DELEGATED REPORT

Recommendation Made: 8 December 2008

Reference:- 08/00983/FUL **Parish:-** Hinckley

Applicant:- Mr Rob Middleton
46 Priesthills Road
Hinckley
Leicestershire
LE10 1AJ

Location:- 3 Wharf Yard Hinckley Leicestershire LE10 0NQ

Proposal:- FORMATION OF VENT

Introduction:-

This application is for a louvred motorised vent in the rear elevation of the development granted planning permission under reference 06/00757/FUL . The vent of this size is required by Building Regulations in case of fire and will be linked to an alarm, it is intended to clear the staircase of smoke in case of fire. The vent will be fixed and only opened in the event of fire. It is to be located on the rear elevation of the development which is substantially complete.

The Design and Access Statement submitted with the application states that the vent proposed is in an elevation which is on the boundary of the site and the neighbour did not want fans protruding into his garden area.

History:-

04/00440/FUL	Demolition of existing workshop and offices and erection of six flats	Withdrawn	07.04.04
04/00442/CON	Demolition of existing workshop and offices to enable the erection of six flats	Withdrawn	07.04.04
03/00094/FUL	Demolition of existing workshop and offices and erection of six flats	Approved	30.01.03
03/00095/CON	Demolition of existing workshop and offices to enable the erection of six flats	Approved	30.01.03
03/00094/FUL	Demolition of existing workshop and offices and erection of two three-storey dwellings	Withdrawn	30.07.02
03/00095/CON	Demolition of existing workshop and offices to enable the erection of two three-storey dwellings	Withdrawn	30.07.02
01/01106/FUL	Extension and alteration to workshop to provide one flat	Approved	31.01.01
06/00757/FUL	Demolition of workshop and offices and erection of 6 residential units	Approved	06.09.06

Consultations:-

Director of Highways Transportation and Waste Management no observations.
Director of Community services (Ecology) notes the presence of water voles in the vicinity.
Head of Community Services (Land Drainge) no observations
Head of Community Services (Pollution) no observations

The Conservation Officer would have preferred a design of different dimensions which reflects the design of windows and dummy openings on this elevation, however, the applicant have explained that the dimensions are a building regulations requirement and cannot be altered, the applicant is however willing to provide cill and header details and to paint the vent black in order to make it less obtrusive.

Neighbour notification for new flats returned so additional letter sent by hand on 19 November 2008.

Development Plan Policies:-

The site is within the settlement area for Hinckley defined in the adopted Hinckley & Bosworth Local Plan.

Policy BEI of the Local Plan states that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area; where they comply with appropriate design, layout, highways and parking standards to ensure that it does not detract from the general character of the area or the amenities of adjoining residents; and incorporate landscaping to a high standard.

The site is within the Ashby Canal Conservation Area. Policy BE7 of the Local Plan states that planning permission for development in Conservation Areas will not be granted for proposals which would harm their special character or appearance.

The site forms part of a group of buildings to the rear of the Port House, a grade II listed building. Policy BE5 of the Local Plan seeks to preserve and enhance the setting of listed buildings.

Appraisal:-

The vent is to be located on the rear elevation which is bounded by a private garden and boundary treatments beyond, it will not be visible to the street and will not be prominent to neighbouring dwellings, views from the conservation area or the adjacent listed building. Whilst it is unfortunate that the vent needs to be provided, it is not considered to be so intrusive that it would warrant refusal.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to representations received and the 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 by virtue of its siting, location and design would be in accordance with the development plan and would not be detrimental to neighbours, the Conservation Area or the streetscene. Policy Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE5 and BE7

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

2 Within 2 weeks of the development hereby approved being installed, the external vent shall be painted matt black.

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 and BE7 of the adopted Hinckley & 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. 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 List of plans used in the determination of this application:-
Site location plan, Drawing 3795/03.

Contact Officer:- Louise Forman Ext 5682