all its associated buildings, is located to one side (west) of a farm access track off Sharnford Road. Planning permission was granted for the erection of the existing dwelling at Manor Farm in February 2000. The farmhouse is in close proximity to its associated farm buildings and an agricultural appraisal showed that there was agricultural support for a permanent dwelling here. The application site, however, is located on the other side of the track (east) , where there are no buildings, but which is currently being used for Green Waste processing and composing, one of the farm's diversification businesses. The Green Waste processing has planning permission to be relocated across to the other side of the track (west), to the rear of the existing farm complex.

The application seeks outline planning permission for the erection of an additional detached 4 bed dwelling and detached double garage.

A justification for the dwelling, submitted with the current application, states that Mr F J Powner and his son, Jonathan, are the only two workers on the farm (although Mrs Powner does carry out some administrative work). Mr F J Powner lives in the farm house which was constructed two years ago but his son lives in Hinckley. It is asserted that Mr F J Powner, who is 70 and has had two hip operations, needs the daily support from his son for the farming enterprise. Having his son live off-site is considered to be inefficient and detrimental to family life and the health of livestock. The proposed dwelling would therefore accommodate Mr J Powner and his wife and son, from which they would run the Green Waste enterprise and, additionally, from where they could provide support to Mr F J Powner's farm enterprise. To date, Mr J Powner has been unable to secure a property closer to the farm.

Planning Considerations

Functional Need

The application site is located within land designated as countryside. As such, Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS 7) is relevant. This statement concerns agricultural and other occupational dwellings and sets out criteria for permanent dwellings. The national guidance states that it is important to establish whether the proposed development is genuine, is reasonably likely to materialise and is capable of being sustained for a reasonable period of time. It is also important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby. Paragraph 10 of PPS 7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. New permanent dwellings should only be

allowed to support existing agricultural activities in well established agricultural units subject to compliance with set criteria which are set out in Annex A of PPS 7.

Policy C2 of the Blaby District Local Plan sets out criteria for the erection of development within the open countryside. This policy states that there is a presumption against inappropriate development in the countryside, which includes the erection of new dwellings, unless it is essential for employment or leisure needs.

It will be recalled that a previous application for the same proposal was deferred at the Committee's meeting on 3rd January 2008 in order to allow time for a second independent agricultural appraisal to be undertaken by ADAS. However, this second appraisal confirmed the findings of the first appraisal obtained by the Council which stated that there was no agricultural justification for the provision of a second dwelling at Manor Farm. The application was deferred a second time at the Development Control Committee meeting on 14th August 2008 to enable the applicant to gather even further information in support of the application but was subsequently withdrawn.

Notwithstanding the submitted agricultural statement, the Council's agricultural consultant remains of the view that the holding is unable to pass the functional test for a second dwelling on the site and, therefore, advises that there remains no agricultural support for the proposal. The existing dwelling on the site on the holding is, and would be, capable of providing the essential residential needs of the existing and proposed enterprises. Labour requirements for composting green waste (or the haulage business) are not agricultural operations and so are not taken into account.

Visual Amenity

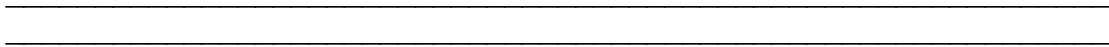
Due to the location of the site which is within open countryside and outside the built up area, it is considered that the proposed dwelling would have a detrimental impact to the open and undeveloped nature of the countryside. It is outside the established farm complex of buildings and beyond the access track, which forms a natural boundary to the existing built development of the farm and provides a degree of planted screening from the surrounding area to the west. Furthermore, the external domestic curtilage, with the inevitable associated domestic paraphernalia, would have an additional detrimental impact on both the rural character and appearance of this prominent countryside location.

Conclusion

A permanent dwelling was permitted at Manor Farm in 2000, associated with agriculture. This application seeks permission for a further dwelling on this site which is located on land designated as countryside. The proposed additional dwelling does not meet the required criteria for agricultural dwellings in the countryside which are set out within Annex A of PPS 7.

There is considered to be no justification for any agricultural need to support the establishment and creation of this additional dwelling in the countryside. Accordingly, it is considered to be contrary to the aims of Policy C2 of the Blaby District Local Plan.

In addition, the location of the dwelling is considered to be unduly prominent and poorly related to the existing farm buildings, to the detriment of the appearance and rural character of the surrounding countryside.



