

## BLABY DISTRICT COUNCIL

<b>Committee:</b>	<b>Development Control</b>
<b>Date:</b>	<b>20 July 2006</b>
<b>Subject:</b>	<b>Planning Applications for Determination</b>
<b>Report of:</b>	<b>Head of Planning and Environmental Health Services</b>
<b>Status:</b>	<b>Public</b>

1. Purpose of Report

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

2. Recommendation

That the recommendations listed within paragraph 5.2 below and detailed in the attached report be approved.

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 **10 July 2006** 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.

<b>5.2</b>	<b><u>App. No.</u></b>	<b><u>Page No</u></b>	<b><u>Site Address</u></b>	<b><u>Recommendation</u></b>
	05/0727/1/PY	10	Land off Beggars Lane, Enderby (Lubbesthorpe Parish)	APPROVE
	06/0231/1/PX	23	Upperlands Milton Street Narborough	APPROVE
	06/0317/1/PX	29	Land adjacent 17 King Street Enderby	APPROVE
	06/0361/1/PX	32	2 Church Street Countesthorpe	APPROVE
	06/0367/1/PX	36	Site of former Coventry Road Garage, Coventry Road, Narborough	APPROVE
	06/0394/1/PX	41	Grey Lodge Woodland Drive Braunstone Town	REFUSE
	06/0436/1/PX	45	Former Blaby Garage Sycamore Street and 21a & 21b Leicester Road, Blaby	APPROVE
	06/0457/1/PX	49	Brockington High School and Community College Mill Lane Enderby	APPROVE
	06/0491/1/PX	55	65 Main Street, Cosby	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:

<b>05/0727/1/PY</b>	<b>Registered date</b> 12/07/2005	<b>F Squires</b> Retention of change of use of land for siting of two gypsy touring caravans and erection of storage shed
	<b>Expiry date</b> 06/09/2005	Land off Beggars Lane, Enderby (Lubbesthorpe Parish)

## **RECOMMENDATION**

### **PERMIT SUBJECT TO THE FOLLOWING CONDITIONS**

1. Occupation of site restricted to gypsies.
2. Occupation limited to applicants family for a 3 year period only.
3. Once occupation of site ceases, or at the end of the 3 year period, all structures caravans, hardstandings, etc shall be removed from the site.
4. No more than 2 caravans and one storage shed to be stationed on the site.
5. Layout, drainage and landscaping scheme to be submitted and approved.
6. Schedule of maintenance for landscaping to be submitted and agreed.
7. No commercial activity on site.
8. Any vehicular access bollards etc to be erected shall be set back minimum distance.
9. 2.4m by 70m visibility splays to be provide at site access.
10. No additional fences or other means of enclosure to be erected without permission.

## **NOTES TO COMMITTEE**

### **Policy**

#### **Leicestershire, Leicester and Rutland Structure Plan**

Housing Policy 6 – Gypsy Caravan Sites

#### **Blaby District Local Plan**

Policy R7 – Gypsy and Travelling Show People’s Sites

### **Consultations**

**Lubbesthorpe Parish Meeting** – objects to this application on the following grounds:-

*“Use of land is inappropriate in view of its location within an area of green wedge/open countryside; other development on land in this area has been refused previously; highway concerns – access/egress for vehicles; the development has added to an existing problem of ground water on the highway; potential deterioration in the value of property; perceived fear of crime; the Parish Meeting considers that there is satisfactory provisions for travellers currently in the area.”*

**Enderby Parish Council** – Does not object to this application.

**Leicester Forest East Parish Council** – Wishes to make the following comments:-

*“To ensure that the number of caravans sited on this land is limited to 2 and also to ensure that the site is serviced by all main services. We note that no provision for toilet facilities has been made. Clarification should be made with regard to the shed and whether or not it is intended to be used for WC purposes.”*

**County Highways** - Has no objections subject to the imposition of conditions.

**Environmental Protection Manager** – Has no objections to the proposal.

**Leicestershire County Council Travellers Sites and Liaison Officer** – Has provided information in support of this proposal – see letters **A** attached.

### **Representations**

2 letters of objection received – see letters **A** attached.

### **Relevant History**

95/0857/1/PX	Change of use to gypsy caravan site, toilet block & alts to access.	Refused 26/10/95
96/0794/1/PY	Use of land to stand gypsy caravan, toilet, wash room and alts to access (temporary 3 year permission).	Approved 20/09/96
99/0703/1/Ry	Renewal of permission for use of land for siting of 1 gypsy caravan & ancillary toilet/washroom (for further 3 years).	Refused 22/12/99 Appeal Dismissed 12/6/00
02/1034/1/PY	Erection of stable block	Refused 3/02/03 Appeal Dismissed 15/9/03

## **EXPLANATORY NOTE**

### **The Proposal**

This application for full planning permission proposes the change of use of land for the siting of 2 caravans and 1 storage shed for occupation by gypsies. The land is currently occupied by the applicant and his family, and the caravans and shed have already been moved onto the site, as has a portable toilet facility.

The land is located off Beggars Lane, approximately 200 metres from the junction with Desford Road. The site has an area of approximately 0.2 acres (0.08 ha) and has an existing wide vehicular access. The caravans and shed are located behind an existing earth mound which has recently been densely planted with trees. The earth mound is set back from the carriageway by 20 metres. Post and rail fencing delineates the side and rear site boundaries. A tall hedgerow is also present on the southern site boundary.

### **Planning Considerations**

The application site lies within an area classed as Countryside on the Proposals Map of the Blaby District Local Plan, and the proposal is to provide gypsy accommodation and thus within an area where Housing Policy 6 of the Leicestershire, Leicester and Rutland Structure Plan and Policy R7 of the Local Plan apply.

As well as taking into account the above policies during the determination of this application, Members will also need to take into account the following considerations pending the adoption of the Housing Development Plan Document of the Local Development Framework:

- recent changes to government advice relating to planning for Gypsy and Traveller Caravan Sites;
- the interpretation of the current and previous advice by Planning Inspectors when making decisions on planning appeals against the refusal or non-determination by the Council of Gypsy site applications;
- the outcome of recent planning appeals in the light of the interpretation of the guidance and the way in which the Council's adopted policies sit with this guidance;
- The Planning Policy Position Statement in Respect of Development Proposals by Gypsies and Travellers agreed by Cabinet on 26<sup>th</sup> May 2006; and
- Policy CS2 (iii) of the Blaby District Draft Core Strategy.

### **The Current Development Plan**

The Blaby District Local Plan (BDLP) was adopted in September 1999. Policy R7, reproduced below, is a criteria based policy with all the criteria needing to be satisfied before a proposed Gypsy site will be considered acceptable. The criteria are as follows:

*R7 Planning permission will only be granted for the development of a gypsy or travelling show people's site if the proposal satisfies all the following requirements:*

- i) It is situated on the outskirts of an existing settlement;*
- ii) It avoids visual encroachment into the countryside;*
- iii) It is not located in a green wedge or an area of separation*
- iv) It is already naturally screened by existing trees and/or hedgerows;*
- v) It has acceptable vehicular access and provision for parking, turning and servicing on site;*

- vi) *It would not conflict with the aims of any of subclauses of Policy R1.*

*In addition, sites intended for use on a long term basis must be conveniently located within a reasonable distance of existing community services and facilities including shops, health care and schools.*

#### Leicestershire, Leicester and Rutland Structure Plan (LLRSP)

The Structure Plan was adopted in March 2005. Housing Policy 6 contains 4 criteria, all of which should be satisfied. The Policy is as follows:

*HP 6 Provision for both permanent and transit Gypsy caravan sites should be:*

- a) In areas where there is an identified need;*
- b) In areas frequented by Gypsies;*
- c) Reasonably accessible to community services and facilities; and*
- d) Capable of sympathetic assimilation into their surroundings.*

#### Regional Spatial Strategy for the East Midlands (RSS 8)

RSS 8 does not, at this time, contain a specific policy concerning Gypsy and Travellers Sites.

#### **The Emerging Development Plan**

The Draft Core Strategy of the Blaby District LDF has been out to consultation which ended on 25 May 2006. The Core Strategy is currently scheduled to be submitted to the Secretary of State in November 2006 with Public Examination in July 2007, and adoption in March 2008.

ODPM Circular 01/2006 requires sites to be identified for Gypsy and Traveller accommodation in accordance with the Regional Spatial Strategy (RSS). Where sites have not been allocated in a Development Plan Document (DPD) it gives advice on the drafting of criteria for the assessment of planning applications. Policy CS 2 (iii) of the Draft Core Strategy, taking into consideration Circular 01/2006, sets out the criteria proposed for the Local Development Framework. The policy states:

*CS2(iii) Sites will be identified for Gypsy and Travellers accommodation where necessary. Robust assessments will be used to determine the need for such accommodation (including the size, tenure and broad location requirements of sites). Planning permission will be granted for new Gypsy and Traveller sites where the following criteria are met:*

- a) There is a demonstrable need for new sites and accommodation requirements cannot be met on existing sites;*

- b) *The site would be capable of being accessed without detriment to highway safety and adequate parking, turning and servicing space is provided;*
- c) *The development does not have an adverse visual impact on the built environment, countryside, green wedges or Areas of Separation by reason of its scale, prominence and layout;*
- d) *The development provides well designed and sensitive landscaping and screening to ameliorate any adverse visual impacts; and*
- e) *The size of the site is commensurate with the scale of the settlement to which it relates.*

It should be noted that draft policy CS2 (iii) makes specific reference to needs assessments and deals with the provision of Gypsy sites in a more positive manner than the BDLP policy R7. It also removes the criterion that green wedges and areas of separation are inappropriate locations for Gypsy and Traveller sites.

### **Government Policy Advice**

ODPM Circular 01/2006 – Planning for Gypsy and Traveller Caravan Sites – February 2006

This new circular replaces Circular 1/94 - Gypsy Sites and Planning. The circular includes:

- A requirement that local authorities identify suitable sites for Gypsies and Travellers in their Development Plan Documents. Only exceptionally will it be acceptable to meet needs by specifying criteria for the identification of sites without identifying any specific sites;
- Guidance on drafting the criteria in development plans against which applications for sites not allocated in the plan will be judged. The circular's advice is that the criteria should be fair, reasonable, realistic and effective in delivering sites.
- An explanation of how local assessments will assist local authorities to quantify the level of need and how the new planning system and the involvement of Regional Housing Boards will translate that need into allocations in the planning process
- Guidance on the use of temporary permissions. This may be justified where it is expected that planning circumstances will change in a particular way at the end of the period of temporary permission. For example, where the Planning Authority is preparing its site allocations DPD, no sites are available and there is a current demand, but there is a reasonable expectation that sites may become available at the end of the DPD process, it is expected that substantial weight will be given to the need to meet the current demand. This may be through the granting of temporary planning permissions. The granting of a

temporary permission on this basis should not be regarded as setting a precedent for the determination of any future applications.

