Item:

Reference: **08/00303/FUL**

Applicant: **Berbank Homes**

Location: **T Jennings Ltd Highfield Works John Street Hinckley Leicestershire**

Proposal: **DEMOLITION OF EXISTING FACTORY AND ERECTION OF 7 DWELLINGS AND 35 FLATS.**

Introduction:-

This application seeks full planning permission to demolish a three storey factory and erect 7 no. two bedroom houses, 8 no. two bedroom and 27 no. one bedroom apartments. The existing car park on the factory's northern side will provide 56 car parking spaces and cycle spaces for the sole use of the apartments. Vehicular access to the car park is from John Street.

The application site lies to the north of John Street and is bounded by a public footpath/cycleway, The Narrows, and Priory Court, a modern residential development to the east, the rear gardens of Victorian terraced properties to the west and the gardens of four bungalows at no's 7, 9, 11 and 12 Charnwood Close to the north. The area of the application site measures 0.30 hectares, and although the topography is relatively flat, there is an average change of level of 600 mm along the northern boundary.

A Transport Assessment and a Design and Access Statement has been submitted with the scheme. The latter identifies the site constraints including building heights, materials and form of development in the area. It also includes the parameters used to develop the design for the new development. The scheme seeks to provide high density living accommodation within a group of buildings which, on John Street, achieves a satisfactory transition between Priory Close and the two storey terraced properties and also provides an interesting frontage to The Narrows, an important pedestrian route in this part of the town. The affordable housing provision of 7no one bedroom apartments and 1no two bedroom house has been provided which complies with the Council's standard.

A supporting marketing statement submitted by Faulkner & Co. indicates that there has been no commercial interest in the building despite the building having been advertised for letting in whole or in part for over a year.

History:-

06/00501/FUL	Demolition of factory and erection of 32 residential units	Withdrawn	29:09:06
07/001388/FUL	Demolition of factory and erection of 23 residential units	Approved	10:04:08

Consultations:-

No objection subject to conditions have been received from:-

Director of Highways, Transportation and Waste Management (Highways)
Severn Trent Water Ltd

Head of Community Services (Land Drainage).

Director of Community Services (Archaeology) requires a photographic building survey of the Highfield Works in accordance with guidance produced by the former Royal Commission on the Historical Monuments of England (RCHME).

The Leicestershire Constabulary Crime Reduction Officer recommends that security gates are installed on the pedestrian entry points into the site, good lighting is provided in the car park and consideration is given to a CCTV system. This service also requires a contribution of £25,452 which will be used directly within the local policing unit to address crime issues.

As a result of the Developer Contributions consultation. Leicestershire County Council has the following comments:

a) Director of Community Services (Ecology) - recommends bat bricks and boxes and native trees are incorporated into the design if possible.
b) Head of Commercial and Support Services - requires a contribution of £1,550 towards the cost of books and other materials.
c) Director of Highways, Transportation and Waste Management (Waste) - requires a contribution of £1,907 towards improving the Civic Amenity Site infrastructure at Barwell.

The Primary Care Trust - requires a contribution of £24,486 to enhance the local health care facilities.

Site Notice and Press Notice were displayed and neighbours notified. Three letters of objection including one from the Charnwood Close Residents Association have been received raising the following issues:

a) A brick wall in line with the existing factory wall is requested along the site boundary to the properties along Charnwood Close. At its junction with the jitty it should be higher to avoid security issues.
b) The change of level between the site and the gardens of Charnwood Close means water may flood the gardens.
c) Car park lighting should not be too bright.
d) Concern expressed about mess from the site during demolition/construction works.
e) Concern about extra traffic and vehicular access from the site into John Street
f) Concern expressed about the stability of the existing retaining wall to the factory.
h) The height of the scheme and the number of units is excessive
j) Concern about additional parking issues in John Street.
k) The style of the development is out of character with the area.
l) Loss of privacy for adjacent properties

Development Plan Policies:-

The site lies within the settlement boundary of Hinckley but not in a Conservation Area. In the Local Plan it is designated as an Emp1(b) site. Within this area other employment activities or alternative uses will be considered on their merits.

