**COMMITTEE EXTRACT**

**Committee Date: 8 April 2008**

**Reference:-** **08/00136/FUL** **Parish:-** **Hinckley**

**Applicant:-** **Benchmark Properties**
**The Gallery**
**Wharf Yard**
**Off Coventry Road**
**Hinckley**

**Location:-** **Wharf Yard Hinckley Leicestershire**

**Proposal:-** **DENTAL LAB AND CLINIC WITH 2NO. OFFICE UNITS AND 9NO. APARTMENTS WITH VEHICULAR ACCESS AND PARKING**

**Introduction:-**

This is a full application for the demolition of single storey industrial premises and the erection of 9 apartments, office space and a dental laboratory and clinic at the Wharf, off Coventry Road, Hinckley.

The site is accessed from the Coventry Road between the Port House and the Wharf Inn public house and falls within the Ashby Canal Conservation Area. Single storey relatively modern B1 industrial premises are currently accommodated on the site which are proposed to be demolished. While the access slopes down considerably from the Coventry Road, the site itself is predominantly flat.

Members will recall that the adjacent site was subject to an application for 6 apartments which was approved in 2006 (06/00757/FUL).

The site faces on to the access and the rear garden and parking area for the public house, beyond this is a vegetated bank leading up to Nutts Lane. To the north of the site the previous consent is currently under construction, while beyond this are further residential properties forming a terrace from Port House on the Coventry Road. To the south of the site the access continues to the branch of the canal with the Hinckley Sea Scouts building beyond. To the east of the site is a parking and garaging area and a detached bungalow at 314b Coventry Road. There is a difference in levels of around 2.5 metres between the site and the immediately adjacent land to the east.

The application proposes a single building of three storeys in height with rooms in the roof. The building accommodates 1 one-bedroomed apartment, seven two-bedroomed apartments, 1 three-bedroomed apartment, two offices and a dental laboratory and clinic.

The information submitted by the application includes a Design and Access Statement which states that the main issues in arriving at the design for this proposed development are to ensure sympathetic integration into the Conservation Area while meeting planning policies for employment and housing and considering the wider picture.

**History:-**

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| 93/00558/4 | Three Industrial Units (B1) | Approved | 13.08.93 |
| 93/00348/4 | Three Industrial Units (B1) | Withdrawn | 25.05.93 |

**Consultations:-**

No objection has been received from:-

British Waterways
Director of Community Services (Ecology)

No objection subject to conditions have been received from the Head of Community Services (Land Drainage)

The Director of Highways, Transportation and Waste Management (Highways) has requested further details with regards to the proposed access and dental clinic use. The applicant's agent is addressing this issue which will be presented as a late item.

Head of Community Services (Pollution) has requested further information on the proposed generator within the dental laboratory to ensure this is not a source of noise nuisance for prospective residents. Further details on the generator are being prepared by the applicant's agent which will again be presented as a late item.

Site notice and Press notice were displayed and neighbours notified. 2 letters of objection have been received raising the following concerns:-

a) Impact of access to properties / businesses to the south
b) Impact on retaining walls to the rear
c) Proposal will dwarf neighbouring bungalow
d) Overlooking of neighbouring property

**Development Plan Policies:-**

National Policy

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. This 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.

Draft Planning Policy Statement 4 - Planning for Sustainable Economic Development states that Local Planning Authorities should adopt a positive and constructive approach towards proposals for economic development, operating within the context of the plan-led system.

Planning Policy Guidance Note 13 - Transport sets out national transport planning policy. With regards to parking provision this states that Local Authorities should 'not require developers to provide more spaces than they themselves wish' and that 'reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices'.

Local Plan

The site lies within the settlement boundary for Hinckley and within the Ashby Canal Conservation Area as identified in the adopted Hinckley and Bosworth Local Plan.

Policy RES5 of the adopted Hinckley and Bosworth Local Plan assesses proposals for residential development on unallocated sites. Planning permission will only be granted if the site lies within the boundaries of an urban area or rural settlement and the siting, design and layout of the proposal do not conflict with relevant plan policies.

Policy EMP4 - Employment development on sites other than those allocated for employment uses. This policy states that planning permission for small scale employment uses within settlement boundaries will be granted unless the proposed development would be detrimental to the amenities of adjoining residents; would detract from the character and appearance of the environment; generate traffic on a scale which would be detrimental to adjoining residents; fails to meet appropriate design, layout, highways and parking standards and generates traffic likely to exceed the capacity of the highway network or impede road safety.

Policy BE1 requires high quality design which complements or enhances the surrounding area and adjacent properties in terms of mass, scale, design, density, materials and architectural features while retaining adequate amenity and privacy.

Policy BE7 - Development in Conservation Areas seeks to preserve or enhance the special character or appearance of the area through siting, scale, design and proportions which are sympathetic and compatible with adjacent buildings.

Policy T5 applies County Council highway standards to new developments in terms of both highway design and parking targets unless a different level of provision can be justified.

Policy REC3 requires all new residential development to provide outdoor play space for children.

Other Guidance

Further guidance is provided within the Borough Council's Supplementary Planning Guidance for residential development and the Play and Open Space Supplementary Planning Guidance.