### **Recent Appeal Decisions Relating to Gypsy Site Applications in the District**

#### **Kirk Lane, Enderby – 9 December 2004**

A recent appeal decision which overturned a refusal of planning permission by the Council for a private Gypsy site concerned land at Kirk Lane in Enderby. The Inspector examined closely the need for Gypsy sites. He referred to the requirement set out in Circular 1/94, now superseded by Circular 1/2006, for Local Plans to be based on a quantitative assessment of need for Gypsy accommodation in the area which the Council did not carry out in advance of the adoption of the Local Plan and has not done since. Rather, the Council adopted, and has since sought to rely upon, a criteria based policy (Policy R7).

The Inspector then went on to consider current site provision within the District and, in the absence of a detailed needs study, he examined information relating to:

- the Gypsy count which indicated low figures but accepted that the situation had to be considered alongside adjoining Councils which had higher fluctuating figures for unauthorised camps;
- the fact that there were at the time of the appeal no lawful pitches available in the District and that the provision of permanent housing in the Leicester City area suggested a suppressed need for sites. He concluded that the evidence pointed to a need for more sites but that the number was unclear.

The lack of a proper needs assessment in his view meant that there could be little confidence that the development plan policies would ensure that need was properly met. Examining the locational criteria of Policy R7, he considered, for example, that the need for a site to be on the edge of a settlement with access to facilities conflicted with the requirement not to be in a green wedge or area of separation as this designation covered substantial areas abutting settlements in the District. In his view, the reasonableness of the criteria could only be judged on the context of need, which had not been assessed by the Council.

Overall, he concluded that there was a local need of some magnitude for additional Gypsy sites. The weight attached to this view was reinforced by his lack of confidence that the development plan policies could accommodate that need.

The Inspector's view about the locational need of the Gypsy community has been reinforced by the advice in the recently revised Government Circular 01/2006. This comments on sustainability and the need for sites to be close to services but recognises that suitable sites, given a Gypsy lifestyle of effectively operating a business from home, may be in slightly more distant locations and that this should not be a barrier to granting planning permission.

When preparing policies for the provision of Gypsy and Traveller sites, the circular further advises that policies need to be fair, reasonable, realistic and effective. In the Kirk Lane Appeal Decision, the Inspector concluded that the Council's current policy was not effective in bringing sites forward because the policy required edge of settlement locations which could not realistically be delivered due to their siting in either green wedges or areas of separation. This apparent conflict within the existing policy again led the Inspector to the view that it did not conform to current Government thinking.

#### Countesthorpe Road, Whetstone – 18 January 2006

The above views of the Inspector at the Kirk Lane appeal were reinforced by the Inspector in the recently determined Countesthorpe Road appeals, which were dismissed – but only on highway safety grounds. The Inspector concluded that as Policy R7 was not tied to any needs assessment it was not possible to determine whether the policy was meeting, or was likely to meet, gypsy accommodation needs. A properly constituted assessment of need would have established whether there was a shortage of accommodation for gypsies in the area. This would then have enabled local planning policies to be drawn up quantifying need and, if necessary, identifying suitable sites. In view of this there could be little confidence that the development plan policies for gypsy sites were capable of ensuring that needs were properly met.

#### Rosevale House, Hinckley Road, Sapcote – 23 March 2006

This appeal decision related to a proposed extension to the existing site at Rosevale House, Hinckley Road, Sapcote, which is part of the existing group of sites at Aston Firs. The refusal of planning permission hinged on the grounds that: the proposed extension to the existing site was premature in terms of the preparation of the Local Development Framework (LDF); that the scale of need could not be established until the needs assessment had been carried out and that to allow further development at this site would prejudice any policies and site identification that the Council would seek to include in the LDF.

In allowing the appeal, the Inspector found that given the time scale for bringing sites forward through the LDF there would have to be strong reasons for not allowing the site to be developed. There is an apparent need for additional accommodation (see the different emphasis in the Kirk Lane appeal decision); there would be limited harm to the countryside and therefore the refusal of planning permission on the grounds of prematurity could not be justified.

#### Land at Rose Paddock, Hinckley Road, Kirby Muxloe (Desford Crossroads) – 18 May 2006

The Inspector in allowing this appeal for a limited period, considered whether the need for additional gypsy caravan sites in the area outweighed the disadvantages of the proposal arising from non-compliance with development plan policies and the effect on highway safety. The Inspector's conclusion was that there is a continuing shortage of authorised gypsy caravan sites both in the district and wider area, and that the fact that Policy R7 of the Local Plan does not conform to government guidance is a material consideration. Accordingly, the Inspector allowed the appeal

strictly on the basis of a three year permission which would allow a proper needs assessment to be undertaken.

### Overall Comments on Appeal Decisions

In the light of the above, officers have, in consultation with the Council's legal advisors, concluded that the current criteria based policy of the Council (BDLP Policy R7) is no longer likely to be supported on appeal. The criteria based policy does not conform to current Government thinking on the provision of accommodation for Gypsies and Travellers as set out in the circular 01/2006 and this has been clearly illustrated on appeal. In the absence of a quantitative assessment of the need for additional accommodation in the area for Gypsies and Travellers, it is difficult to determine how and where such a need should be met.

It should also be noted that it is the opinion of the Leicestershire County Council that BDLP Policy R7 is no longer in conformity with the Structure Plan and thus it will be the Structure Plan policies that will be given the greater weight in future decisions in any event.

Accordingly, this report now goes on to address the following issues:

- The requirement to undertake a needs assessment;
- The criteria for assessing need pending the carrying out of the needs assessment;
- The current level of information available to the Council about these criteria.

### Gypsy & Traveller Needs Assessment

Circular 1/2006 requires a Gypsy and Traveller Accommodation Assessment to be carried out. Advice on how to undertake such assessments is contained in "Gypsy and Traveller Accommodation Assessments, Draft Practice Guidance" which was issued in February 2006. The seven District Councils in Leicestershire, along with Leicester City Council, Rutland Council and Leicestershire County Council have agreed to undertake a joint Gypsy and Traveller Needs Assessment, to be carried out in accordance with the advice contained in the draft guidance document.

The University of Birmingham (Centre for Urban and Regional Studies) has been appointed to undertake the study. The contract began in April 2006, with a draft report to be submitted December 2006 / January 2007. The final report is scheduled to be received by March 2007. The length of the research period reflects the complexity of carrying out Gypsy and Traveller Assessments and the need to assess Summer and Winter requirements.

### The Criteria for Assessing Gypsy Need in the Interim

Circular 01/2006 (paragraph 44) sets out the matters that should be taken into account in assessing need in advance of the completion of the formal needs assessment which includes:

- A continuous assessment of incidents of unauthorised encampments;
- The number and outcome of planning applications and appeals;
- Levels of occupancy, plot turnover and waiting lists for public authorised sites;
- The status of existing authorised sites; and
- The twice yearly caravan counts.

### **Information Currently Available to the Council in Relation to these Criteria**

#### **Incidents of Unauthorised Encampments and the Caravan Count**

The table below summarises the incidents of unauthorised camping by numbers of caravans:

	Sites on gypsy owned land		Sites on land not owned by gypsies	
	Tolerated	Not tolerated	Tolerated	Not tolerated
Feb 2000	0	0	0	5
July 2000	0	0	0	0
January 2001	No data	No data	No data	No data
July 2001	20	0	0	0
January 2002	No data	No data	No data	No data
July 2002	1	0	0	7
January 2003	0	0	0	0
July 2003	0	3	0	0
January 2004	0	5	0	2
July 2004	0	5	0	0
January 2005	0	5	0	0
July 2005	No data	No data	No data	No data
January 2006	8	3	0	0

The definition of “tolerated” and “not tolerated” sites relates to case law and advice contained in circular 18/94 Gypsy Sites Policy and Unauthorised Camping. “Tolerated” camping is that where there are no problems and no criminal offences taking place and should be tolerated unless there are vacancies on authorised local authority sites. “Not tolerated” is unauthorised camping where there is anti-social or criminal behaviour.

From the foregoing, the trend appears to be for unauthorised camping to take place on sites owned by the Gypsy community. Whilst the unauthorised nature of such development is not condoned, the trend follows the advice from Central Government which encourages the Gypsy community to find its own sites for development.

#### **Gypsies accommodated in houses**

One of the areas which the Joint Need Assessment will investigate is the incidence of gypsies living in houses who have a need to live in caravans. There is hearsay evidence of a number of incidences of gypsies living in houses in the area of Leicester City Council.

## Planning Applications and Appeals

The second assessment is the outcome of planning applications and appeals. Twenty two planning applications have been submitted since 1993. Thirteen of these applications refer to development at various sites at Aston Firs. Of these 13 applications, 4 were approved on appeal, 9 were approved by the Council. Of the balance of the 9 other applications, 1 has been refused as the applicant has not established Gypsy status, 2 have been allowed on appeal and 1 refused. There are 5 outstanding applications.

The comments of the Inspectors who heard the appeals at Kirk Lane, Enderby, Countesthorpe Road, Whetstone, Rosevale House, Hinckley Road, Sapcote and Rose Paddock, Hinckley Road, Kirby Muxloe have been considered earlier in this report in the context of the Council's current policy and the advice in the circular above.

## Status of Existing Sites

On authorised sites at Aston Firs, there is the following accommodation:

Rosevale House	-	12 pitches, 24 caravans and 2 mobile homes following appeal decision March 2006.
Acorn Cottage	-	7 pitches, 7 caravans and 6 mobile homes.
Woodfield Stables	-	13 pitches, 17 caravans
LCC site	-	20 pitches, 40 caravans

Until 2003 there were 30 pitches at Oak Tree Cottage which have now been lost as a result of the site being used for the stationing of mobile homes for general use rather than occupation being restricted to gypsies.

There are three other authorised sites, at Leicester Road, Sharnford, for 2 caravans and 1 mobile home, at Kirk Lane, Enderby, for 2 caravans, and at Rose Paddock, Hinckley Road, Kirby Muxloe for 2 caravans. All three of these sites were granted on appeal.

There have been no decisions made on any other planning applications for Gypsy sites since the appeal decision at Rose Paddock, Hinckley Road, Kirby Muxloe (18 May 2006).

## Levels of Occupancy

The levels of occupancy and turnover on local authority operated sites relate to the 20 pitches at Aston Firs. For the 7 years from 1999 for which records exist, the 20 pitches available have been occupied and there is a waiting list of 12 families. There is a low rate of plot turnover. In 2005, 3 plots became available. However, the usual rate is 1 or fewer plots per year. The privately operated sites in that locality are also fully occupied.

### **Conclusion in Relation to Criteria for Assessing Gypsy Need**

Recent appeal decisions and the information available to the Council, as set out above, indicate that currently there is a level of unmet need.

### **Assessment of current application against Policy R7 of the Local Plan, Housing Policy 6 of the Structure Plan and Policy CS2 (iii) of Draft Core Strategy**

This current proposal now needs to be assessed against the above policies to determine whether or not it complies with them.