Central Government Guidance

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) refers to the delivery of sustainable development through the planning system. It advises that planning

policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Statement 3: Housing, encourages the use of previously developed land within urban areas in preference to the development of Greenfield sites for housing. The statement sets out 30 dwellings per hectare as the national indicative minimum. The policy states that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable mixed communities.

Local Plan Policies

Policy RES 5 of the adopted Hinckley and Bosworth Local Plan relates to residential proposals on unallocated sites . It is stated that on those sites which are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within the settlement boundary and the siting, design and layout of the proposal does not conflict with the relevant plan policies.

Policy BE1 seeks to safeguard and enhance the existing environment and states that planning permission will be granted where development complements or enhances the character of the surrounding area and has regard to the safety of individuals, ensures adequate highway visibility for road users and adequate street parking, does not adversely affect the occupiers of neighbouring properties.

Policy T5 of the Local Plan refers to the provision of adequate standards for new accesses, highway design and parking provision for new development.

Policies REC2 and REC3 require the appropriate level of open space to be provided within the development site, or alternatively a financial contribution to be negotiated towards the provision of new recreational facilities within the vicinity of the site or towards the improvement of existing facilities in the area. Supplementary Planning Guidance gives further advice regarding the provision of Play and Open Space.

Policy EMP1(b) states that the Local Planning Authority will consider proposals for other employment activities or alternative uses of identified sites on their merits in the context of the appropriate design policies of the plan. EMP1(b) sites are generally considered to be acceptable employment locations.

Policy IMP1 ensures that appropriate contributions towards the provision of infrastructure and facilities are made which are commensurate with the scale and nature of development proposed together with the Borough Council's Section 106 Strategy.

The Borough Council's Supplementary Planning Guidance gives advice on new residential development and Play and Open space.

The Employment Land and Premises Study, commissioned by the Borough Council in 2003 recommends that the site be retained as an EMP1(b) designation with 100% of the site retained for employment purposes.

Appraisal:-

The main issues with regard to this application are the loss of the existing employment site, impact of the design on the character and appearance of the area, the living conditions of neighbours and future occupants, vehicular access and car parking.

Principle

The site lies within the settlement boundary of Hinckley. It is within fairly easy walking distance of town centre facilities including public transport. A scheme for the demolition of the factory and its replacement with 23 apartments was granted consent in April 2008. Consequently the principal of residential development on this site has been accepted providing it also complies with other policies within the Local Plan regarding design, layout and amenities.

Loss of employment land

The site forms part of the larger Hosiery Factory/Builders Yard south of John Street as designated in the Local Plan. This is classified as an EMP1(b) employment area where policy states that the Local Planning Authority will consider proposals for other employment activities or alternative uses on identified sites on their merits in the context of the appropriate design policies of the plan. The Employment Land and Premises Study has identified the factory as low grade employment space but to retain 100% of the site in employment use.

The application has been accompanied by a marketing strategy which sets out that the premises have been marketed in part since July 2004 and wholly between December 2006 and July 2007 with little interest except from residential developers. The report concludes that the general state of the buildings and the need for considerable investment into the site has discouraged prospective occupiers. Further to this the access from John Street is constrained which may limit future commercial operations. This site is almost entirely surrounded by residential uses and is separated from the remaining employment site by John Street. Given this and the information supplied with the application it is considered that any subsequent application for residential development of other parts of this employment area would be treated on their merits and hence precedent is not a concern. It is therefore considered that the loss of employment land is not in itself grounds for the application to be refused . Therefore residential use is considered acceptable in principle.

Density

The application proposes 42 dwellings on a site of 0.30 hectare, which equates to a density of 140 dwellings per hectare. This is higher than the guidelines set out in PPS3, however, given the sites proximity to the centre to the town and the range of services and transport choices that exists there this density is not considered excessive subject to an acceptable layout and design.

Design and Appearance

The character of the area is mixed in style, form, and materials. It includes traditional 2 storey terraced housing, modern bungalows and 3 storey apartment blocks. The existing factory is a 3 storey brick structure with a pitched roof, large window openings and a large plant room at roof level. The building's industrial scale contrasts dramatically with nearby properties and it dominates the abutting terraced houses and the surrounding area. Hinckley's industrial past has created a feature building in the street scene, however limited maintenance for several years has left the building in poor condition. Other buildings in the area have pitched roofs, are of a domestic scale and along the principal road frontages, they are sited on or close to the back edge of pavement. Brickwork and render are the predominant building materials.