08/0905/1/PX	Registered date 7 November 2008	Mr I Bullions Erection of 38 dwellings with associated parking, infrastructure and landscaping (including demolition of existing building) accessed off Browns Close and relocation of sub-station – Former Sapcote Site Supplies, Leicester Road, Sapcote
	Expiry date 6 February 2009	

RECOMMENDATION

THAT APPLICATION 08/0905/1/PX BE GRANTED SUBJECT TO THE APPLICANTS ENTERING INTO A SECTION 106 AGREEMENT TO SECURE THE FOLLOWING:

- 1. Provision of four on site affordable housing units (11% of the total number of dwellings to be provided);**
- 2. The payment of £863 towards Civic Amenity Site infrastructure at Barwell;**
- 3. The payment of £2,040 towards the cost of refurbishment and improvements to local library facilities;**
- 4. The payment of £27,250.20 for the maintenance and enhancement of off site public open space and recreational facilities;**
- 5. The payment of £18,166.80 towards education facilities at John Cleveland College;**
- 6. Off site highways improvement works to Browns Close and public footpath linking Browns Close to Leicester Road.**

And subject to the imposition of the conditions relating to the following matters:

- 1. Standard time condition.**
- 2. Permission relates to amended plans.**
- 3. Before commencement materials to be submitted and agreed.**
- 4. Landscaping to be agreed.**
- 5. Landscaping scheme to be carried out.**
- 6. Existing boundary hedgerows to be retained.**
- 7. Existing trees, etc, to be retained to be protected.**
- 8. No dwelling occupied until screen fences/walls around plot have been erected.**
- 9. Exact position and finished floor levels to be agreed.**
- 10. Provision of street lighting.**
- 11. Ground remediation statement to be submitted and agreed.**
- 12. Ground remediation measures to be carried out.**
- 13. Foul and surface water drainage to be submitted.**
- 14. Maximum height of 0.9m for fences, etc, on highway boundary.**

15. No enclosure of car ports.
16. No surface water drainage onto public highway.
17. Existing vehicular accesses to be closed within 1 week of the new access being used.
18. Construction vehicle parking to be provided within the site during construction works.
19. Off street parking provision.
20. Drive and turning spaces for dwellings to be surfaced in bound material.
21. 2m x 2m pedestrian visibility splays to be provided.
22. Any private drive serving between 5 and 25 dwellings shall have a minimum width of 4.8m for the first 5 metres.
23. Only one point of pedestrian access onto Leicester Road.
24. Details of fencing/wall boundary treatment to Leicester Road frontage to be submitted and agreed.

NOTES TO COMMITTEE

Policy

Regional Spatial Strategy for the East Midlands (RSS 8 – March 2005)

- Policy 2 – Locational Priorities for Development
- Policy 3 – Sustainability Criteria
- Policy 4 – Promoting Better Design
- Policy 5 – Concentrating Development in Urban Areas
- Policy 17 – Regional Housing Provision
- Policy 18 – Regional Priorities for Affordable Housing

Leicestershire, Leicester and Rutland Structure Plan (2005)

- Housing Policy 1 – The Quantity of Housing Land
- Housing Policy 3 – New Housing Provision on Previously Developed Land and Through Conversions.

Blaby District Local Plan (1999)

- Policy R1 – Residential Development within Primarily Residential Areas
- Policy R4 – Affordable Housing
- Policy T6 – Off Street Parking Provision
- Policy M3 – Contaminated Land
- Policy IM1 – Planning Obligations
- Policy R13 – Public Open Spaces

Consultations

Sapcote Parish Council – objects to the proposal for the following reasons:

“Sapcote Parish Council would formally register an objection to the above proposed development.

The Parish Council does not object in principle to the construction of houses on this site, although it does have some issues with the height of some of the buildings and density as shown in the application. Our primary concern is the proposed access arrangements to the site through Browns Close.

This Parish Council has, for many years, been concerned about the speed of traffic entering the village from the east on Leicester Road and has been asking for some time for the implementation of traffic calming measures to slow vehicles down. We now see this development, which borders on Leicester Road (B4669), as a golden opportunity to achieve this objective and at no cost to the County Council as it could be funded through Section 106 contributions.

A speed survey was carried out on Leicester Road at the end of 2007 and showed that 36% of all vehicles were travelling in excess of the ACPO threshold of 10% over the limit + 2mph.

We therefore request that you ask the County Council to consider the benefits of this development being accessed from Leicester Road via a roundabout coupled with traffic calming measures instead of through the quiet cul-de-sac of Browns Close.

Traffic calming measures were implemented on this road at the western side of the village in 2001 and have worked very well. Given that an estimated 90% of traffic using this road is through traffic it seems logical and reasonable that if the western side of the village warranted traffic calming measures then so does the eastern side, and especially when considering that we have additional Stoney Stanton traffic entering (departing) from the east whereas Stoney Stanton traffic entering (departing) from the west turns off before it reaches Sapcote. We would therefore submit that a traffic calming scheme is warranted more at the eastern side of the village than it was at the western side and this is the ideal opportunity to achieve this.

The proposal on the application requires access to the new development via Grace Road and Browns Close. Browns Close is a quiet residential cul-de-sac which in our view is unsuitable as an access for a development of this size. Grace Road was the subject of a traffic survey in 2005 which showed that 66.4% of all traffic was speeding. This scheme now proposes exacerbating this problem by adding substantially more traffic movements. A further consideration is that the visibility splay when exiting Browns Close is very often impeded by parked traffic using the local Methodist Church adding to the unsuitability of this junction for a development of this size.