Policy R7 of the Local Plan:-

- i) The site is not located on the outskirts of an existing settlement, and thus does not comply with criterion i).
- ii) The site does visually encroach into the countryside if only to the extent that it can be seen from the road, and therefore the proposal does not strictly comply with criterion ii).
- iii) The site is not located within a green wedge or area of separation and therefore the proposal complies with criterion iii).
- iv) The site is only partly naturally screened at present, and therefore the proposal does not strictly comply with criterion iv).
- v) The Highway Authority have confirmed that the existing vehicular access and parking areas are acceptable and therefore criterion v) is complied with.
- vi) It is considered that the proposal does not conflict with any of the sub-clauses of Policy R1 and therefore criterion vi) is complied with.

It is evident from the above that this proposal does not comply with all the criteria of Policy R7, however Members are reminded of the limited weight that should now be afforded to Policy R7.

Housing Policy 6:-

- a) It is not yet possible to say with any certainty if there is an identified need for this proposal given that the Gypsy and Travellers Needs Assessment needs to be concluded.
- b) Whereas there has not been any previous occupation of this site by gypsies, the site does have a history of applications for gypsy accommodation, and gypsies are currently residing here, therefore it is considered that criterion b) is complied with.
- c) The site is considered to be reasonably accessible to community services and facilities, particularly those in Enderby, and therefore criterion c) is complied with.
- d) The site is currently partly screened by landscaping, but additional planting could be undertaken to assimilate the proposal into its surroundings. Accordingly it is considered that criterion d) can be complied with.

It is evident from the above that Housing Policy 6 is largely complied with.

CS2 (iii) of Draft Core Strategy:-

- a) It is not yet possible to say with any certainty if there is an identified need for this proposal given that the Gypsy and Travellers Needs Assessment needs to be concluded.
- b) The County Highway Authority have confirmed that the site is capable of being accessed without detriment to highway safety and therefore criterion b) is complied with.
- c) Given the limited scale of development proposed, and notwithstanding that the site is visible from the carriageway, it is considered that its visual impact is not so adverse as to merit refusal, and therefore criterion c) is complied with.
- d) The imposition of a condition requiring additional landscaping will enable the site to be adequately screened to limit any adverse visual impact, and therefore criterion d) is capable of being complied with.
- e) The site is of a limited size, particularly as the main living areas are located 20 metres into the site and at the rear of the earth mound. Accordingly, criterion e) is complied with.

When assessed against CS2 (iii) it is clear that the proposal complies with the majority of this policy.

### **Conclusions**

There has been a change in emphasis in Government policy regarding the provision of sites for Gypsies and Travellers. This has manifested itself in a move away from criteria based policy, which was the option adopted by the District Council in its Local Plan, to a requirement to allocate sites based on identified needs. This is now set out in the latest Circular 1/2006. The scale of need for sites has to be measured through a comprehensive needs assessment, which the Council is now undertaking in conjunction with other authorities in Leicestershire, with a view to identifying the scale and location of the requirements by March 2007. In the interim the Council will take into consideration a range of information in its assessment of need.

This change in policy emphasis has become apparent in the recent appeal decisions as set out in this report. The Inspectors have identified that there is an unmet need for sites which is of a scale that cannot currently be measured as a needs assessment has not been carried out. Based on the other evidence available e.g. waiting lists; evidence of unauthorised camping and gypsies being accommodated in houses, the Inspectors have concluded that there is an apparent need of some magnitude and this factor needs to be given considerable weight when determining applications.

Where sites have not been allocated, the Circular offers guidance on criteria for assessing applications for Gypsy and Traveller proposals. It makes the point that the criteria should, inter alia, be capable of delivering sites for development. The recent appeal decisions received by this Council emphasise that the criteria contained in the Local Plan (Policy R7) have been unsuccessful in and thus incapable of achieving this objective.

The LLRSP, which is a much more recent document than the BDLP, sets out four criteria against which applications will be measured. This contrasts with the seven criteria, all of which must be met, contained in the Local Plan. The criteria set out in the Draft Core Strategy more closely reflect the guidance contained in Circular 1/2006 and the adopted Structure Plan. As such, they provide a more up to date measure for assessing applications.

To continue to determine applications by Gypsies and Travellers for sites solely against the criteria contained in the adopted Local Plan is likely to lead to decisions being overturned on appeal. Given the timescale involved in bringing forward the Housing Development Plan Document with its identification of specific sites, is such that it is not considered to be realistic to be able to expect to refuse permission on the grounds that it would prejudice the preparation of the plan. In the interim, the applications will need to be assessed against criteria that are capable of bringing sites forward, possibly on a temporary basis, until the policy of the LDF is adopted. This approach to determining applications was endorsed by Cabinet on 26<sup>th</sup> May 2006 when it considered the Planning Policy Position Statement in Respect of Development Proposals by Gypsies and Travellers.

What is clear from assessing this current proposal against the above policies is that the development cannot at this stage be measured against any assessment of need. Accordingly to enable this assessment to be undertaken to establish what level of unmet need may exist in this area, it is recommended that a temporary three year permission be granted subject to the imposition of the stated conditions.

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

***In the absence of a clear and up-to-date Gypsy and Traveller Needs Assessment, the extent of the need for this gypsy accommodation cannot be reliably determined at this time. In addition there are no site specific reasons that militate against the granting of permission in this instance.***

***Accordingly, and having regard to Housing Policy 6 of the Structure Plan, the guidance contained in Circular 1/2006 and the adopted Planning Policy Position Statement in Respect of Development Proposals by Gypsies and Travellers (May 2006), a temporary 3 year grant of planning permission is considered to be justified.***

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<b>06/0231/1/PX</b>	<b>Registered date</b> <b>17/03/2006</b>	<b>Chase Homes (Eastern) Ltd</b>
	<b>Expiry date</b> <b>12/05/2006</b>	<b>Erection of 8 detached dwellings with associated garages and vehicular access from Milton Street and erection of detached garage/workshop to serve existing dwelling Upperlands, Milton Street, Narborough</b>

**RECOMMENDATION**  
**PERMIT SUBJECT TO THE FOLLOWING CONDITIONS**

1. Statutory 3-year condition.
2. Permission relates to amended plans.
3. Materials to be agreed in writing.
4. Finished floor levels to be agreed.
5. Foul and surface water drainage to be agreed.
6. Landscaping to be agreed.
7. Landscaping to be implemented.
8. TPO trees to be protected.
9. Existing hedgerows on site to be protected during construction.
10. 1.8m high fence to be erected along the southern site boundary with 34 Tennyson Street and 1, 3 and 5 Wordsworth Crescent.
11. Removal of permitted development rights to the frontage of the dwellings.
12. No further windows or openings in southern elevation of Plot 6
13. Window to north eastern elevation of new garage/workshop for Upperlands to be obscure glazed.
14. No business use from new garage/workshop for Upperlands.
15. No vehicular access to be formed from Meadow Court.
16. Off-street parking provision to be provided.
17. No conversion of proposed garages to living accommodation.
18. Turning facilities to be provided within the site.
19. Off-street parking to be provided during the construction of the development.
20. Access to be a minimum of 4.8m wide.
21. Any vehicular access gates/barriers to be erected shall be set back minimum distance.

**NOTES TO COMMITTEE**

**Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016**

Strategy Policy 1 - Central Leicestershire Policy Area.  
Strategy Policy 2 - A Sequential Approach towards the Location of Development.  
Strategy Policy 2B - Suitability of Land for Development.  
Strategy Policy 10 - Good Design.  
Accessibility and Transport Policy 1 - Development and the Transport System.  
Accessibility and Transport Policy 7 - Parking Provision in New Development.  
Housing Policy 1 - The Quantity of Housing Land.  
Housing Policy 3 - New Housing Provision on Previously Developed Land and through Conversions.  
Housing Policy 5 - Density and Design.

## **Blaby District Local Plan (1999)**

- Policy R1 - Residential Development within Primarily Residential Areas.
- Policy T6 - Off Street Parking Provision.
- Policy T10 - New Car Parking and Servicing Areas.

## **Consultations**

**Narborough Parish Council** – on the original plans – wishes to make the following comments:

*“It was the Parish Council’s understanding that further development of this area would not take place and such a proposal would be over-intensive. The access to such a development onto Milton Street would greatly increase traffic flows and affect the present properties adversely. In addition, the neighbouring residents would be subject to a detrimental visual outlook. Further traffic having to use Forest Road is unacceptable with current flows. If, despite this, the Planning Authority is minded to consider approval, this should only be on the basis of single storey dwellings”*

**Narborough Parish Council** – on the first revised plans – wishes to re-iterate its previous comments.

**Narborough Parish Council** – on the second revised plans – comments awaited.

**Severn Trent Water** has no objections subject to the inclusion of a drainage condition.

**West Area Crime Reduction Officer, Leicestershire Constabulary** has no objections in principle but makes comments on the proposed development.

**Forestry and Arboricultural Officer, Leicestershire County Council** makes comments on the proposed development (see letters **B** attached).

**County Highway Authority** has no objections subject to the imposition of conditions.

## **Representations**

On the original consultation – 23 neighbour representations have been received objecting to and commenting on the proposed development (see letters **B** attached)

On the first re-consultation – 14 neighbour representations have been received objecting to and commenting on the proposed development (see letters **B** attached)

On the second re-consultation – No neighbour representations received at time of writing this report.

A letter has also been received from Andrew Robathan MP requesting that the Council study very carefully the objections of his constituents when making a decision on the application (see letters **B** attached)

## **Relevant History**

P 5278	Proposed site for residential development	14.08.1972
02/1051/1/PX	Demolition of existing extension and erection of single storey side extension	Approved 17.12.2002

## **EXPLANATORY NOTE**

### **The Proposal**

This application was deferred at the meeting of the Council's Development Control Committee on 22 June 2006 to enable the submission of amended plans and to allow for re-consultation with local residents, the Parish Council and the Highway Authority.

This application is seeking permission for the erection of 8 detached dwellings with associated garages and parking on a site of 0.56 hectares within the built up area of Narborough. The dwellings would be sited on land which is currently part of the garden to Upperlands and this existing detached dwelling would be retained as part of the development. There are a number of protected trees subject to Tree Preservation Orders to the northern and western site boundaries and all protected trees would be retained.

The eight dwellings would be two storey in height. Each property would have four bedrooms and seven of the plots would have integral garages and plot 8 would have a detached garage. During the application process the site has been re-surveyed which has resulted in amendments to the position of the southern site boundary and the position of plots 3 to 8 (inclusive).

The existing detached garage/workshop used by the occupants of Upperlands would be demolished and a replacement garage/workshop is proposed adjacent to the north eastern site boundary.

Vehicular and pedestrian access to the site would be via a private drive from Milton Street. The amended plans show the private drive with a width of at least 4.8 metres along its entire length. Each dwelling would have a minimum of three off street car parking spaces located to the front/side of each individual property.

### **Planning Considerations**

#### **Principle of Development**

The application site is positioned within a Primarily Residential Area as defined on the Local Plan Proposals Map where Policy R1 allows for residential development subject to the development complying with specified criteria.