The current planning application proposes to make a strong architectural statement similar to the existing factory that it will replace. The new building is a modern design with a striking appearance. It uses traditional materials, coloured render, timber cladding, and brickwork in a modern way. It also follows the established design parameters of the area. The John Street frontage is 31/2 storeys high but of a domestic scale which is similar to the existing factory. Officers have agreed changes to the elevation, which will replace the double doors and balconies at all levels with windows and simplify the link connection to the adjacent terraced properties. The revised elevations will be reported as a late item.

At the junction with The Narrows a strong vertical design feature of Juliet balconies has been introduced which takes advantage of the set back in the street elevation to create a landmark feature in the street scene.

Along The Narrows the scale of the existing buildings is lower and in keeping with the narrow width of the jitty. Again officers have negotiated revisions to the current scheme which lowers the massing on the jitty to reduce its dominance. The double doors at ground floor will also be replaced with windows. The revised elevation will be submitted to committee as a late item.

Living conditions of neighbours

The existing factory building backs directly onto the short gardens of several properties on Charnwood Close. Residents' concerns are being addressed by constructing a 2 metre brick wall along the boundary to the new houses and close boarded fencing along the remainder of the boundary. This is considered to provide a reasonable and acceptable level of screening and protection of amenities for residents of Charnwood Close. Drainage of the site and measures to prevent vehicles breaching the boundary can be controlled by condition. The agent has advised that low level bollard lighting will be used to light the car park to ensure limited disturbance to neighbours. An internal bin store has been provided within the development.

Car Parking and Vehicular Access

The new development will be provided with 56 car parking spaces, which is equivalent to 1.33 cars spaces per apartment. Although this is slightly below Leicestershire County Council's Highway standards, it has been accepted as adequate for the development. The Highway Authority is also in agreement with the conclusions of the submitted Transport Assessment that the proposed development will not increase the amount of traffic on John Street above its former factory use.

Developer Contributions

The application attracts contributions towards libraries of £1,250, civic amenity of £1,032 . There is no requirement for a financial contribution towards education facilities as all sectors of education currently have spare capacity. The Primary Care Trust requires a contribution of £13,409. The site is close to Queens Park and a contribution can be sought towards improvement of the formal and informal open space as set out in the Green Space Quality and Accessibility Audit 2005. It will equate to £1900 per dwelling or £79,800 in total.

Conclusion

This employment site has been marketed for over a year without success. The design of the proposed residential development is uncompromisingly modern and of a scale which reflects the original factory. It will add a new landmark building of quality to the streetscene

and is an acceptable alternative use of the site. The car parking numbers and vehicular access standards are acceptable to Leicestershire County Council's Highway Department for residential development. Consequently it is officers recommendation that this proposal is supported.

RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972, or the receipt of a one-off payment, to provide financial contributions towards play and open space, libraries, civic amenity facilities, health care and the Leicestershire Police Authority, the Director of Community and Planning Services be granted powers to issue planning permission subject to the following conditions below. Failure to complete the agreement by 30th June 2008 may result in the application being refused.

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, BE16, NE14, NE17 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 Demolition of the factory shall not take place until the applicant or their agents or successors in title have secured the implementation of a programme of historic building recording. This work shall be conducted in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.

3 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.

4 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site being first occupied.

5 If during development contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unexpected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

6 The development hereby permitted shall not be occupied until drainage works for the disposal of both surface water and foul sewerage have been carried out in accordance with the details to be submitted to and approved by the Local Planning Authority in writing.

7 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with overall capacity comparable with the site being drained.

8 The development shall not begin until drainage details incorporating sustainable drainage principles and an assessment of the hydrological context of the development have been submitted to and approved by the Local Planning Authority and the scheme shall

subsequently be implemented in accordance with the approved details before the development is completed.

9 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

10 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

11 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

12 Notwithstanding the submitted drawings, detail drawings and specifications of the car park and access road lighting and the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

13 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 10 metres behind the highway boundary and shall be hung so as to open inwards only.

14 No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway

15 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.

