Item: **09**

Reference: **11/00809/CON**

Applicant: **Benchmark**

Location: **5 Wharf Yard Hinckley**

Proposal: **PART DEMOLITION OF EXISTING BUILDINGS TO FACILITATE DEVELOPMENT**

Target Date: **14 May 2012**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is anticipated that five or more objections will be generated.

Application Proposal

This application seeks Conservation Area Consent for the part demolition of 3 no. existing single storey industrial units.

Three single storey industrial units currently located on the site, include Unit 4, which is a dental clinic that received temporary consent (ref: 08/00148/COU) which expired on the 30 June 2011, and Units 5 and 6, which are currently unused.

Members are advised that this application should be read in conjunction with planning application (ref: 11/00808/FUL) which proposes the erection of 9 no. apartments, 2 no. office units, dental laboratory and clinic with associated vehicular access and parking. As such the buildings are proposed to be demolished to allow for proposed re-development on site, with the eastern wall to be retained.

The Site and Surrounding Area

Land levels differ considerably on site and within the surrounding area, the access slopes down from Coventry Road, the site itself is predominantly flat, whilst the land to the east of the site is approximately 2.5 metres higher. The adjacent site to the north, referred to as 'Phase I' was subject to an application for 6 apartments which was approved in 2006 (06/00757/FUL) and subsequently implemented. To the east of the site is a commercial yard with associated parking and to the south east a garaging area for a detached bungalow at 314b Coventry Road. To the south of the site the access continues to the branch of the canal.

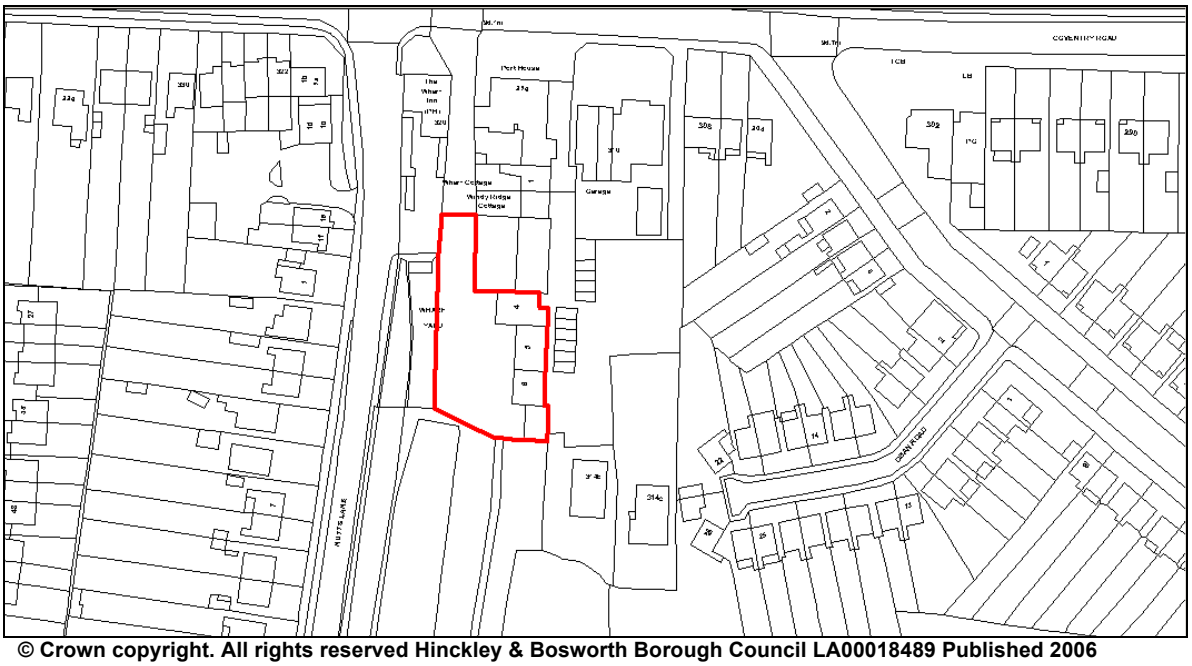
The site is located within the settlement boundary of Hinckley and within the Ashby de la Zouch Canal Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan.

Technical Documents submitted with application

The application is accompanied by a Heritage Statement which details the surrounding development and states that the form of the development has taken shape as a result of the discussions and consultation for Phase I of the development.

Relevant Planning History:-

11/00808/FUL	Dental laboratory and clinic with two office units and nine apartments with vehicular access and parking	Pending	
11/00237/BOC	Enforcement Enquiry	Pending this decision	
08/00136/FUL	Dental laboratory and clinic with 2 no. office units and 9.no apartments with vehicular access and parking	Approved	11.04.08
08/00148/COU	Temporary dental clinic	Approved	11.04.08
06/00757/FUL	Demolition of existing workshop and offices and erection of 6 residential units	Approved	06.09.06



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Consultations:-

No objection has been received from Ashby Canal Association.