## Residential Amenity

Amended plans have been submitted following negotiations with the applicant's agent. It was considered that the original site layout would be detrimental to the residential amenities of the occupants of Nos. 30 and 32 Boswell Street. The design and position of plot 6 and the position of plot 7 has been revised to ensure that there would not be significant loss of privacy or overbearing impact to No. 30 and 32 Boswell Street. On the basis of the amended plans, it is considered that there would be sufficient distance between dwellings, both within and outside the site, to prevent any significant overbearing impact or overlooking.

A detached garage/workshop is proposed to replace the existing garage/ workshop used by the occupants of Upperlands. The new garage/ workshop would be sited towards the north eastern application site boundary and 7.0 metres from the side elevation of The Rowans. The garage/ workshop would be partially screened by an existing conifer hedge and the land levels of the application site are slightly lower than the land levels of The Rowans. The agent has confirmed the garage/ workshop would only be used for domestic purposes and it is considered that the proposed garage/ workshop would have an acceptable relationship with The Rowans.

The existing private drive which currently serves Upperlands and The Rowans would be widened to accommodate the increase in vehicular traffic accessing the site. A 1.8 metre high close boarded timber fence is proposed to the southern boundary of the site with the rear gardens of No. 34 Tennyson Street and Nos. 1, 3 and 5 Wordsworth Crescent to reduce any increase in noise and disturbance from the vehicular access in the rear gardens of these properties.

The Rowans is positioned 7.8 metres from the driveway and has a double garage directly facing the access road. Due to the position of the garage it is considered that the increase in vehicular traffic on this private drive would not have a significantly detrimental impact on the residential amenities of the occupants of The Rowans.

The front elevations of Nos. 7, 9 and 11 Milton Street are sited at least 10 metres from the access drive. Between the front elevations of these neighbouring dwellings and the access to the 8 new dwellings there is a further private driveway serving Nos. 7, 9 and 11 Milton Street. Given the distance between the access drive to the development and Nos. 7, 9 and 11 Milton Street it is considered that the proposal would have an acceptable relationship with these neighbouring dwellings.

## Design & Impact on Street Scene

This proposal represents a development of eight detached dwellings on part of the garden of a single storey detached dwelling. The density of the site would not meet the requirements of Housing Policy 5 of the LLRSP. However, it is considered that a higher density of residential development in this location would be out of keeping with the character and appearance of this part of Narborough.

It is not considered that design of the proposed development would detract from the character and appearance of the area. The proposed dwellings would be two storey in height. Seven of the plots would have integral garages and plot 8 would have a detached double garage. There would be a mix of house types erected on the site and the external materials used in the development would be agreed by the District Planning Authority.

### Trees and Landscaping

There is an existing hedge and hedgerow on the application site boundary with the public open space to the north of the site and the footpath to the west of the site. The hedge is considered to enhance the character and appearance of the area and a condition can be imposed to ensure the retention of this feature.

The proposed development should not compromise the trees on and adjacent to the site which are protected by a Tree Preservation Order. None of the unprotected trees on the site are of sufficient amenity value to warrant retention.

### Access and Parking

Access to the site would be from Milton Street via a private drive. The access would serve the proposed development and the two existing dwellings (Upperlands and The Rowans) and the County Highway Authority is satisfied that the vehicular access would be acceptable and would not be detrimental to highway safety.

The application was deferred at the meeting of the Council's Development Control Committee on 22 June 2006 to enable the submission of amended plans. The amended plans show that the private drive would have a width of at least 4.8 metres along its whole length to ensure that vehicles entering and leaving the site may pass each other. This has been achieved by proposed removal of a number of trees and bushes along part of the southern boundary.

The Council's adopted car parking standards require that for dwellings with up to three bedrooms a minimum of two parking spaces per dwelling should be provided and for dwellings with up to four bedrooms a minimum of three parking spaces per dwelling should be provided. The applicant has satisfactorily demonstrated that car parking can be provided in accordance with the Local Plan standards.

### Conclusion

In conclusion, it is therefore considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan, would not significantly harm the living conditions of neighbouring occupiers or the character or appearance of the area and would be acceptable in terms of highway safety.

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

***The application site is located within a Primarily Residential Area where Policy R1 of the Blaby District Local Plan (1999) applies which allows for residential development subject to the development complying with the specified criteria.***

***The relationship of the proposed development with existing properties has been assessed and given the distance and the orientation of the buildings it is considered that the development would have a satisfactory relationship with other neighbouring properties.***

***It is considered that the proposed development has been designed in a manner which would not detract from the character and appearance of the street scene.***

***Furthermore, the site access is acceptable and the proposed levels of car parking provision are appropriate and therefore in accordance with Accessibility and Transport Policies 1 and 7 of the Structure Plan (2005) and Policy T6 of the Local Plan.***

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<b>06/0317/1/PX</b>	<b>Registered date</b> <b>31/03/2006</b>	<b>Mr Singh</b> <b>Residential development of 4 flats and</b> <b>associated parking (to include demolition</b> <b>of existing building) (Revised Scheme)</b>
	<b>Expiry date</b> <b>26/05/2006</b>	<b>Land adjacent 17 King Street, Enderby</b>

## **RECOMMENDATION**

### **PERMIT SUBJECT TO THE FOLLOWING CONDITIONS:-**

1. Statutory 3-year condition.
2. Materials to be agreed on site.
3. Details of pedestrian visibility splays to be submitted.
4. Details of altered access to be submitted.
5. Parking and turning space to be provided prior to first occupation.
6. Access drive to be hard surfaced for the first 5 metres behind the highway boundary.
7. Cycle parking to be provided.
8. Hard landscaping scheme to be submitted.
9. Landscaping to be carried out.
10. The piers supporting the first floor shall not encroach into the car parking area.

## **NOTES TO COMMITTEE**

### **Policy**

#### **Leicestershire, Leicester & Rutland Structure Plan**

Accessibility and Transport Policy 7 – Parking Provision in New Development

#### **Blaby District Local Plan**

Policy R1 – Residential Development within Primarily Residential Areas

Policy T6 – Off-Street Parking Provision

### **Consultations**

**Enderby Parish Council** - wishes to make the following comments as set out below:

*"No objections, but the Council request that a condition imposed in any consent granted by the District Planning Authority requiring controls over any traffic delivering materials to the site because of perceived traffic congestion on King Street, Enderby."*

**County Highways** - recommend conditions.

**Severn Trent Water** - recommend imposition of relevant condition.

## **Representations**

None received

## **Relevant History**

04/1276/1/PX	Residential development of 4 flats and associated parking (to include demolition of existing building)	Approved 07/03/2005
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## **EXPLANATORY NOTE**

### **The Proposal**

This application is seeking permission for the erection of 4 flats with associated parking on land between 17 and 21 King Street. The flats would all have 1 bedroom and would be spread over 2 floors of the building. There would be 4 off-street parking spaces provided to the rear of the building. This is a revised scheme to the previous approval and redistributes the accommodation within the building giving larger rooms by using a first floor which would be supported on piers.

The building would have an overall height of 7.8 metres, which would be 0.1m lower than 21 King Street and 0.15m higher than 17 King Street. The overall depth of the building would be 7 metres to the ground floor and 11 metres at 1<sup>st</sup> floor level. This would not exceed the depth of the dwellings on either side.

The site is located within a Primarily Residential Area of Enderby and was previously used as an engineering depot. There are residential properties to the south, east and west and to the north Danemill County Primary School Annexe. It covers an area of 229m<sup>2</sup> and is relatively flat. The previous workshop/depot has been demolished.

The previous use of the site has been relocated to the commercial buildings at the rear.

### **Planning Considerations**

As this application relates to the erection of residential dwellings within a Primarily Residential Area Policy R1 of the Blaby District Local Plan is considered to be most relevant. The criteria of Policy T6 and Accessibility and Transport Policy 7 of the Structure Plan also need to be taken into account when considering the impact of the proposal on off-street parking.

#### **Principle of Development:**

Policy R1 presumes in favour of residential development in this location subject to the fulfilment of a number of criteria.

### Design/Layout & Impact on Street Scene:

The site is currently bounded by 2.5 metre high steel fencing and gates and is currently vacant.

The proposed residential development would be of a design which is sympathetic to the surrounding properties and would not therefore detract from the character and appearance of the area. 2 of the flats would have entrances on King Street and therefore give the building the appearance of two terraced dwellings. The other 2 flats would have entrances at the rear.

### Residential Amenity:

Due to the location of the proposed dwellings in relation to existing neighbouring dwellings it is not considered that any loss of residential amenity would result.

The building would be constructed on similar building lines to 17 and 21 King Street and therefore no overbearing impact would result.

The presence of windows within the building is not considered to significantly increase the level of overlooking experienced by neighbouring properties.

The relocation of the engineering depot to the rear of the site is considered to be an improvement to the residential amenity of existing neighbouring dwellings and no worse than the existing situation.

No private amenity space has been provided for the dwellings, although bin store provisions are shown. However, this is not considered to be a justifiable reason for refusal given the type of one-bedroom flats proposed.

### Highways & Parking:

The Highway Authority is satisfied that the proposal would not adversely impact upon highway safety.

The provision of 4 parking spaces to serve 4 one-bedroom flats meets the Council's parking standards as set out in the Local Plan.

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

***The site is located within a Primarily Residential Area where Policy R1 of the Blaby District Local Plan assumes in favour if residential development subject to compliance with a number of criteria.***

***The design and detailing of the building is considered to be in keeping with the surrounding pattern of development.***

***It is not considered that the re-located industrial use to the rear of the proposed development would be significantly more detrimental than the existing situation upon residential amenity.***

<b>06/0361/1/PX</b>	<b>Registered date</b> <b>25/04/2006</b>	<b>Mr &amp; Mrs P Catermole</b> <b>Single storey front extension to form porch</b> <b>and erection of boundary wall and pillars to</b> <b>a maximum height of 2.9 metres</b>
	<b>Expiry date</b> <b>20/06/2006</b>	<b>2 Church Street, Countesthorpe</b>

## **RECOMMENDATION**

### **PERMIT SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Statutory 3 year condition.
2. Permission relates to amended plans.
3. Materials to be agreed in writing.
4. 2.0m x 2.0m pedestrian visibility splays to be provided.
5. Boundary wall on eastern side of the shop not to exceed 0.9m in height.
6. Permission not to be implemented before the grant of Conservation Area Consent.

## **NOTES TO COMMITTEE**

### **Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016**

Strategy Policy 10 - Good Design.  
Environment Policy 1: Historic Environment  
Accessibility and Transport Policy 1 - Development and the Transport System.