When considering the options of the access/egress point proposed in the application and the alternative proposed by the Parish Council, members ought to be aware that it is highly probable that at least 50%

(if not more) of traffic leaving the site will end up on Leicester Road anyway as this one of only two options available to traffic leaving the site. It would therefore be sensible to ensure that the access onto Leicester Road was regulated and this would be achieved only by having a direct route onto Leicester Road with a purpose built exit rather than through Browns Close and then Grace Road and then onto Leicester Road.

In respect of traffic safety in exiting this site onto Leicester Road there is ample evidence to show that this should be perfectly safe as a number of other roads in the village do exactly this without incident. Furthermore, entry onto this road was approved at the former Lord Bassett Arms site at the centre of the village, a site is located on a bend with very poor, if not non-existent visibility. In view of this there is no reason why this development cannot exit onto this road, and especially if it is incorporated into a traffic calming scheme.

We would therefore request that this application be refused because of the unsuitability of the access; or that it be referred back to the County Council for its views on a direct access/egress onto Leicester Road with a complimentary traffic calming scheme, both funded by Section 106 monies.

The Parish Council also considers that the height of some of the properties, particularly those at the back (north) of the development, are out of keeping with the surrounding properties, especially the bungalows in Browns Close. Approval for a small block of flats in Leicester Road, directly opposite this site, was refused because recently, partly because of its height, and that particular site was surrounded by two storey houses, not bungalows.

We would recommend that this application be refused because the 2½ storey buildings are incompatible and out of keeping with buildings at the rear of the property.”

In addition the Parish Council recommends a developer contribution of £20,000 for the refurbishment of the changing room at Sapcote Playing Fields **(See Letter C attached).**

County Highways – No objections subject to the imposition of conditions.

County Ecology – No objections in principle but would wish to see bat bricks and boxes and replacement trees and shrubs to compensate for any lost habitat.

County Archaeologist – the site is not the historic core of the settlement and has already been disturbed by the current building.

County Education – Has recommended a developer contribution of £55,080 in respect of John Cleveland College.

County Head of Commercial & Support Services – Has recommended a contribution of £2,040 towards the cost of refurbishment and improvements to facilities within libraries in the area.

County Waste Disposal & Treatment – Has recommended a contribution of £863 towards Civic Amenity Site infrastructure at Barwell.

Severn Trent Water – Has no objections subject to the imposition of a standard condition.

Police Force Architectural Liaison Officer – recommends the inclusion of street lighting and the hard and soft landscaping is considered in light of security to plots. In addition a developer contribution of £23,028 is sought to assist in the policing of the geographic area.

Primary Care Trust – Has recommended a financial contribution of £34,418 to assist in the delivery of health care by the Sapcote/Burbage practice.

Environmental Protection Group Manager – Has no objections subject to the imposition of conditions.

Representations

60 letters of representation have been received from local residents, including a letter from the local ward member, and 1 petition (**see Letters C attached**).

Relevant History

No recent relevant history.

EXPLANATORY NOTE

The Proposal

This application for full planning permission proposes the demolition of the existing vacant factory premises and the erection of 38 new residential units. The dwellings proposed are a mixture of 2 and 2½ storey buildings. Eight 1 and 2 bed apartments are proposed, with the remaining 30 units comprising traditional 2 and 3 bed terraced, semi-detached and detached housing.

The proposed redevelopment of the site involves closing the existing vehicular accesses off Leicester Road and extending the Browns Close cul-de-sac into the site. The scheme has been designed to ensure that the development presents a “fair face” to the main Leicester Road, with 10 plots fronting onto the Leicester Road. The means of accessing the site by vehicle is solely via Browns Close. However, pedestrian access can be gained via the Leicester Road frontage by using the existing public footpath that links Leicester Road to Browns Close. The 10 plots that front Leicester Road are proposed to have a single point of pedestrian access only to ensure that residents’ vehicles do not park on the main road and thus obstruct the free flow of traffic.

A copy of the submitted site layout and elevations shall be displayed at the meeting.

Planning Considerations

Principle of Development

The application site is located within the Primarily Residential Area of Sapcote as designated in the Blaby District Local Plan where there is a presumption in favour of residential development provided the proposal can satisfy the criteria of the policies in the Development Plan relating to relationship with adjacent uses, amenity considerations, character and appearance of the area and layout, design and appearance of the development.

In relation to the general over-arching planning policies of Central Government, as expressed in PPS 1: Delivering Sustainable Development, the application site is located within a sustainable location and the design of the proposal optimises the potential of the site. Furthermore, in relation to PPS 3: Housing, the guidance advises that new build residential development should be located within sustainable locations that have a range of facilities and with good access to jobs, key services and infrastructure. In addition, great emphasis is placed on development taking place on previously developed land and buildings. The location of the application site is close to local services and facilities and has access to public transport routes and will result in the beneficial re-use of currently vacant land. Accordingly, the proposal is considered to be in compliance with the guidance set out in Central Government guidance.

