Item: **05**

Reference: **11/00363/CON**

Applicant: **Mr Roy Hartley**

Location: **67 Stockwell Head Hinckley**

Proposal: **DEMOLITION OF GARAGE**

Target Date: **4 July 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it raises local controversial issues.

Application Proposal

This application seeks permission for Conservation Area Consent to demolish a single storey garage.

Members are advised that this application is read in conjunction with planning application (ref: 11/00271/FUL) for 62 Castle Street, Hinckley which proposes the change of use from a butchers shop to retail and assembly of kitchen units and creation of first floor living accommodation, erection of two extensions and conversion of outbuildings to create a reception area, display area and assembly of kitchen units, with office use above.

As such the garage is proposed to be demolished to allow for an entrance to the existing buildings and proposed extensions within Lilley's Yard.

The Site and Surrounding Area

The site is adjoined to the east by No. 67 'Hinckley Tile Services'. Adjacent to the garage to the west is Lilley's Yard which forms a footpath through to Castle Street.

The site is located within Hinckley Town Centre, and within Hinckley Town Centre Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan.

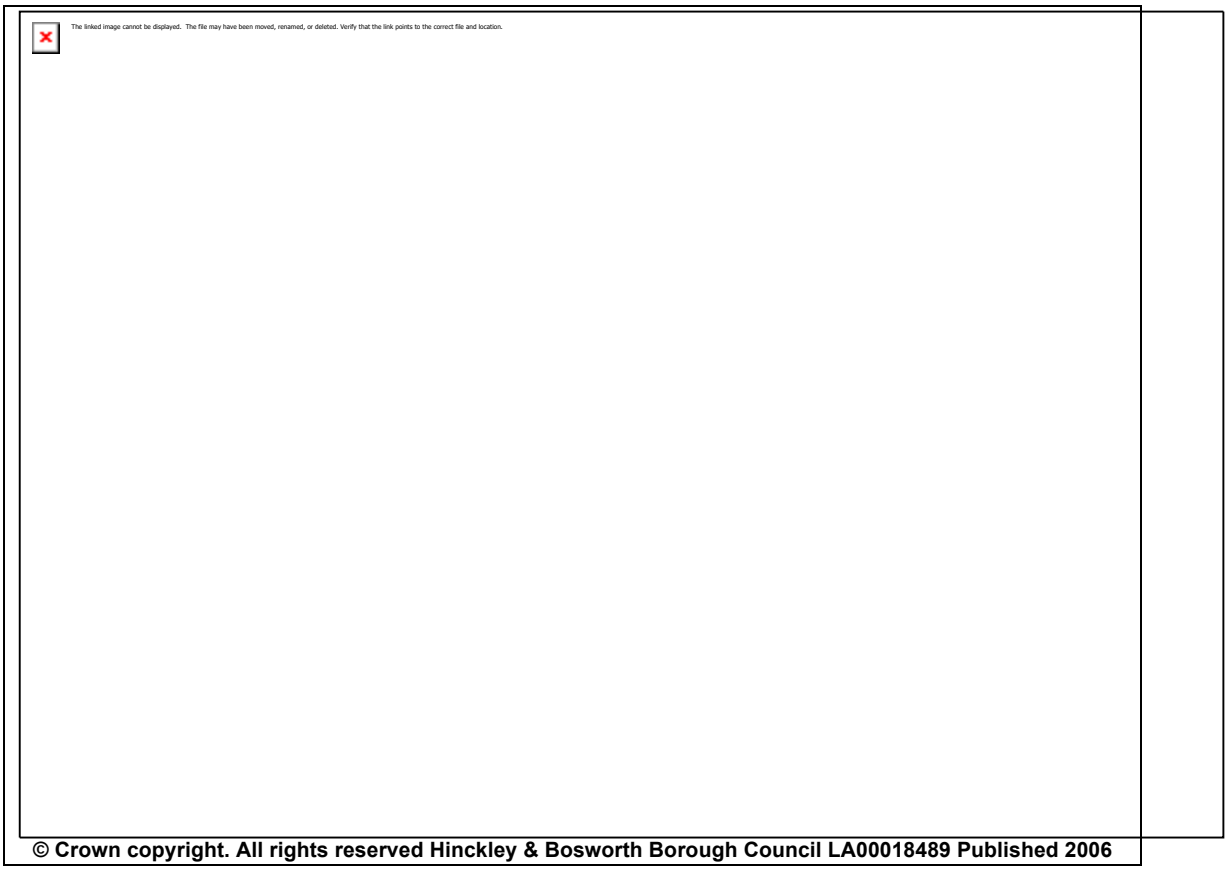
Technical Document submitted with application

The application is accompanied by a planning and Heritage Statement which states that the building is a lean-to, mid twentieth century garage with a corrugated sheet roof, a mix match of bricks which overall has no merit.

History:-

11/00271/FUL	Change of use from butchers to retail and assembly of kitchen units, demolition of garage, erection of outbuilding and creation of first floor accommodation	Pending

94/00250/FUL	Installation of roller shutters	Approved	19.05.94
91/00486/4	Rear extension to shop	Approved	25.06.91
89/00416/4	Installation of satin silver anodises security shutters	Approved	23.05.89
86/00286/4	Extension to rear of shop premises	Approved	29.04.86
76/01016/4M	First floor extension to accommodate staff room and repair workshop	Approved	24.08.76



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Consultations:-

No objection/comments have been received from Ramblers Association.