### **Blaby District Local Plan (1999)**

R3 – Other Housing Development within the Limits to the Built Up Areas  
S14 – Village Centres and Neighbourhood Centres  
S15 – Development Within Local Shopping Centres  
CE6 – Listed Buildings; Setting  
CE8 – Conservation Areas; Demolition of Unlisted Buildings  
CE9 – Conservation Areas; Vistas/ Street Scenes/ Open Spaces  
CE10 – Conservation Areas; Character or Appearance  
CE11 – Conservation Areas; New Buildings and Extensions to existing Buildings

### **Consultations**

**Countesthorpe Parish Council** – on the original plans – wishes to make the following comments:

*“It is felt that the height of the wall is far in excess. It is a conservation area and it is felt that it is overpowering”*

**Countesthorpe Parish Council** – on the amended plans – comments awaited.

**County Highway Authority** has no objections subject to the imposition of conditions.

**County Archaeology** comments that no further archaeological action is required as the works are not felt to pose a significant threat to any archaeological remains.

### **Representations**

None received

### **Relevant History**

87/1926/1/PX	Redevelopment and construction of six dwellings	Refused 10.03.1988
88/0803/1/PX	Erection of single storey building for storage purposes (class B8)	Approved 28.07.1988
90/0321/1/PX	Conversion of redundant barn to form relatives flat and rear extension	Approved 17.05.1990
95/0764/1/PX	Demolition & rebuilt of rear garage to form guest annexe and internal alterations	Approved 24.08.1995
06/0568/1/HY	Demolition of existing boundary walls and fences to enable the erection of new boundary walls	Pending Consideration

### **EXPLANATORY NOTE**

#### **The Proposal**

This application seeks permission for the erection of boundary walls at this two storey property which forms a dwelling and a butchers shop. The existing boundary walls and fences fronting the highway would be demolished and a Conservation Area Consent application has been submitted for these works.

To the west of the property fronting directly onto Church Street and adjacent to the side/rear garden of the dwelling a 2.9 metre high wall is proposed. The wall would be constructed from brick with five brick pillars. Part of the existing wall adjacent to the site boundary with the King William VI Public House would be increased to 2.5 metres in height. The side/rear garden of the dwelling is approximately 0.6 metres higher than the adjacent pavement on Church Street and the height of the garden wall is such that it would provide increased privacy for the occupants of No. 2 Church Street.

To the east of the property a 0.6 metre high wall is proposed fronting directly onto Church Street and adjacent to the existing car park. A wall and pillars with a maximum height of 2.4 metres is proposed adjacent to the service road used by the businesses and flats on The Bank, Couthesthorpe.

In addition, this application seeks permission for the erection of an entrance porch for the existing dwelling. The porch would measure 1.2 metres deep by 1.7 metres wide.

### **Planning Considerations**

The application site is located within Countesthorpe Village Centre where Policy R3, S14 and S15 of the Blaby District Local Plan apply. The application site is also located within Countesthorpe Conservation Area and adjacent to several Grade II Listed Buildings. National and local policies require that development should preserve or enhance the character or appearance of Conservation Areas and the setting of the Listed Buildings.

Currently between the highway and the garden of 2 Church Street there is a low brick wall and brick pillars with timber fencing between the pillars and above the wall. The fence and walls are considered to detract from the character and appearance of the street scene, Countesthorpe Conservation Area and the setting of adjacent listed buildings. If Conservation Area Consent and planning permission is granted the existing fence and walls would be demolished and replaced by brick boundary walls.

Amendments have been made to the submitted plans following negotiations with the applicant's agent. The height of the wall and pillars adjacent to the vehicular access has been reduced to ensure adequate visibility for vehicles entering and leaving the site and the height of the garden wall fronting onto Church Street has been partially altered to reduce the scale and massing of the development.

The design of the proposed wall is considered to be of a high quality and sympathetic to the traditional character of the area. The scale and height of the wall would respect the historic surroundings and it is concluded that the wall would enhance the character and appearance of Countesthorpe Conservation Areas and the setting of the adjacent Listed Buildings.

The new front porch has been designed to be in keeping with the character and appearance of the existing building.

With regard to highway safety issues, the plans have been amended to meet the requirements of the Highway Authority and as such the proposed development is not considered to be detrimental to highway safety.

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

***The application site is located within Countesthorpe Village Centre where Policy R3, S14 and S15 of the Blaby District Local Plan apply. The application site is also located within Countesthorpe Conservation Area where Environment Policy 1 of the Leicestershire, Leicester and Rutland Structure Plan and Policies CE6, CE8, CE9, CE10, CE11 and CE12 of the Blaby District Local Plan also apply. The proposed development would not have an acceptable relationship with neighbouring properties and the design and appearance of the proposed development would be sympathetic to the area and would enhance the character and appearance of the Conservation Area***

***and the setting of the adjacent Listed Buildings and subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan.***

***The Highway safety implications of the proposal are considered to be satisfactory and access to the site would be retained without detriment to highway safety. The proposed development is therefore in accordance with Accessibility and Transport Policy 1 of the Leicestershire, Leicester and Rutland Structure Plan.***

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<b>06/0367/1/PX</b>	<b>Registered date</b> <b>24/04/2006</b>	<b>Westleigh Developments Ltd</b> <b>Erection of 21 no. flats with associated parking (revised scheme)</b>
	<b>Expiry date</b> <b>24/07/2006</b>	<b>Site of former Coventry Road Garage, Coventry Road, Narborough</b>

## **RECOMMENDATION**

### **PERMIT SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Statutory 3 year condition.
2. All existing materials to be agreed on site.
3. Landscaping scheme to be agreed.
4. Landscaping scheme to be carried out.
5. Existing trees etc to be retained to be protected.
6. Foul and surface water drainage to be submitted.
7. Bat boxes/bricks to be provided.
8. Survey for contaminated land and remediation measures.
9. Windows to the east elevation to be obscure glazed and fixed.
10. Applicants to enter into legal agreement requiring off-site open space contribution to be paid prior to commencement.
11. Highway conditions to be added later.

## **NOTES TO COMMITTEE**

### **Policy**

#### **Leicester, Leicestershire and Rutland Structure Plan (LLRSP)**

Accessibility and Transport Policy 1: Development and the Transport System.

#### **Blaby District Local Plan**

Policy R1 – Residential Development within Primarily Residential Areas.

Policy T6 – Off-Street Parking Provision.

### **Consultations**

**Parish Council** – (original plans) does not object to this application.

(amended plans – comments awaited)

**County Highways** – (original plans) no objection in principle, however, would like to see the provision of 1.5 spaces per residential unit.

(amended plans – comments awaited)

**Environment Agency** – (original plans) recommend conditions.

(amended plans) no further comments.

**Severn Trent Water** – (original plans) recommend conditions.

(amended plans) no further comments.

**LCC Archaeology** – (original plans) previous land use will have disturbed any archaeological remains that may be present.

(amended plans) no further comments.

**Environmental Health** – (original plans) recommend Environment Agency are consulted and suggest imposition of conditions.

(amended plans) no further comments.

### **Representations**

3 letters received from neighbouring residents raising objection and comments to the scheme (see letters **C** attached).

### **Relevant History**

03/0977/1/PX	Demolition of existing filling station and erection of 19 flats with associated parking	Approved 26/02/2004
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### **EXPLANATORY NOTE**

#### **The Proposal**

This application is seeking permission for the erection of 21 no. two bedroom apartments within a 4-storey building with undercroft and open parking areas. The undercroft at the southern side of the site would accommodate 13 parking spaces together with a refuse store, 2 store areas, lobby, lift and stairwell and bedrooms and bathroom to unit 1. 18 further parking spaces are proposed within the previously used parking area to the south of the site, with all parking served by an access from Coventry Road. The previous vehicular access and access points on King Edward Avenue have been closed off and will remain as such.

The site occupies a prominent corner position within a Primarily Residential Area and covers an area of 1600m<sup>2</sup> (0.16ha). It is surrounded by residential properties on all sides, though separated to the north by a dual carriageway section of the B4114 King Edward Avenue. The site comprises differing levels with a downward slope from north to south of approximately 1.5 metres. This has enabled an element of parking to be provided at lower ground level.

The building would have an overall ridge height of 17.8 metres to the top of the turret feature on the south west corner of the site, 9.5 metres to the eaves line and 13.1 metres to the ridge on the elevation facing Coventry Road. The elevation to King Edward Avenue would be between 7 and 7.8 metres to the eaves with a ridge height of between 10.5 and 11.3 due to the change in level of the footpath.

To the northern end of the site an amenity area is proposed and the existing screen of conifers in the north-eastern corner of the site are shown as being retained along with mature hedging to the south eastern side.

Planning permission for the erection of 19 no. two bedroom apartments on the site was granted in February 2004. During the course of development of the site and drawings to construction stage it became apparent to the developers and their agents that the proposed roof line in connection with the turret feature could be improved. This has led to the submission of this revised application which includes the following changes;

- Increase in number of units from 19 to 21;
- 31 off-street parking spaces, previously 30;
- Increased living accommodation at undercroft level;
- Revisions to the elevations to both Coventry Road and King Edward Avenue;
- Revised communal hall layout;
- Inclusion of 4 no. openings within east elevation;
- Removal of roof garden;
- Provision of 2 no. dormer windows in place of 1 no. existing in Coventry Road elevation;
- Reduction in number of dormer windows to King Edward Avenue from 4 no. to 2 no. plus rooflights.

### **Planning Considerations**

The site is located within a Primarily Residential Area as designated in the Blaby District Local Plan and therefore the proposal needs to be assessed against Policy R1 which presumes in favour of residential development in such a location subject to criteria relating to relationship with adjacent uses, amenity considerations, character and appearance of the area and layout, design and appearance of the development.

### **Design/Impact upon the Street Scene:**

The siting of the building towards the site's frontage with King Edward Avenue and in line with the properties to the east on Coventry Road is considered to be in keeping with the surrounding pattern of development whilst also creating a landmark building on this prominent corner site where the majority of other properties back onto King Edward Avenue and are screened from the road by mature vegetation.

The use of different ridge heights reduces the overall mass and scale of the building in relation to its surroundings. The plans indicate the use of different materials in the construction and it is considered that this mix of materials in the elevations would also break up the massing of the building.

### **Access & Parking:**

The Highway Authority has recommended that conditions be imposed on any permission granted to ensure that safe access to the site can be achieved.

31 off-street parking spaces are proposed within the application site. The Council's standard of 1.5 spaces per dwelling would require 32 spaces. This underprovision of 1 space would not justify refusal on this ground alone, given the nature of the apartment development proposed and the availability of alternative transport modes in the vicinity (e.g. Narborough Station).

Residential Amenity:

There would be a distance in excess of 39 metres between the Coventry Road elevation of the proposed building and the properties opposite (74-76 Coventry Road) and approximately 30 metres between the front of 72 Coventry Road and the new building. In these circumstances it is not considered that development would result in either overlooking or overbearing effect on the properties opposite the site.

27 Coventry Road, immediately adjacent to the site on its eastern boundary, has a window to the first floor side elevation which serves the landing and has recently been extended at ground floor level to the boundary with the application site. The adjacent gable end wall of the proposed building would, following the submission of amended plans, only contain secondary openings, which would be conditioned to remain obscurely glazed and fixed shut, and therefore it is not considered that any loss of privacy would result either within the property or the garden area immediately behind the house. As the window in the side elevation serves a landing which is not a habitable room it is not considered that any unreasonable loss of light would result.