Impact on Character and Appearance of the Area

The site at present has a large centrally positioned vacant industrial building with three single storey outbuildings adjacent to the east boundary. The positioning of the main building leaves a visual gap to either side as perceived from Leicester Road. It is proposed to erect five pairs of semi-detached houses which front the Leicester Road to remove these gaps and to continue the existing general form and character of the street scene which is characterised by dwellings fronting the main road.

It should be noted that the proposed 2 storey houses would be approximately 2.3 metres lower in height than the existing factory building and of a similar height to the 2 storey dwellings adjacent to either side of the site. The 2½ storey dwellings have ridge heights of 9.6 metres and are approximately 0.5 metres lower in height than the existing factory building.

The individual houses have been designed to complement the existing built form in the locality, whilst seeking to maximise the beneficial re-use of this brownfield site. The properties are proposed to be constructed in a mixture of brick with some render and all with concrete tiled roofs. The site layout has

been designed to avoid direct overlooking of private rear garden areas where possible, whilst providing an interesting and varied built form.

Access and Parking / Highways

The proposed development would be accessed off Browns Close instead of retaining the vehicular accesses to Leicester Road. The alteration in site access is in line with the Guidance of the Highway Authority which aims for new development to access the road network off a side road rather than directly onto main roads. The site layout has therefore been designed to have all vehicular traffic via Browns Close, with limited pedestrian access to the Leicester Road frontage in order to reduce the likelihood of people parking on the busy road to reach those houses fronting it. In addition the highway layout includes traffic calming measures due to the proposed increased length of Browns Close in the form of a speed restrictive chicane where the development site enters Browns Close.

The development would have a mixture of flat and house size, the proposed parking meets the requirement of the Local Plan with allocated parking both in parking courts and on plot provision. It should be noted that the County Highway Authority have no objections to this development accessed off Browns Close. As Leicester Road is a classified road, the Highway Authority have confirmed that accesses onto classified roads will normally be restricted in the interests of highway safety.

Residential Amenity

The properties most directly affected are immediately adjacent to the site boundaries. There should not be any appreciable loss of amenity to the properties south of Leicester Road due to the distance between proposed and existing dwellings and the slight reduction in height of the proposed development. The main impact on residential amenity would be to the adjacent properties on Leicester Road and those located in Browns Close.

Plot 34 is the closest proposed dwelling to 22 Leicester Road, a 2 storey dwelling. The building proposed for plot 34 is a 2 storey block of 3 flats positioned 10 metres away from number 22, across the public footpath linking Leicester Road and Browns Close. The proposed building would project beyond the front of number 22 but would not exceed a 45 degree line of sight when measured from the nearest habitable window. In addition, plot 34 would have only landing windows in a position to overlook the front garden of number 22. The proposed semi detached dwellings to the Leicester Road frontage would be 16 metres away with an offset. Whilst the proposal would be visible to the occupiers of number 22, the proposal should not have a significantly detrimental effect. The relationship of the development with 22 Leicester Road is thus considered acceptable.

The main effect on numbers 5, 7 and 9 Browns Close would be the proposed highway alterations to the existing turning head due to the access of the drives over this area. In addition, it is considered that the proposed dwellings would be a sufficient distance and angle from the front of these properties to limit the impact of the buildings on these existing houses.

Number 12 Browns Close is a bungalow immediately adjacent to the site. It has been extended and there are now two secondary windows to the rear elevation which are approximately 1 metre from the boundary. However, due to the existence of an overgrown boundary hedge and the fact that the windows in 12 Browns Close are only secondary windows, it is considered that the relationship between the proposed dwellings and number 12 is acceptable.

Number 10 Browns Close also abuts the application site, with the rear garden running the length of the north boundary of the application site. The proposed dwellings would be orientated so that they would face towards the width of the adjacent garden area and not the rear of number 10. It is considered that the proposed dwellings should not have an undue overbearing impact or cause a significant loss of privacy to the garden area due to the distance and orientation of the proposed buildings.

The eastern site boundary is angled in relation to the adjacent property at 26 Leicester Road and the nearest proposed dwellings have been designed with their first floor rear windows as partial roof lights with high cill levels in order to reduce any perceived loss of privacy. It is considered that the combination of the window design and the distances involved should limit overlooking.

It is considered that the proposed layout represents an efficient use of land without compromising the quality of the local environment.

Impact on Trees

The only landscaping details submitted are on the proposed site plan which indicates areas of hedge and tree planting. There is only one tree on the site worthy of retention; this is an Ash tree to the north east corner of the site. The proposed scheme has been designed to retain a distance from the tree and it is proposed to be protected during construction.

It is proposed that a condition be imposed requiring the submission of a full landscaping scheme. In addition, it is also proposed that the existing boundary hedges be retained where possible, and a condition is recommended accordingly.

Loss of Employment Land

The site is currently vacant and is an unrestricted employment site but is not identified as an employment site in the Local Plan. The loss of an unrestricted B2 (General Industrial) use in a residential area is considered to be a positive effect of the proposed redevelopment of the site and the applicant has

submitted a marketing report to illustrate that the current site and building is unlikely to be let for an employment purpose.