16 The existing vehicular access shall be closed permanently within one week of the altered access being brought into use and the existing vehicular crossings reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

17 No development shall take place until details of measures to be taken to prevent the deposit of materials, i.e. mud from vehicles leaving the site during construction works being deposited on the public highway, have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be retained and fully implemented for the duration of the construction period.

18 For the period of the construction of the development the vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

19 Before the development commences details of, cycle parking provision shall be submitted to and agreed in writing by the Local Planning Authority and once provided shall be maintained and kept available for use in perpetuity. The agreed scheme shall be implemented prior to first occupation of the dwelling and shall be retained for these purposes thereafter.

20 Before first occupation of the dwellings hereby permitted, the access drive, car parking and turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) and the car parking marked out in accordance with the approved plan and shall be so maintained at all times.

21
Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 6 metre kerbed radii on both side of the access.

22 Before first occupation of the dwellings hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.

23 Before first use of the development hereby permitted visibility splays of 2.4 metres by the maximum achievable distance across the sites frontage within the applicants ownership shall be provided in both directions at the junction of the access with John Street. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres within the visibility splays.

24 Each dwelling should be issued with a travel pack and 2x 3 monthly travel passes prior to the first occupation.

25 Prior to the first occupation of any dwelling the two nearest bus stops on Derby Road shall be provided with raised kerbs and bus timetable information boards.

26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order l995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A - E (inclusive); shall not be carried out in relation to the houses hereby permitted unless planning permission for such development has first been granted by the Local Planning Authority.

Reasons :-

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

2 To ensure satisfactory archaeological investigation and recording to accord with policy BE16 of the Hinckley & Bosworth Local Plan.

3 - 5 To ensure the site is safe and suitable for residential development to accord with policy NE17 of the adopted Hinckley and Bosworth Local Plan.

6 - 8 To avoid water pollution to accord with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

9&10 To safeguard the residential character of the area to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

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

12 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

ITEM 07 **08/00303/FUL** **Mr I Hale**
Introduction:-

Amended plans have been received which amend the design in line with officer's discussions as reported in the main agenda. This has modified the proposed accommodation to 7 no two bedroom houses, 9 no two bedroom and 25 no one bedroom apartments. The car parking is unchanged.

Consultations:-

Developer Contributions consultation: The contributions will be amended accordingly.

Three letters of objection have been received to the revised scheme raising the same points as within the main body of the report and the following concerns:

Overlooking and loss of privacy to the gardens of 32 & 24 John Street.
These properties are not immediately adjacent to the development and the impact on their amenity is considered to be acceptable.

Additional conditions:

27 Standard amended plans condition
28 None standard condition requiring further details of fenestration and materials on the John Street frontage
29 None standard condition requiring acoustic lining top bin store.
30 None standard condition requiring treatment of north boundary to be a brick wall to 1 metre above new development car park level and close boarded fencing above this to 2 metre height.
31 None standard condition requiring a scheme of lighting for the public right of way to the east of the site and its implementation by the applicant with the Borough Councils cast iron heritage lamp posts and lanterns.

13 - 16 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

17&18 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy T5 of the Hinckley & Bosworth Local Plan.

19 In the interests of the sustainability of the development and to encourage alternative transport choice to accord with policy BE1 of adopted Hinckley and Bosworth Local Plan.

20-23 In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

24& 25 In the interests of the sustainability of the development and to encourage alternative transport choice to accord with policy BE1 of adopted Hinckley and Bosworth Local Plan.

26 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property in order to comply with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

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

3 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Western Area Manager (tele 01530 414151)

4 The proposal is situated more than 24 metres from the highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard BS5906, 1980 and Building Regulations Approved document B, Fire Safety 2004

5 A contribution towards the bus stop improvement works will be acceptable and then the Highway Authority will carry out the works on your behalf. All works will be at the applicants expense.

6 The existing yellow line that runs in front of the proposed access shall be amended to return into the access for an appropriate distance. The amendments to the lining or the traffic regulation order if necessary shall be carried out to the satisfaction of the Highway Authority and entirely at the applicants expense. The lining should be amended prior to the first occupation of the dwelling.

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Contact Officer:- Mr B Whirrity Ext 5619