A line of 45° can be drawn from the centre of the closest habitable room window of no. 27 that would not cross any part of the proposal. Therefore it is not considered that loss of light would result to the rear windows of no. 27.

Due to the positioning of the proposed building and the provision of a hipped roof, together with its relationship with no. 27 it is not considered that the proposal would have an unduly overbearing effect on the rear garden of 27 Coventry Road.

Properties on Cedar Crescent would not be adversely affected by the proposal due to the orientation of the wing facing King Edward Avenue and the distance between elevations (39 metres corner to corner).

The proposal includes an amenity area to the north east corner of the site where new planting is proposed along with the retention of the existing conifer screen. The amenity area, along with the off-site contribution to public open space, is considered to be sufficient for the nature and size of the development.

**Summary of Reasons for Recommendation and Relevant Development Plan Policies.**

***The site is located within a Primarily Residential Area where Policy R1 of the Blaby District Local Plan presumes in favour of residential development in such locations.***

***The Highway Authority is satisfied that the proposal would not adversely impact upon Highway safety and there would be sufficient off-street parking within the site to comply with the requirements of the Local Plan and specifically Policy T6.***

***The design of the proposed building is not considered to detract from the character and appearance of the surrounding area.***

***The proposed layout of the building and its positioning within the site would not adversely impact upon residential amenity.***

***As such the proposal would comply with Policy R1 of the Blaby District Local Plan.***

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<b>06/0394/1/PX</b>	<b>Registered date</b> <b>28/04/2006</b>	<b>Cadeby Homes Ltd</b>
	<b>Expiry date</b> <b>28/07/2006</b>	<b>Erection of 10 no. dwellings with associated car parking and bicycle storage (to include demolition of existing dwelling) (revised scheme)</b>
		<b>Grey Lodge, Woodland Drive, Braunstone Town</b>

**RECOMMENDATION**  
**REFUSE FOR THE FOLLOWING REASONS:**

1. The application site is positioned within a Primarily Residential Area where the predominant built form is semi-detached dwellings with individual private amenity space. Policy R1 of the Blaby District Local Plan (1999) allows for residential development, including the erection of new dwellings, subject to the proposed development complying with the specified criteria. The District Planning Authority has concluded that the proposed development of 10 dwellings would constitute over-development of the site resulting in an unacceptably cramped form of development, having regard to the awkward and close juxtaposition of the buildings proposed, with insufficient space around the dwellings and an unsatisfactory provision of private amenity space which would be out of keeping with the character and appearance of the surrounding area and detrimental to the amenity of the proposed occupiers. Therefore, the proposed development is contrary to Policy R1 (iii), (iv) and (v) of the Blaby District Local Plan.

**NOTES TO COMMITTEE**

**Policy**

**Structure Plan**

Resource Management Policy 4 – The Water Environment.

**Blaby District Local Plan**

Policy R1 – Residential Development in Primarily Residential Areas.

Policy T6 – Off Street Parking Provision.

**Consultations**

**Braunstone Town Council** –Objects as follows

*The Town Council objects to the application for the following reasons: The proposed development would result in the over development of the site due to factors including scale and mass. In accordance with Section CE25 of the Blaby District Local Plan the following crime prevention measures should be incorporated:- adequate street lighting provided before properties are occupied, adequate boundary fencing provided, and a comprehensive landscaping scheme to incorporate plant protection (thorny shrubs). All existing trees and hedgerows should be retained and protected during*

*construction. The road should be built up to adoptable standard and should be of a minimum width of 4.25 metres to allow vehicles to pass. The Environment Agency should be consulted on this application, particularly with regard to the Foxholes Spinney / Lubbesthorpe Brook Improvement scheme.*

**County Highways** – No objection subject to standard conditions being imposed.

**County Ecologist** – No objection subject to a note to applicant relating to bats and birds.

**County Forestry Officer** – comments that the trees on the site are of low value and their felling removes potential risk to the new properties.

**Severn Trent Water Ltd** – No objection subject to standard conditions being imposed.

**Environment Agency** – No objection in principle to the proposed development however, the Agency requires future access to the stream for flood defence maintenance and if the required access strip cannot be achieved then they object to the proposal.

**Police Crime Reduction Officer** – comments, among other things, that the site should have a well defined and secured boundary and that opportunities for natural surveillance should be maximised, especially for the parking spaces serving plots 1 and 2 which are divorced from the dwellings.

### **Representations**

2 letters of representation have been received from local residents. One letter in support of the application has been submitted by the applicant. These letters are copied as letter **D**.

### **Relevant History**

05/1228/1/PX	Erection of 10 dwellings with associated parking	Withdrawn 14-2-06
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## **EXPLANATORY NOTE**

### **The Proposal**

This application is for full planning permission and proposes a development of ten houses in two blocks of four and one block of two with gable ended roofs. The eaves would be 5.1 metres high with the ridges at 8.8 metres on all three buildings. Each dwelling would have a bedroom and bathroom to the ground floor with a combined kitchen and living area to the first floor with a small (1.2 metres by 4 metres) external balcony for the width of the unit and a mezzanine style store with roof light in the roof space above the living area. Private amenity space is shown to the rear of six of the proposed units. The existing single dwelling (Grey Lodge) would be demolished.

The site is accessed at the end of Woodland Drive via an existing private drive which is located to the rear of 84 Woodland Drive and crosses Lubbesthorpe Brook, with a turning head by the bridge over the Brook. On site car parking is proposed on the basis of one space per dwelling in a communal parking area adjacent to the turning area. A cycle store is proposed to the side of Lubbesthorpe Brook between two of the blocks of dwellings

### **Planning Considerations**

The application site lies within the built up area of Braunstone Town and within a Primarily Residential Area as defined on the Proposals Map of the Local Plan and thus lies within an area where the principle of residential development is acceptable under Policy R1, subject to it complying with the specified criteria.

Due to the high density of the proposed development (60 dwellings per hectare), this has produced a proposal with most of the site being either laid to hard surfacing or having built form, which has resulted in there being little amenity space around the dwellings, which in turn lends the proposal a very cramped and over-intensively developed appearance. This cramped appearance has been exacerbated due to the awkward site geometry, which results in the bulk and the mass of the built form having to be tightly grouped together on the eastern site boundary, which is contrary to the general character and appearance of the surrounding residential area. Accordingly, it is considered that this proposal does not accord with criteria (iii) and (iv) of Policy R1 which relate to character and appearance of the area and over-development of sites.

Whilst the proposal has provided car parking provision on the basis of one space per unit, which accords with the parking requirements set out in the Local Plan, due to the awkward geometry of the site, all of the parking is, perforce, located in very close proximity to the individual units, and in particular, close to main habitable rooms. The layout of the proposed houses would have four of the units facing onto the parking area with only 3 metres between the parking spaces and the ground floor main bedroom windows. In addition, the balcony for the units would also overlook the parking area. It is considered that the proximity of the parking area is likely to have a significantly detrimental effect on the amenity of the future occupiers of the nearest dwellings by virtue of general noise and disturbance throughout the day and night created by people using the parking area.

Local residents have raised concerns about the level of overlooking of their private rear garden areas that would occur as a result of this development. However, it should be noted that the current dwelling on site (albeit vacant) is 2 storey and has windows at first floor level that are in closer proximity to those rear gardens than the proposed dwellings. The proposed houses have been orientated to prevent direct overlooking of the rear gardens of the existing properties on Valley Drive and, in addition, the balconies on units 1 and 3 are proposed to be fitted with end walls to reduce overlooking of the site. Accordingly, it is not considered that this development would give rise to any significant level of additional overlooking of existing residents. However, the layout and spatial separation of the proposed unit 1 from the proposed unit 3 would result in the main habitable room windows of unit 1 being only approximately 5 metres away from the main elevation of unit 3. In addition, a number of the proposed dwellings have their kitchen windows directly facing each other as a

distance of only 2 metres. To approve the development as proposed would not be in the best interests of good planning nor of the amenities of future residents as it would lead to a loss of privacy and create an oppressive and overbearing environment within those affected rooms. Accordingly, it is considered that this proposal does not accord with criterion (v) of Policy R1 which relates to unsatisfactory layout and design.

In relation to the comments of the Environment Agency, the layout as proposed satisfies their requirement for access for maintenance purposes to the adjacent brook. In addition, the applicants have submitted a Flood Risk Assessment and the Environment Agency have therefore confirmed that they do not object to this development on the basis of the submitted details.

To conclude, the awkward shape of the site, together with the required turning head and level of off-street parking, produces a development that is unduly cramped and has a poor internal relationship between the individual units and has a detrimental effect on the character and appearance of the area, contrary to the adopted policies of the Blaby District Local Plan. Accordingly, the application is recommended for refusal.

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<b>06/0436/1/PX</b>	<b>Registered date</b> <b>11/05/2006</b>	<b>Mr &amp; Mrs S Clay</b> <b>Dormer and Velux additions to Unit Nos. 4 &amp; 7 of new residential development (Revised Scheme of 03/1086/1/PX)</b> <b>Former Blaby Garage, Sycamore Street and 21A and 21B Leicester Road, Blaby</b>
	<b>Expiry date</b> <b>06/07/2006</b>	

## **RECOMMENDATION**

### **PERMIT SUBJECT TO THE FOLLOWING CONDITIONS:**

1. All highway aspects of the development to comply with the design standards of the Leicestershire County Council.

## **NOTES TO COMMITTEE**

### **Policy**

#### **Leicestershire, Leicester and Rutland Structure Plan (LLRSP)**

Strategy Policy 2A: A Sequential Approach towards the Location of Development.

Strategy Policy 9: Mixed Use Development.

Strategy Policy 10: Good Design.

Accessibility and Transport Policy 1: Development and the Transport System.

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

Central Areas and Shopping Policy 4: Residential Development in Central Areas.

#### **Blaby District Local Plan**

Policy T3 - New Highway Schemes

Policy T6 - Off Street Parking Provision

Policy S3 - Loss of Local Shopping Facilities

Policy S9 - Blaby Central Area

### **Consultations**

**Parish Council** – objects to this application for the reasons set out below:

*“Blaby Parish Council is opposed to these proposals on the following grounds:*

1. *The plans are unclear and the Parish Council is therefore unsure where the windows are to be situated;*
2. *The Parish Council is concerned that whatever the location of the dormer windows they would add to the overbearing aspect of such a large building. (And as such would be contrary to the Local Plan policies R1 (i), (iii)).”*

**County Highways** – Planning Officer to consider Highway implications.

## **Representations**

3 letters received from neighbouring properties objecting to the proposal (see letters E attached).

## **Relevant History**

03/1086/1/PX	Demolition of existing petrol filling station and 2 retail units and erection of 17 residential units and associated parking and 1 retail unit.	Approved 15/12/2003
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## **EXPLANATORY NOTE**

### **The Proposal**

This application is seeking permission for the addition of dormer windows and rooflights to units 4 and 17 of the residential development to enable an internal re-ordering of the accommodation. It is also proposed to create an opening light within the front (Sycamore Street) elevation of unit 17.