Consideration of Terms of Reference for Section 106 Agreement

Detailed and protracted negotiations have been undertaken in relation to this development to secure a range of community benefits arising from the development of this site. Consideration of each of the terms of reference for the proposed Section 106 Legal Agreement are as follows:

Affordable Housing

The applicants are proposing to provide 4 affordable housing units for rent, comprising of 3 flats and 1 house as an on site provision towards the affordable housing needs in the area.

Policies in the Local Plan and adopted Blaby District Council Supplementary Planning Guidance: Affordable Housing states that a target figure of 30% of dwellings will be the starting point for the negotiation of affordable housing on development proposals. In addition, the preference is for affordable housing to be provided on-site. The current application would generate a need for 11 affordable dwellings

The main area for consideration, in relation to affordable housing, is the actual level of contribution being offered by the developer. The amount proposed (11%) falls considerably short of the target figure of 30%. Protracted and lengthy negotiations have been undertaken on this specific issue and at the request of your officers, the applicants have provided an "open book" financial appraisal of the proposed development. This financial appraisal has been independently verified by the Valuation Office who have confirmed that the viability of the development would be jeopardised by requiring the developers to provide additional financial contributions / affordable housing provision.

The Housing Strategy and Policy Officer has confirmed that the split of 3 flats and 1 house is acceptable on this site and it is considered that, on balance, it is preferable to take this opportunity to secure four deliverable affordable housing units, albeit that it does not accord with the Council's Supplementary Planning Guidance on Affordable Housing.

Financial Contribution

After reviewing the submitted financial appraisal, your officers have held further negotiations with the applicant to the extent where the applicant has now agreed to offer a financial contribution of £48,320 in addition to the on-site affordable housing provision.

This financial contribution has been offered to fund the Civic Waste and libraries contributions, as well as leaving a sum of monies to be allocated towards the requested education contribution and the requested public open space requirement. Whereas this sum of money is considerably less than the

amounts requested, it is considered this is the maximum amount that the scheme can offer whilst retaining its viability. It is considered therefore that, on balance, it is preferable to take this opportunity to secure this funding at this time.

The financial contribution is therefore proposed to be utilised to secure the following:

Public Open Space - Policy R13 of the adopted Blaby District Local Plan states that planning permission will only be granted for new residential development where informal children's play space is provided at a minimum ratio of 0.1 acres (0.04 ha) per 20 dwellings. This policy also states that planning obligations will allow for off-site provision in circumstances where this will create a more appropriate form of provision. This current application for 38 dwellings generates a need for 760m² of new public open space. However, due to the limited space available within the site, it is considered that the provision of open space within the development site is not a practical option. Accordingly, it is considered that an off-site financial contribution should be sought. Based on the formulae currently being used by the District Council, this sum is £87,821. However, and as discussed earlier in this report, the development could not, in viability terms, withstand the full payment. Therefore, it is recommended that the District Council accept a sum of £27,250.20 as a proportional split of the offered financial contribution.

Education – The County Council has requested a sum of £55,080 to be provided to assist in providing facilities at the John Cleveland College which currently has no capacity for taking additional students. Once again, the development cannot, in viability terms, withstand this full payment and therefore it is recommended that the District Council accept a sum of £18,166.80 as a proportional split of the financial contribution.

Library Facilities – The Leicestershire County Council has requested that a contribution of £2,040 be made towards the cost of refurbishment and improvements to local library facilities.

Civic Waste Site Infrastructure – The Leicestershire County Council has requested that a contribution of £863 be made towards the civic amenity site infrastructure at Barwell.

Off-Site Highway Improvement

As part of the development proposed, the existing turning head to the end of Browns Close would be reconfigured with a speed restrictive chicane. It is also intended to resurface the public footpath linking Leicester Road with Browns Close.

Conclusion

The application site is located in an area where the principle of development is acceptable, as set out in the policies of the adopted Local Plan. It is considered that the proposed development represents the best use of previously developed land, removing a vacant building from the street scene. The site is in a sustainable location and will positively contribute towards the Council's housing land supply. The scheme provides the maximum on site affordable housing provision and financial contribution which is viable. Accordingly the application is recommended for approval subject to the legal agreement and suggested conditions.

Summary of Reasons for Recommendation and Relevant Development Plan Policies

The application site is located in an area where the principle of development is acceptable. It is considered that the proposed development represents the best use of previously developed land, removing a vacant building from the street scene. The site is in a sustainable location and will positively contribute towards the Council's housing land supply. The scheme provides the maximum on site affordable housing provision and financial contribution which is viable.

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 generally be in accordance with the Development Plan, and it is considered that any conflict with adopted policies of the Development Plan are outweighed by those material considerations mentioned above.

Regional Spatial Strategy for the East Midlands (RSS 8 – March 2005)

Policy 2 – Locational Priorities for Development

Policy 3 – Sustainability Criteria

Policy 4 – Promoting Better Design

Policy 5 – Concentrating Development in Urban Areas

Policy 17 – Regional Housing Provision

Policy 18 – Regional Priorities for Affordable Housing

Leicestershire, Leicester and Rutland Structure Plan (2005)

Housing Policy 1 – The Quantity of Housing Land

Housing Policy 3 – New Housing Provision on Previously Developed Land and Through Conversions.

