DC DELREP

20.4.09

DELEGATED REPORT

Recommendation Made:

Reference:- 09/00100/COU **Parish:-** Hinckley

Applicant:- Mr M Goode
11 Kirfield Drive
Hinckley
Leicestershire
LE10 1SX

Location:- 70 Upper Bond Street Hinckley Leicestershire LE10 1RJ

Proposal:- CHANGE OF USE OF WORK SHOP TO CAR SALES

Introduction:-

This application is for use of a site which is currently vacant but has a workshop building erected on it for change of use to car sales. The site layout submitted shows 9 spaces for car sales, 5 spaces for customers and 5 spaces for staff and parking in connection with the condition for parking at the adjacent site. The layout shows a turning area within the site and further display of vehicles within the existing building on the site. The proposal utilises the existing access to the site which is adjacent to the pedestrian crossing.

The site containing the workshop previously had planning permission for car sales approved in 1989 but this extended site includes the area previously the site of no 80 Upper Bond Street where the last use was residential. The site is currently vacant but is used for parking occasionally and two temporary storage containers are located at the rear of the site, these do not benefit from planning permission.

History;

08/00631/FUL	ERECTION OF 1.8M DECORATIVE RAILINGS AND FORMATION OF NEW ACCESS	Approved 27.08.2008
08/00308/FUL	ERECTION OF DECORATIVE RAILINGS	Approved 20.05.2008
08/00007/FUL	ERECTION OF TWO METRE FENCE	Refused 29.02.2008
05/00758/OUT	DEMOLITION OF EXISTING INDUSTRIAL BUILDING AND THE ERECTION OF 16 APARTMENTS WITH ASSOCIATED CAR PARKING SPACE AND AMENITY SPA CE	Approved 25.10.2005
05/00331/OUT	ERECTION OF 18 NO FLATS WITH PARKING AND AMENITY SPACE	Withdrawn 19.05.2005
93/00230/4	ERECTION OF BUILDING FOR MOTOR ACCESSORIES AND MOTOR SALES	Approved 28.04.1993
89/00654/4	CAR SALES	Approved 20.06.1989
89/00135/4	WORKSHOP AND PARTS STORE FACILITY	Withdrawn

Consultations:-

Director of Highways Transportation and Waste Management has provided initial comments and considers that the scheme encroaches on highway land and that the current access is substandard.

However further information has been provided regarding the sites existing permitted use as a site for car repairs and due to this Highways are unable to sustain a reason for refusal on the grounds of increased traffic. Highways have no objection to this application with conditions relating to gate distances, drainage, the provision of turning facilities and off-street car parking, access widths, surface materials and visibility splays.

No objections from Director of Community Services(Archaeology)

Development Plan Policies:-

The application site lies outside the Hinckley Town Centre but within the settlement boundary as designated in the Hinckley & Bosworth Local Plan.

Policy BE1 of the adopted Hinckley and Bosworth Local Plan seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Of particular relevance, is the importance of ensuring development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features, as well as the need to ensure the occupiers of neighbouring properties are not adversely affected.

Policy EMP1 The site is identified in the adopted Hinckley and Bosworth Local Plan as an employment site.

Policy EMP7 relates to this area of Hinckley and states that within the area mixed uses adjoining Upper Bond Street, planning permission for development for business uses, general industrial, storage and distribution uses, car sales, tyre centres, battery centres, builders merchants and other similar uses, and public utility services unless the proposed development will have a detrimental effect on the local traffic network, the proposal does not make satisfactory provision for the storage of waste materials, the proposed development will have a detrimental effect on the amenities enjoyed by occupiers of adjoining properties and the general locality, and the proposed development does not make satisfactory provision for access, servicing and off-street car parking arrangements.

Policy T5 refers to highway standards and parking requirements.

Appraisal:-

The main considerations in relation to this application are the principle and highway safety.

Principle

The principle of the use is supported by policy EMP 7 and is therefore acceptable in policy terms. The number of vehicles to be advertised for sale is not considered to be excessive but needs to be restricted to this number to ensure that the site is not cramped and the required parking and turning are available within the site.

Design and Layout

To be acceptable, the site needs a suitable boundary treatment which will provide some break to the car frontages and as such a condition needs to be imposed to ensure that the view of the site from the street is acceptable.

A previous permission for the MOT garage next to the site requires two parking spaces to be retained within this site for use by the garage users, this has been incorporated into this application.

Impact on highway

The sites existing permitted use is B2: Car Repairs and although the site is currently unused the establishment of car sales on site would not lead to additional traffic levels above and beyond what would be expected for the sites existing use. With related highway conditions this application will comply with local plan policy T5 and would be acceptable in highway terms.

Overall the change of use of this site to car sales is in compliance with Local Plan policies EMP1, EMP7, BE1 and T5 and is recommended for approval with highway conditions and the submission and subsequent approval by the Local Authority of the sites boundary treatment.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan and would not harm the character or appearance of the area, street scene, neighbouring properties or impact on highway safety.

SUMMARY OF DECISION - The proposal is in conformity with Policies BE1, EMP1, EMP7 and T5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 Notwithstanding the submitted details, no part of the development hereby permitted shall be brought into use until a plan illustrating an acceptable boundary treatment to the front of the site is submitted to and approved in writing by the Local Planning Authority.

3 The approved scheme shall be implemented prior to first use of the site and maintained thereafter.

4 Notwithstanding the submitted details, if any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.

5 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.

6 Before first use of the development hereby permitted, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

7 Before the development hereby permitted is first used, off-street car parking provision for the benefit of customers, staff and for no.82 Upper Bond Street shall be made within the application site in accordance with the details shown on the submitted plan. The parking area's and manoeuvring facilities shall be surfaced in hard bound, porous material and marked out prior to the development being brought into use and shall be so maintained at all times thereafter.

8 The proposed access shall have a width of a minimum of 5.7 metres for a distance of at least 5 metres behind the highway boundary. The access drive once provided shall be so maintained at all times.

9 No walls, planting, fences or any other obstruction shall be erected or allowed to grow on the Highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway.

10 Before first use of the development hereby permitted, the wall at the north-east boundary of the site shall be reduced in height to no more than 0.6 metres in height over a distance of 2 metres back from the highway and shall be maintained at this height thereafter.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 & 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

4 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

5 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.

6 To ensure that vehicles may enter and leave the site in a forward direction in the interests of road safety to accord with policy T5 of the Hinckley and Bosworth Local Plan.

7 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area , to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

8 To ensure that vehicles entering or leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

9 & 10 To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network and in the interest of general highway safety.

Notes to Applicant:-

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

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3. As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 On the basis of the submitted plans, taking into consideration available L.C.C highway boundary records, the proposal will be positioned within the public highway. The development would reduce the available width of the footway which would not be in the interests of the safety of vulnerable road users (pedestrians). Before development commences an amended plan should be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority correctly showing the boundary of the development site and that no part of the proposal will be positioned within the highway. For information regarding the extent of the public highway contact Laraine Hawkins on 0116 3057189.

6 List of plans used in the determination of this application:-
site location plan, Drawing 6235P-01

7 A public footpath is adjacent to the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.

8 On the basis of the submitted plans, the details of the wall at the north-eastern boundary of the site at the site frontage and the drop down bollards at the highway boundary are not in accordance with the guidance contained in "Highways, transportation and development". Before development commences, an amended plan should be submitted to and approved by the Local Planning Authority.

9 In relation to condition 2, the applicant should consider the use of decorative fencing and low planters as part of the scheme for the front boundary.

Contact Officer:- Louise Forman Ext 5682