Planning permission was granted for the erection of 17 residential units and 1 retail unit along with associated parking in December 2003. The original plans have been amended once by way of minor amendment in July 2004.

This application proposes the following alterations to the previously approved plans;

- Elevation E1 (facing Sycamore Street) – deletion of glazed panel and formation of opening light added to unit 17 to serve a kitchen/living area
- Elevation E5 (within the development) – 5 no. rooflight replaced by 2 no. dormer windows to serve bedrooms within unit 17.
- Elevation E6 (facing Leicester Road) – dormer window and rooflight added to unit 4 to serve a kitchen/living area

The scheme which Members approved in December 2003 showed units 16 and 17 to be split level, with living accommodation on the 3<sup>rd</sup> floor with bedrooms in the roof space above. The Sycamore Street frontage had glazing running through both levels of unit 17 at its northern end. The current proposal is for a more conventional layout with unit 16 being on the third floor and unit 17 occupying the roof space which Members will recall provided the space for the bedroom. Internally, the changes are that originally unit 17 had a kitchen and living accommodation facing Sycamore Street. This becomes unit 16 and has living accommodation facing Sycamore Street, with no changes to the fenestration. Unit 17 in the roof space has a kitchen and living accommodation facing Sycamore Street, with the large glazed panel being replaced by a window.

The building is nearing completion and the dormer and rooflight additions were in place when a site visit was carried out on 16 June 2006.

The site is located within Blaby Central Area as designated in the Blaby District Local Plan. The site was previously occupied by a petrol filling station with canopy, an uninhabited boarded up property at no. 9 Sycamore Street, an industrial shed type building providing accommodation for garage workshops and 2 retail units fronting onto Leicester Road.

There are a mix of uses, building types and styles in the immediate area. The land opposite the site is within the Blaby Conservation Area and predominantly residential in nature ranging in age and style from turn of the 19<sup>th</sup> Century to a modern 3-storey building containing flats (no. 6). To the north of the site are flat roofed retail units with an overall height of 6.4 metres. Blaby Building Supplies to the south of the site is a single storey property with a yard in front and the Black Horse Public House situated on the corner of Sycamore Street and Cross Street. These range in height from 4.7 metres to 8.4 metres. 11-21 Leicester Road have a height of 8 metres.

### **Planning Considerations**

As this application relates to the addition of dormer windows and rooflights to a previously approved scheme within the Blaby Central Area it is considered that Policy S9 of the Blaby District Local Plan is most relevant. This states that;

*“Planning permission will only be granted for development which would have a significant effect in the central area of Blaby if it meets all of the following criteria:*

- i) It would be compatible with the scale, character and role of Blaby Central Area;*
- ii) It would have good pedestrian links with the existing shopping areas and public car parks;*
- iii) It would not be significantly detrimental to the amenities enjoyed by the occupiers of properties adjacent to Blaby Central Area.*

*Planning permission will not be granted for development, including residential development, which would undermine the vitality and viability of Blaby Central Area.”*

The site is not within a Primarily Residential Area and therefore Policy R1 is not applicable.

The presence of residential properties within shopping centres can add to their vitality and viability by providing activity after normal retail hours and local users for the services in the immediate area.

The presence of a retail unit within the scheme means that it is a ‘mixed use’ development.

It is not considered that the loss of the garage/workshop and 2 retail/office units of 160m<sup>2</sup> and their replacement with residential units and a purpose built retail unit of 211m<sup>2</sup> would adversely impact upon the vitality and viability of the Central Area.

### Access & Parking:

The proposed addition of dormer windows and rooflights would not have any direct impact upon the Highway. The number of units would remain the same as previously approved, 17 residential and 1 retail unit and the number of available off-street car parking spaces would not be affected.

### Design/Impact upon the Street Scene:

The overall design of the building would not be significantly altered by this proposal. The inclusion of dormer windows to 2 elevations is not considered to detract from the style of the previously approved building or have any further significant impact upon the immediate surrounding area.

The building has been constructed of materials to reflect its style and is considered to have been a significant improvement to the appearance of Sycamore Street when compared to the previous garage workshops and petrol station. It is considered that the proposal has made a positive contribution to the appearance and setting of the Blaby Conservation Area and therefore complies with Local Plan Policies CE9 and CE10. The development has reflected the varying roof heights of this part of the town centre and is not considered to be overbearing or out of keeping.

### Residential Amenity:

It is not considered that the proposed addition of dormer windows and rooflights to 2 elevations would have an significant adverse impact upon the residential amenity of neighbouring properties above and beyond the building approved under 03/1086/1/PX.

The building would be located no closer to existing properties than previously approved, nor would it be any higher. It is not therefore considered that any further overbearing impact would result above and beyond the previous approval.

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

***The site is within the Blaby Central Area where it is considered that this mixed use development would not undermine its vitality and viability. The proposal therefore complies with the criteria of Policy S9 of the Blaby District Local Plan and Shopping Policy 4 of the LLRSP.***

***The proposal would not impact upon access & parking at the site.***

***It is not considered that the addition of dormer windows and rooflights would adversely impact upon the design of the building or the street scene and neighbouring Conservation Area. As such the proposal complies with Policies CE9 and CE10 of the Blaby District Local Plan.***

***The proposed dormer windows and rooflights would not result in any loss of residential amenity to either existing or future residents.***

<b>06/0457/1/PX</b>	<b>Registered date</b> <b>16/05/2006</b>	<b>Brockington College</b>
	<b>Expiry date</b> <b>13/08/2006</b>	<b>Demolition of existing school and erection of replacement school with new road access to Blaby Road (Revised Scheme)</b>
		<b>Brockington High School &amp; Community College, Mill Lane, Enderby</b>

## **RECOMMENDATION**

### **PERMIT SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Statutory 3 year condition.
2. Materials to be agreed in writing.
3. Landscaping to be agreed.
4. Landscaping scheme to be carried out.
5. Existing trees, etc, to be retained to be protected.
6. Details of lighting, CCTV facilities, to be agreed prior to installation.
7. Details of floodlighting to be submitted.
8. No development within 5 metres of public sewer that crosses the site.
9. Surface water drainage scheme to be submitted and undertaken.
10. Surface water drainage to pass through oil interceptor.
11. Right turn lane to be provided on Blaby Road access.
12. All demolition/construction traffic to use Blaby Road access only.
13. Signage details directing service vehicles to be submitted.
14. 4.5m x 120m visibility splay to be provided at Blaby Road access.
15. 2.4m x 60m visibility splay to be provided at Mill Lane service vehicle access.
16. Any vehicular access bollards, etc, to be erected shall be set back minimum distance.
17. Access drive gradient not to exceed 1:10 for specified distance.
18. Before first use surface water drainage to be provided.
19. Turning facilities to be provided within site.
20. All existing vehicular accesses on Mill Lane that are no longer to be used are to be closed once new service access is opened.
21. Existing pedestrian access on Blaby Road to be closed once new pedestrian/vehicular access opened.
22. Wheel cleansing facilities to be provided during construction.
23. Car/bus and cycle parking to be provided before first use of new school.
24. New accesses to be hard surfaced.
25. Pedestrian visibility splays to be provided on Mill Lane access.
26. Details of boundary treatment to be submitted and agreed to reduce footballs/rugby balls entering highway.
27. Travel plan to be submitted.
28. Travel plan to be implemented.
29. New sports pitch to be provided on site of old school within set timescale.
30. Access from Mill Lane to be for service vehicles only.

## NOTES TO COMMITTEE

### Policy

#### **Leicestershire, Leicester and Rutland Structure Plan**

Strategy Policy 5: Green Wedges

#### **Blaby District Local Plan**

Policy R2: Non-residential Development in Primarily Residential Areas.

Policy C3: Green Wedges.

### Consultations

**Enderby Parish Council** – Does not object to this proposal.

**County Highways** – Recommends approval subject to the imposition of conditions.

**Environment Agency** – Does not object and recommends approval subject to the imposition of conditions – (see letter **F** attached).

**Severn Trent Water** – Comments awaited but advised on previous application that had no objections subject to the imposition of conditions.

**Highways Agency** – Has no objections.

**Ramblers Association** – Has no objections to the proposal.

**Leicestershire County Council Archaeology** – Has no objections.

**Sport England East Midlands** – No objection as no overall loss of playing fields – (see letter **F** attached).

### Representations

2 letters objecting and/or commenting received (see letters **F** attached).

### Relevant History

05/0824/1/PX	Demolition of existing school and erection of replacement school with new road access to Blaby Road.	Approved 2/12/05
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## **EXPLANATORY NOTE**

### **The Proposal**

This application is a revised scheme following a grant of planning permission in December 2005.

This application for full planning permission proposes the building of an entirely new school for the Board of Governors and Diocese of Leicester, for 850 pupils. The existing building consists of the main school built in the late 1950's and a series of single storey extensions and temporary classrooms and prefabricated blocks spread around the school site. The existing Brockington College is a High School and Community College. It is the only Voluntary Aided Church of England Secondary School in Leicestershire and has over 800 pupils in the 11 to 14 age range and 112 staff (of which 55 are academic staff). As a community college there are also 1,000 part time adult students, 100 youth members and the school is also in use by numerous affiliated societies.

The new school is to be built on the existing school grounds (on adjacent playing fields), and following completion of the new building the school would decant to the new building and the existing school would be demolished, and the site given over to a replacement multi use sports pitch to compensate for the playing fields lost by the building of the new school.

This application also takes the opportunity to address the problems associated with the current access arrangements for the school. The school at present is accessed off Mill Lane, which becomes very congested at certain times during the day. The school "shares" Mill Lane with the adjacent Council owned Enderby Leisure Centre, the Danemill Primary School, private sports clubs, nearby allotments and residential dwellings. This results in severe congestion along Mill Lane, and therefore the new school is proposed to have its primary vehicular and pedestrian access off Blaby Road. This new access off Blaby Road would incorporate a "right turn" lane and would lead into the school grounds and into a new 60 space car park with internal bus drop-off points. Secondary pedestrian access would be retained off Mill Lane, as would service vehicle access. The new car park is positioned next to new hard playing courts which can serve as overspill car parks when high levels of parking are anticipated such as school performances or open days. In total, 70 dedicated car parking spaces would be provided on site as well as space for the parking of 55 cycles.

The proposed building is designed as a three storey structure with a central "heart" space consisting of the dining and assembly areas that run up through the school as a central, open atrium. The teaching rooms are situated in "wings" that enclose this central area, accessed from walkways open to the atrium space. It is considered that the design of the new school is bold and innovative and it would become a focal point for the surrounding area that complements its Green Wedge location.

It is intended that the construction works would be undertaken in three phases.

Firstly, the new school is to be built on land adjacent to the existing school with contractor's access gained purely from a new and temporary access served off Blaby Road. Pupil access would continue to be gained via Mill Lane.