Blaby District Local Plan (1999)

Policy R1 – Residential Development within Primarily Residential Areas

Policy R4 – Affordable Housing
Policy T6 –Off Street Parking Provision
Policy M3 – Contaminated Land
Policy IM1 – Planning Obligations
Policy R13 – Public Open Space

08/0950/1/PX	Registered date 3 December 2008	Mrs A Knapp Demolition of existing flats and erection of 37 no. dwellings and 12 no. apartments with associated parking and creation of new access – Land at 29 – 59A Duncan Avenue, Huncote
	Expiry date 4 March 2009	

RECOMMENDATION

PERMIT SUBJECT TO THE FOLLOWING CONDITIONS:

1. Statutory 3 year condition.
2. Approval relates to amended plans.
3. Materials to be agreed.
4. Landscaping scheme to be submitted.
5. Retained trees to be protected during construction.
6. Landscaping scheme to be carried out.
7. Finished floor levels to be agreed.
8. Landfill gas investigation to be carried out and if appropriate a remediation scheme to be designed.
9. Any approved remediation scheme to be carried out.
10. Drainage, foul and surface water to be agreed.
11. No buildings or planting within 3m of public sewers crossing the site.
12. No walls or fences above 0.9m along the highway boundary.
13. Type D houses to have 3 car parking spaces.
14. No doors to car ports.
15. Existing vehicle access to be closed.
16. Wheel cleansing facilities to be provided during construction.
17. On site car parking provision to be provided for contractor vehicles.
18. Before first occupation of each dwelling, car parking to be made available.
19. Driveways to be of a hardbound material.
20. Pedestrian visibility splays to be provided.
21. Any shared driveways to have a minimum width of 4.8m for a distance of 5m.
22. Surface water to pass through trapped gullies.

NOTES TO COMMITTEE

Policy

Regional Spatial Strategy for the East Midlands RSS 8

Policy 17: Regional Housing Provision

Leicestershire, Leicester and Rutland Structure Plan

Housing Policy 1: The Quality of Housing Land

Housing Policy 3: New Housing Provision on Previously Developed Land and Through Conversions

Blaby District Local Plan

Housing Policy R1: Residential Development within Primarily Residential Areas

Housing Policy R13: Playspace for Children

Housing Policy R14: Open Space Provision for Formal Recreation

Transport and Accessibility Policy T6: Off-Street Parking Provision

Transport and Accessibility Policy T7: Loss of Off-Street Parking or Garaging Space

Consultations

Huncote Parish Council – Wishes to make the following comments:

“It is erroneous to state that “Huncote has a satisfactory bus service” – we consider the wording at best insensitive and that it could be construed as arrogant. A peak times bus service is needed if “working” residents are to be attracted. Walking to Narborough is also unrealistic. The traffic survey lacks credibility in that Duncan Avenue flats are not fully occupied and this distorts the figures. We believe that there will be longer queues at the Honda garage and that a change in the infrastructure, i.e. traffic lights, should be addressed.

There is concern regarding the impact of construction traffic on Forest Road and Narborough Road and believe there should be liaison with other residents in the village.

In addition, we would ask that the Parish Noticeboard is sited near the development (we have the board waiting) and that consideration of the impact of the new housing is made on Huncote with a donation from the developers towards a new secure fence for the under 11 play area which will be used by the newcomers.”

Environmental Protection Manager – No objections, recommends conditions regarding landfill gas monitoring.

Leicestershire County Council Highways – No objection subject to the imposition of conditions.

Ramblers Association – No objection.

Leicestershire County Council Ecology – Recommends protected species survey be carried out.

Severn Trent Water – No objections subject to the imposition of conditions.

Leicestershire Constabulary Architectural Liaison Officer – No objections and have made a number of detailed comments about the layout.

Environment Agency – No objections subject to the imposition of conditions.

Representations

6 letters of representation have been received (see **Letters D** attached).

Relevant History

There is no relevant history.

EXPLANATORY NOTE

The Proposal

The site is currently occupied by 32 flats which are arranged in 8 blocks, the 8 blocks having the appearance of a pair of semi-detached houses. The buildings are two storey with a mansard roof design and constructed using a “systems building” method. The properties are arranged in a horseshoe around a central green area with two access points onto Duncan Avenue.

There is a public footpath running from the north end of the site leading to an area of public open space and the primary school. A further footpath runs along the eastern boundary leading to School Lane.

To the west of the site is a garage court. To the north of the site is an area of public open space, the primary school and other community buildings. Otherwise, the site is surrounded by a mix of residential properties. There are a number of mature trees along the eastern boundary.

The proposal is to demolish the existing buildings and extend the site to include the garage court.