No objection subject to conditions have been received from:-

Directorate of Chief Executive (Archaeology)
Head of Community Services (Land Drainage)
Head of Community Services (Pollution).

The Inland Waterways Association supports the this development, however considered that the disabled car parking space and cycle storage area reduce the limited landscaping proposed to the detriment of the Canal Conservation Area, and suggests that the disabled parking space in particular be relocated so as to retain an open landscaped area adjacent to the canal boundary. Therefore, whilst supporting the previous plans the Inland Waterways Association objects to these amendments.

British Waterways does not wish to formally comment on this application.

Site notice and Press notice were displayed and neighbours notified.

Three letters of objection have been received raising the following concerns:-

a) the proposal encroaches upon a legal right of access
b) the access is inadequate for emergency vehicles
c) the surface water drainage is inadequate and will lead to surface water flooding
d) there is no surface water discharge point
e) the roof water drainage is inadequate and will lead to flooding
f) the proposals involve changes to private property for which there is no consent
g) there are subsidence problems and the east facing retaining wall will be removed and could collapse.

The consultation period remains open at the time of writing and closes on 26 April 2012. Any further consultation response received before the closing date will be reported and appraised as a late item.

Development Plan Policies:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance: East Midlands Regional Plan 2009

None relevant.

Local Development Framework Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE8: Demolition in Conservation Areas

Other Material Policy Guidance

The Ashby Canal Conservation Area Appraisal

Appraisal:-

The main consideration in the determination of this application is the impact of the demolition of the building upon the character and appearance of the Conservation Area.

Impact upon the Character and Appearance of the Conservation Area

The proposed development involves the part demolition of existing single storey industrial buildings. The wall to be retained is the eastern wall bordering the commercial yard and parking and garaging area for a detached bungalow at 314b Coventry Road.

Policy BE8 Demolition in Conservation Areas must be considered against the NPPF and weight attributed to the policy according to its consistency with it. The policy is considered to be both consistent with both the overarching intention of the NPPF and statutory requirements within Section72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 to preserve or enhance the character or appearance of that area.

The buildings currently fall under Use Class B1 and with a lapsed temporary consent for a dental clinic. All three units are single storey modern brick with slate roofs which are not considered to make a significant positive contribution to the immediate street scene, the wider area or the character and appearance of the Conservation Area to deem it worthy of retention. It is considered that the units currently detract from the character and appearance of the Conservation Area, and as such there is no in principle objection to their removal.

It should be noted a development is proposed and being assessed under planning application ref: 11/00808/FUL. It is considered that the development put forward under planning application 11/00808/FUL proposes a scheme which will enhance the character and appearance of the Ashby de la Zouch Canal Conservation Area. It is considered that following the removal of the buildings, this will allow for an additional scheme which is considered to be of a wider benefit and will make a positive contribution to the historic environment, in line with the intentions of the NPPF.

Due to the siting of the development within the Conservation Area, it is considered necessary to prevent the demolition until immediately prior to redevelopment, to ensure that the clearance following a demolition does not have a negative impact on the Conservation Area. It is therefore necessary to impose a planning condition to secure this.

The neighbouring letters of objections relate to and are therefore appraised within application 11/00808/FUL.

Conclusion

In conclusion, the proposed demolition involves the removal of three industrial units which are considered detrimental to the character and appearance of the Ashby de la Zouch Canal Conservation Area. A comprehensive replacement scheme is currently under consideration and is considered to enhance the character and appearance of the Conservation Area in line with the guidance within the NPPF.

The impact of demolition upon the Conservation Area and the potential for construction to follow within a reasonable timeframe can be controlled by an appropriate condition so that the cleared site does not blight the Conservation Area longer than necessary.

Accordingly it is recommended that Conservation Area Consent is granted, subject to the imposition of planning conditions.

RECOMMENDATION:- To grant conservation area consent for the demolition, subject to new significant material objections being received prior to the expiry of the consultation period on 26 April 2012 and 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 according to their degree of consistency with the National Planning Policy Framework, 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 as it is considered that the demolition of the industrial units would not be detrimental to the character and appearance of the Conservation Area and there is a suitable replacement scheme proposed.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policy BE8.

1 No demolition hereby permitted shall be undertaken unless and until full planning permission has been obtained for the redevelopment of the site and a binding contract for carrying out of the works of re-development of the site in accordance with that planning permission has been entered into.

2 No development shall take place until a timetable for the scheduling of demolition and construction works has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed timetable of works.

3 The demolition hereby permitted shall not be carried out otherwise than in complete accordance with the details: Site Location & Block Plans Drawing No. 3929/01 and (existing) Elevations Drawing No. 3442/03 rev. H received by the Local Planning Authority on 19 March 2012.

Reasons :-

1&2 To protect the character and appearance of the conservation area in the interests of visual amenity to accord with Policy BE8 of the adopted Hinckley and Bosworth Local Plan.

3 For the avoidance of doubt and in the interests of proper planning.

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 6 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 Should permission be granted, you are reminded to comply with the conditions of application reference: 11/00808/FUL.

Contact Officer:- Ebbony Mattley Ext 5691