Secondly, when the new school is complete, a temporary school access (for pupils) would be formed off Blaby Road. The pupils from the old school would then decant into the new school. The site of the existing school would be fenced off and a temporary access for demolition traffic formed off Blaby Road. The existing school buildings would then be demolished and removed from the site.

Thirdly, when the old school has been removed, the new main access from Blaby Road would be formed and the car parking and multi use sports pitch provided and remedial landscaping undertaken resulting in site completion.

This application revises the scheme previously approved under 05/0824/1/PX. The revisions are limited to external elevational changes, internal layout changes, the increase in height of one element of the building so that it matches the height of the remainder of the new building, and a minor increase in the size of the building.

### **Planning Considerations**

The application site partly lies within the Primarily Residential Area of Enderby and partly within the Soar Valley South Green Wedge as defined on the Proposals Map of the Local Plan. The existing dispersed collection of school buildings lie within the Primarily Residential Area, whilst the playing fields lie within the Green Wedge.

The key consideration for the determination of this application is the proposal to build the new school on land that is outside the Limits to the Built-Up Area of Enderby and within land that forms part of the Soar Valley South Green Wedge. In policy terms, the building of the replacement school in this location is not in conformity with the policies of the Structure and Local Plans. Although these policies do permit development in the Green Wedge for certain land uses, educational purposes are not named as one of the appropriate uses. However, there are other material considerations which suggest that a pragmatic and realistic approach needs to be taken in this particular instance to ensure that this essential community facility is maintained on this site in a manner that can meet future educational demands and pressures.

As stated above, the new school would be built on Green Wedge land (albeit that it is physically abutting the existing school buildings). However, the Committee need to bear in mind that the site of the existing school would be laid out as playing pitches and landscaped circulation areas and therefore the visual impact on the open and undeveloped character of the Green Wedge would not be materially altered as a whole. It should also be borne in mind that the existing school has a footprint of 5176m<sup>2</sup> whereas the proposed school has a footprint of only 4108m<sup>2</sup>. This reduction in footprint allows for the creation of a better quality external space that would contribute to the setting of the adjacent Green Wedge land. It is not considered that this relatively unique proposal for the building of a replacement school in a Green Wedge would set a precedent for other non-conforming developments, and therefore it is considered that, on balance, this proposal is acceptable in this location given the community benefits that would arise.

On the previous planning application, a number of local residents raised concerns about the additional traffic movements that the development would generate on Blaby Road, and the potential impact on highway safety. The applicants submitted a Transport Assessment as part of the previous application. Leicestershire County Council, as Highway Authority, are satisfied that the assessment demonstrates that the new access (with a right turn lane) on Blaby Road would be safe and that overall, the development would not have a detrimental impact upon the operation of the surrounding highway network. In fact, it has shown that there would be a material benefit to existing traffic conditions on Mill Lane. Accordingly, there are no justifiable highway reasons to resist the redevelopment of this existing school site.

### Departure from the Development Plan

A “departure application” is defined in Annex 1 of the Town and Country Planning (Development Plans and Consultation)(Departures) Directions 1999 as “an application for planning permission for development which does not accord with one or more provisions of the development plan in force in the area in which the application is situated.”

The development plan in force in the area comprises the Leicestershire, Leicester and Rutland Structure Plan and Blaby District Local Plan. The application site is subject to Policy C3 of the Blaby District Local Plan which restricts development in Green Wedges except for certain named exceptions. This proposal for a replacement school does not accord with this policy and it is therefore considered to be a departure application.

Under the provisions of Annex 1 of the aforementioned Order, the Local Planning Authority is required to notify the Secretary of State of a departure application which it does not propose to refuse if it is for any development which, by reason of its scale or nature or the location of the land, would, inter alia, significantly prejudice the implementation of the development plan’s policies and proposals. Annex 1 of the Order makes it clear that in deciding this question, local planning authorities should consider each case on the facts. The Annex also lists examples of the types of development proposals which might significantly prejudice the implementation of the development plan’s policies and proposals, and sub-section (vii) states “applications involving development that would result in the loss of open space or playing fields both publicly and privately owned.”

This current application would result in a building being erected on school playing fields. However the proposal would also provide replacement playing pitches and sports facilities to compensate for this loss. Accordingly, it is considered that this proposal would not significantly prejudice the implementation of the development plan’s policies and proposals. Therefore should Members be minded to permit the application it is considered that it would not need to be referred to the Secretary of State as a departure.

In the light of the above matters, the proposal is recommended favourably, subject to the imposition of the stated conditions.

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

***The application site is partly positioned within the Limits to the Built-up Area and partly within a Green Wedge. The proposal would have an acceptable layout in terms of siting, appearance and relationship with adjoining land uses and would provide for education needs and community facilities. The proposal would provide for replacement sports pitches and open areas such that the generally open and undeveloped character of the Green Wedge is not considered to be that significantly altered to the extent that the redevelopment of this essential community facility should be refused. Accordingly, it is considered that the proposal would not materially harm the aims of Strategy Policy 5 of the Leicestershire, Leicester and Rutland Structure Plan nor Policy C3 of the Blaby District Local Plan.***

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<b>06/0491/1/PX</b>	<b>Registered date</b> <b>26/05/2006</b>	<b>Mr N McBride</b> <b>Two storey rear extension and erection of</b> <b>replacement front entrance gates (Revised</b> <b>Scheme)</b> <b>65 Main Street, Cosby</b>
	<b>Expiry date</b> <b>21/07/2006</b>	

## **RECOMMENDATION**

### **PERMIT SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Statutory 3 year condition.
2. Materials to be agreed.
3. Gates to be painted/stained.
4. Access gates to open inwards only.
5. Off-street parking to be provided.
6. Permission not to be implemented before the grant of Conservation Area Consent.

## **NOTES TO COMMITTEE**

### **Policy**

#### **Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016**

Strategy Policy 10: Good Design  
Environment Policy 1: Historic Environment

#### **Blaby District Local Plan (1999)**

R2 –Residential Development in Primarily Residential Areas  
CE8 – Conservation Areas; Demolition of Unlisted Buildings  
CE9 – Conservation Areas; Vistas/Street Scenes/Open Spaces  
CE10 – Conservation Areas; Character or Appearance  
CE11 – Conservation Areas; New Buildings and Extensions to existing Buildings  
CE12 – Conservation Areas: Traffic Levels  
T6 – Off Street Parking Provision  
CF5 – Floodplain Protection

### **Consultations**

**Cosby Parish Council** has no observations to make on this application

**County Archaeology** does not wish to comment on the proposals as it is not felt to pose a significant threat to any archaeological remains

**County Ecology** requests a note to applicant relating to bats and birds in the roof space

**Technical Engineering Officer** makes comments with regard to drainage and the floodplain

### **Representations**

None

### **Relevant History**

05/0646/1/PX	Two storey rear extension	Withdrawn 22.12.2005
06/0025/1/PX	Two storey rear extension (revised scheme)	Refused 10.03.2006
06/0085/1/HY	Demolition of existing extensions to enable proposed extension to rear	Refused 04.04.2006

### **EXPLANATORY NOTE**

#### **The Proposal**

This application seeks permission for a two storey rear extension at a two storey detached dwelling located within Cosby Conservation Area. The proposed extension would measure 10 metres deep by 5.9 metres wide and form an entrance hall, w.c., lounge, utility, ensuite, bathroom and a second and third bedroom. Replacement 2.35 metre high gates are proposed at the vehicular access to the site. An existing single storey and two storey addition to the original building would be demolished for which Conservation Area consent is required.

The submitted plans also show that it is proposed to remove the existing cladding from the front elevation of the building, remove the existing front door and replace the front ground floor window. This element of the development does not require planning permission.

#### **Planning Considerations**

The application site is positioned within a Primarily Residential Area as defined on the Local Plan Proposals Map where Policy R1 allows for residential development, including extensions to existing dwellings, subject to the development complying with specified criteria. The application site is also located within Cosby Conservation Area and national and local policies require that development should preserve or enhance the character or appearance of Conservation Areas.

#### **Residential Amenity**

The windows to the side elevation of the extension would be over 25 metres from the rear elevations of Nos. 45 to 61 Main Street and therefore there would be no significant loss of privacy to the occupants of these neighbouring dwellings. The side elevations of Nos. 67 and 68 Main Street are sited on the application site boundary. There are no windows serving habitable rooms facing the proposed extension and

the development would have an acceptable relationship with these neighbouring properties.

### Design & Impact on Street Scene

No. 65 Main Street is prominently sited within the Cosby Conservation Area, adjacent to the car park of Cosby Working Mens Club. Although the proposed two storey extension would be situated to the rear of the original dwelling it would be visible and prominent within the street scene.

There have been two previous planning applications for two storey rear extensions to this property. The first application was withdrawn and the second application was refused under delegated powers as it was concluded that that extension would harm rather than preserve or enhance the character and appearance of the Cosby Conservation Area.

The application currently under consideration seeks to overcome the previous reason for refusal. The proposed extension would be subservient to the original dwelling with the ridge of the extension 0.5 metres lower than the original building. The extension would be set in 1.05 metres from the northern side elevation of the original dwelling reducing the scale and massing of the development. The fenestration detailing is in keeping with the existing dwelling and it is proposed to reuse the decorative ridge tiles which are a feature of the existing two storey extension which would be demolished. It is therefore concluded that the proposed extension would be in keeping with the character and appearance of the existing dwelling and the development would preserve the character and appearance of the dwelling and Cosby Conservation Area.

The existing gates have replaced the original vehicular access gates and are not considered to be entirely in keeping with the existing dwelling and the street scene. The new replacement gates would be 2.35 metres high, constructed from hardwood and side hung on the existing brick pillars and it is considered that the design of the replacement gates would enhance the character and appearance of Cosby Conservation Area.

### Floodplain and drainage

The application site is located within a flood zone and therefore consideration should be given to the risk from flooding. The footprint of the extended dwelling would not be significantly greater than that of the existing building and former outbuildings and as such the development is considered to be acceptable.

### Access and Parking

Dwellings with three bedrooms require two off street car parking spaces and this standard is already achieved within the application site. The proposed vehicular access gates would be sited adjacent to the highway boundary. The gates would replace the existing 2.15 metre high access gates and as such the development would not result in any increased impact on highway safety.

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

***The application site is within a Primarily Residential Area where Policy R1 applies which allows for residential development subject to the development complying with the specified criteria. The application site is also located within Cosby Conservation Area where Environment Policy 1 of the Leicestershire, Leicester and Rutland Structure Plan and Policies CE8, CE9, CE10, CE11 and CE12 of the Blaby District Local Plan apply. The proposed development would not materially harm the living conditions of neighbouring occupiers and the design and appearance of the proposed development would be sympathetic to the character of the area of the street scene and would not be detrimental to the Conservation Area.***

***The Highway safety implications of the proposal are considered to be satisfactory and off-street car parking can be provided in accordance with Local Plan standards and the proposed development is therefore in accordance Policy T6 of the Blaby District Local Plan.***

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