It is proposed to carry out the development in two phases. Phase 1 sees the clearance of the majority of the site, properties numbered 29 – 43 Duncan Avenue inclusive. Properties at the east of the site are being retained to allow some existing residents to be decanted from the properties to be demolished whilst the new buildings are constructed. Phase 2 would see the demolition of these retained properties and the construction of the remainder of the new dwellings.

The proposed development comprises 35 number 2, 3 and 4 bedroom houses, bungalows and 12 apartments. With the exception of the bungalows, all other buildings on the site are two storey. The apartments would be located in the centre of the site with the remainder of the dwellings being arranged around the site boundaries. The buildings and the layout are of a traditional appearance.

Revised plans were received on 20 January this year. These amendments introduce side facing windows into the ground floor windows of the semi-detached houses. This will increase the level of surveillance to the side of the properties. This change has been made in response to the comments of the Police Architectural Liaison Officer. The second change is the re-siting of

plots 42 and 43 in the south east corner of the site. This will move the buildings further away from the prominent ash tree.

Planning Considerations

Principle of Development

The site lies within an area identified within the Blaby District Local Plan as Primarily Residential where Policy R1 applies. There is a general presumption in favour of residential development, subject to compliance with the criteria of the policy.

The proposed development meets the requirements of criteria (i) in that the relationship of the proposed development would not be significantly detrimental to the amenities of other nearby occupiers. The relationship with all surrounding properties is considered acceptable.

There are no uses in the vicinity which would detract from the amenity of the potential occupiers of the properties. Criteria (ii) of the policy is therefore satisfied.

As has been stated previously in the description of the proposed development, the layout and appearance of the development is of traditional character and would therefore not be out of keeping with the character of the area. The height and massing of the buildings also reflects the existing character of the area. The proposed layout makes the best use of the site whilst protecting the amenity of existing occupiers and for the reasons set out above, the design and external appearance is also considered to be acceptable. Criteria (iii), (iv) and (v) of the policy are therefore satisfied.

The proposal does not prejudice possible comprehensive redevelopment of the area, it is not tandem development nor is it an extension of ribbon development. Criteria (vi), (vii) and (viii) of the policy are satisfied.

Trees

There are two prominent ash trees along the eastern boundary of the site. The trees are most prominent when viewed from the western part of the site. Due to levels and existing buildings, they are not particularly prominent when viewed from the eastern end of Duncan Avenue. They are also prominent from School Lane and properties located there which are to the east of the site.

The first tree lies in the south east corner of the site in the rear garden of the property numbered 29 Duncan Avenue. The plans have been amended to move the building further away from the tree and ensure that it can be retained.

The second tree lies on the eastern boundary in the rear garden of number 37 Duncan Avenue. The tree has fungal disease and needs to be felled.

The other trees within the site are not such prominent specimens and the applicant's proposals to fell those along the northern boundary and within the south east corner of the site are considered acceptable.

Housing

The site lies within an area identified in the Local Plan as being suitable for residential development. In these circumstances, there are no objections in principle to the proposed development. The development would contribute to the provision of additional housing within the District. Members will be aware from previous reports that the District Council does not have a 5 year supply of land for housing to meet the need identified in the emerging Regional Spatial Strategy. This site will contribute towards meeting that need.

The Council's Housing Need Assessment has identified an annual requirement to provide in the region of 260 affordable dwellings. On average, the Council has provided 33 affordable dwellings per annum. The shortfall in provision is so great that in excess of 100% of dwellings built within the District would have to be affordable to make up for the shortfall.

This proposal would provide for 49 units, 30 of which would be for rent, 10 shared ownership and 9 for sale.

Section 106

There have been requests for contributions to fund a number of items through a Section 106 Agreement which would normally be expected through this scale of development. The monies that have been requested are:

LCC Education	£ 70,284
LCC Libraries	£ 920
Off Site Open Space	£113,243.90
Leicestershire Constabulary	£ 29,694

As Members will be aware, requests for monies to be incorporated into a Section 106 Agreement have to be justified in the context of the application. Neither the request by Libraries nor the Constabulary have been justified and therefore could not be supported by this Authority.

The monies required for the education contribution and the off site public open space can be justified in terms of both the scale of the development proposed and local policy. However, in this case it is not recommended that funding through a Section 106 Agreement is sought. There are a number of tests set out in ODPM Circular 05/2005 against which requests for funding have to be measured. This includes a viability test, i.e. the amount of money, be it all or part of the sum of money, requested should not affect the viability of the scheme. In this case, the applicant has submitted a financial appraisal of the

scheme which sets out the costs of the development and the funding available. It has to be borne in mind that this is a predominantly social housing scheme and therefore there is no profit element which would normally be used to fund Section 106 contributions. The appraisal has established that the development cannot fund a contribution towards section 106 funding. This appraisal has been examined by the District Valuer who agrees with its conclusions.

Given these circumstances, there are two courses of action open to this Committee. Planning permission could be refused because without the monies required by the Section 106 Agreement the proposed development would be sufficiently detrimental in its impact on the provision of education and public open space to warrant refusal. Alternatively, Members could form the opinion that the advantages of the scheme; the redevelopment of the site, given its current appearance, and the provision of a large element of social housing, are sufficient to warrant the foregoing of Section 106 monies and planning permission should be granted.