**Appraisal:-**

The main considerations with regards to this application are:

i. Principle of residential and employment development
ii. Density
iii. Layout, design and impact on the Conservation Area
iv. Impact on neighbours
v. Access and parking provision
vi. Contributions

Principle of residential and employment development

The site is located within the settlement boundary of Hinckley therefore the principle of residential use is accepted. The dental laboratory element of the proposal already exists on the site and would be relocated to the proposed location. Policy EMP4 states that an employment use would be also be acceptable in principle subject to impact on the amenity of neighbours and the character of the area, design, parking and traffic generation.

Density

The application proposes 9 dwellings on a site of 0.1 hectares which equates to 90 dwellings per hectare. This is considered acceptable for an apartment scheme close to the Coventry Road with its transport options and services.

Layout, design and impact on the Conservation Area

The position of the proposed block continues the terrace of properties from the Port House on Coventry Road. The ridge height steps down from the adjacent recently approved residential development reflecting the fall in ground level from the road to the site. It is considered that siting the block in this position reflects the existing form of development.

The design includes features to reflect a historic wharf side warehouse including large arched features from ground to first floor on the front elevation and blind windows and sliding doors to the southern elevation which will be visible from the main canal. The design also includes glazing to three of the arches and projecting glazed entrances to give the appearance of a modern conversion. A similar design approach was approved on the adjacent development.

The design is considered to reflect the adjacent development while also reflecting the change in levels between the two sites. The proposal is a modern design incorporating features of a historic development and is considered to be a suitable approach in this location.

The proposal is considered to be an enhancement to this part of the Conservation Area which currently accommodates single storey industrial buildings of no merit. The proposed building, surfacing of the access and landscaping will be an improvement to the current appearance of the area.

Impact on neighbours

Objections have been raised regarding the potential loss of access to areas beyond the application site. Any existing access rights will need to be retained by the applicant both during and following development. This is considered to be a private matter and not a material consideration of the application.

Given the siting of the proposal the only existing residential property which may suffer a loss of amenity is 314b Coventry Road which is positioned to the south-east of the site. While this property is a bungalow the land on which it sits is around 2.5 metres higher than the application site reducing the appearance of the proposal to a 2 storey proposal with rooms in the roof.

The southern elevation has been designed with lower panes of obscure glazing on upper floors to prevent overlooking. Sliding door features on this elevation could lead to overlooking, therefore a condition to restrict the opening of these is suggested. These sliding doors serve rooms that already benefit from full length openings on the front elevation and therefore restricting the opening is considered reasonable.

While the rear elevation is not seen from any public vantage point, improvements to the distribution of the windows on this elevation is currently being discussed with the applicant's agent.

Access and parking provision

The application proposes to use the existing access to the site. The Director of Highways, Transportation and Waste Management (Highways) has requested further details on improvements to this access and on the dental laboratory use of the site and its potential for additional traffic generation. While this information will be presented as a late item, it is considered that these concerns will not lead to an objection from the Highway Authority subject to access improvements.

Parking is accommodated as an undercroft and also opposite the site. Under Local Plan parking standards, the proposed 9 apartments would require 13 spaces which would leave 5 spaces for the office and dentist use. Further details on these elements of the scheme have been requested from the applicant's agent to allow an assessment of parking needs to be made. These details will include whether the dental laboratory, clinic and office space will all be used together possibly reducing the parking demand. These further details will be reported as a late item.

Contributions

While requests for contributions have been sought from Leicestershire County Council and the Primary Care Trust, the development is a net gain of 9 dwellings and is therefore below the threshold for these contributions.

Contributions towards Play and Open Space can be sought as the proposal is within 400 metres of the Nutts Lane Sports Ground. In this instance a contribution of £1,241 per dwelling can be sought towards improvements to the quality of existing play provision as set out in the Green Space Audit 2005.

Conclusions

While final comments from the Director of Highways, Transportation and Waste Management (Highways) and the Head of Community Services (Pollution) are awaited, it is considered that these are unlikely to object to the proposal. The siting and design of the scheme is considered to be appropriate for this location within the Conservation Area and the parking and amenity provision is considered adequate. The application is therefore considered acceptable.

**RECOMMENDATION :- Permit subject to the following conditions :-**

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies RES5, BE1, BE7, EMP4, T5 and REC3 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 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed building 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.

3 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. These details shall include:

(i) proposed finished levels or contours
(ii) means of enclosure
(iii) car parking layouts
(iv) other vehicle and pedestrian access and circulation areas.
(v) hard surfacing materials
(vi) minor artefacts and structures (e.g. bin stores, lighting, etc.)
(vii) proposed and existing functional services above and below ground (e.g. meter boxes etc.)
(viii) planting plans
(ix) written specifications
(x) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(xi) implementation programme.

4 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.

5 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.

6 The windows to be inserted in the southern elevation shall be obscure glazed as shown on approved plan no. 3634/2008/03/H and the sliding doors shall be none openable and both shall retained as such at all times thereafter.

7 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

**Reasons :-**

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

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

3 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.

4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.

5 To ensure the provision of Play and Open Space to accord with policy REC3 of the adopted Hinckley and Bosworth Local Plan.

6 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

7 To ensure the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to accord with Policy NE14 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 Condition 5 refers to play and open space contribution. In this instance a contribution of £1,241 per dwelling is required towards the provision and maintenance of off-site Public Open Space.

**Contact Officer:-** Mr P Metcalfe Ext 5740