In this case, it is concluded that the advantages of allowing the scheme to go ahead are sufficient to outweigh the loss of any money coming forward through a Section 106 Agreement.

Conclusion

The proposal would redevelop a site which is in a generally untidy condition and which lies in an area where there is a presumption in favour of residential development. In terms of design and appearance, the scheme is acceptable and would make more efficient use of the site in accordance with national guidance. It would make a valuable contribution towards the provision of social housing within the District. Whilst the development would not make a contribution to off-site needs by means of a Section 106 Agreement, the gains from the proposal are sufficient to outweigh this.

Summary of Reasons for Recommendation and Relevant Development Plan Policies

The site lies within a Primarily Residential Area as identified in the Blaby District Local Plan where Policy R1 applies. It is considered that the proposed development meets the criteria of the policy and would therefore be a satisfactory form of development and would not be significantly detrimental to the amenities of existing occupiers. The development would tidy a generally untidy site. Its development would provide additional social housing within the District where there has been a shortfall in provision. Whilst the development would not make a financial contribution to a Section 106 Agreement, the advantages of the scheme are considered to be such that in this case these requirements should be waived.

Housing Policy R1: Residential Development within Primarily Residential Areas

Housing Policy R13: Playspace for Children

Housing Policy R14: Open Space Provision for Formal Recreation

Transport and Accessibility Policy T6: Off-Street Parking Provision

Transport and Accessibility Policy T7: Loss of Off-Street Parking or Garaging Space

Leicestershire and Rutland Archaeological and Historical Society – No comments received to date.

Representations

Two letters of representation have been received from local residents (**See Letters E attached**).

Relevant History

85/0499/1/PX	Change of use of first floor workshop to self contained flat	Approved 18/7/85
04/1272/1/PX	First floor side extension to provide additional office floor space	Approved 10/1/05
08/0979/1/PX	Erection of one bed chalet bungalow (to include demolition of existing builders store) with associated parking	Pending

EXPLANATORY NOTE

The Proposal

This is an application for Conservation Area Consent for the demolition of a single storey building within the rear yard of 2A Peatling Road, Countesthorpe. The site is located within the Countesthorpe Conservation Area. Conservation Area Consent is required as the building is in excess of 115 cubic metres in volume. The building which it is proposed to demolish comprises a flat roofed structure of brick and render with a garage door to the front, together with an attached structure on its north side which has a single pedestrian gate to the front and a shallow lean to roof. The building is visible from Peatling Road through the arched entrance to the yard of number 2A and also along the driveway of the adjoining property, Blackberry Cottage, at 4 Peatling Road. A boundary wall between 2A and 4 Peatling Road is attached to the front of the building that it is proposed to demolish and the northern boundary wall of the building defines part of the boundary between the site of 2A Peatling Road and the rear garden area of 2 Peatling Road.

An application for planning permission for the erection of a one bed chalet bungalow with associated parking to replace the building which it is proposed to demolish has also been submitted and will be determined under delegated powers (application number 08/0979/1/PX refers).

Planning Considerations

The building which it is proposed to demolish comprises a single storey, principally flat roofed structure which is part exposed brickwork and part render and has the overall appearance of an extended garage.

Government guidance in PPG 15 – Planning and the Historic Environment states, in paragraph 4.27, “that the general presumption should be in favour of retaining buildings which make a positive contribution to the character and appearance of a Conservation Area in less than clear-cut cases – for instance where a building makes little or no such contribution – the local planning authority will need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. It has been determined that the decision maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area”.

The building the subject of this application is a utilitarian twentieth century structure that is considered to make little or no contribution to the special architectural or historic interest of the Countesthorpe Conservation Area. Furthermore, the building is set well back from the street and thus its removal will have only very limited visual impact on the Conservation Area when viewed from the public realm. As such, it is considered that the overall character of the Conservation Area will be preserved and may even be enhanced by its removal. Whilst no scheme for redevelopment has been approved to date, it is not considered that replacement of the building is essential for the preservation or enhancement of the character or appearance of the Conservation Area in this instance. However, it is considered that the boundaries that are visible from the street are of some importance and that any damage to the existing walls should therefore be made good following the demolition and that, in the absence of an approved scheme for any redevelopment of the site, a scheme for the erection of new walls and/or fences on either the visible boundaries or within the site should be approved.

The application is therefore recommended for approval with conditions.

Summary of Reasons for Recommendation and Relevant Development Plan Policies

The building the subject of this application is not considered to contribute to the special architectural or historic interest of the Countesthorpe Conservation Area. It is considered that, subject to compliance with the conditions attached to this consent, the proposed demolition would preserve the character of the Countesthorpe Conservation Area and would be in accordance with the relevant provisions of the Development Plan, as summarised below. The representations received were taken into account in determining this application.

Regional Spatial Strategy for the East Midlands (RSS 8) (March 2005)

Natural and Cultural Resources Policy 27

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