Director of Environment and Transport (Rights of Way) states that the applicant will be responsible for ensuring that the right of way (footpath V114) remains accessible at all times and that pedestrians are not exposed to any potential danger associated with the works while using it.

One letter of objection has been received raising concerns on the following grounds:-

a) Amount of noise whilst work is carried out; living on a building site; residential and business properties do not mix.

At the time of writing the report comments have not been received from Historic Buildings Panel.

The consultation period remains open at the time of writing this report and closes on 13 June 2011. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' 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 5 (PPS5): 'Planning and the Historic Environment' sets out how applications affecting heritage assets should be determined; it requires Local Planning Authorities to assess impacts on the historic environment.

Regional Policy

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

No relevant policies.

Local Development Framework Core Strategy 2009

Spatial Objective 11: 'Built Environment and Townscape Character' states that the borough's distinctive built environment including Conservation Areas, Listed Buildings and historic industries should be safeguarded, enhanced and where necessary regenerated.

Policy 1: 'Development in Hinckley' requires new development to respect the character and appearance of the Hinckley Conservation Areas by incorporating locally distinctive features of the Conservation Area into the development.

Hinckley and Bosworth Local Plan 2001

The site is within the settlement boundary of Hinckley and within Hinckley Town Centre Conservation Area as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE8: 'Demolition in Conservation Area' states that applications for the demolition of buildings in conservation areas will be refused except where it can be demonstrated that the loss of the building will not be detrimental to the character or

appearance of the conservation area and that there are proposals for its replacement which would preserve or enhance the character or appearance of the conservation area.

Other material policy guidance

The Hinckley Town Centre Area Action Plan (AAP) was adopted through Full Council on 21st March 2011, as such, it currently forms a formal development plan document for Hinckley Town Centre as part of the Local Development Framework. The application site falls within the Hinckley Town Centre Area Action Plan boundary.

No specific policies relating to the Hinckley Town Centre Conservation Area.

Appraisal:-

The main considerations in the determination of this application are the impact of the demolition of the garage upon the character and appearance of the Conservation Area.

Impact upon the Character and Appearance of the Conservation Area

The proposed development involves the demolition of a single storey garage. The garage building has undergone a number of alterations over the years leading to a structure with a number of different brick types, a corrugated sheet roof, and the infill of a door with a rendered panel. Whilst the garage provides development across the road frontage it is not considered that the garage makes a significant positive contribution to the streetscene and character and appearance of the Hinckley Town Centre Conservation Area to deem it worthy of retention. It is considered that the existing garage detracts from the character and appearance of the Conservation Area, and as such there is no in principle objection to its removal.

Saved Policy BE8 requires redevelopment proposals to be in place where structures/buildings are to be demolished within Conservation Areas. It is noted that there is development proposed being assessed under planning application ref: 11/00271/FUL, however there is no such replacement scheme for the garage.

Instead the garage is proposed to be demolished to allow an access to serve the loading area for the kitchen assembly unit, as proposed under application ref: 11/00271/FUL, which would be the vehicular access for the development as a whole. As such it is considered that the loss of the garage across the road frontage is necessary for the requirements of the proposed use and thus to bring the development forward. It is not considered necessary to enclose this space, in the interests of highway safety, given that visibility will be required for vehicular manoeuvres.

It is considered that the development put forwarded under planning application 11/00271/FUL proposes development upon the wider area of the site which is considered to at least preserve the character of the Hinckley Town Centre Conservation Area. As such the replacement is considered in accordance with Saved Local Plan Policy BE8 of the adopted Local Plan.

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. As such it is considered necessary to impose a planning condition to ensure this.

In response to the neighbouring letter of objection, noise during construction is not a material planning consideration. The other concerns directly relate to and have been appraised within application 11/00271/FUL.

Conclusion

In conclusion, the proposed demolition involves the removal of a garage which is considered detrimental to the character and appearance of the Hinckley Town Centre Conservation Area. There is a comprehensive replacement scheme currently under consideration for the wider site which is considered to preserve the character and appearance of the Conservation Area. The impact of demolition upon the Conservation Area and the potential for construction to follow within a reasonable timeframe can be controlled by the imposition of an appropriate condition to ensure that the cleared site does not blight the Conservation Area for a long period of time.

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

RECOMMENDATION:- Subject to no material objections being received prior to the expiry of the consultation period on 13 June 2011, to grant Conservation Area Consent for the demolition, 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 as it is considered that the demolition of the garage would not be detrimental to the character and appearance of the Conservation Area.

Hinckley & Bosworth Local Plan (2001):- BE8

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policy 1

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

2 The demolition hereby permitted shall not be carried out otherwise than in complete accordance with the details: OS Site Plan (1:1250) and Drawing No B10/13/E01C received by the Local Planning Authority on 9 May 2011.

3 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.

Reasons:-

1 To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

3 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 & 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 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: 11/00271/FUL.

6 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

Contact Officer:- Ebbony Mattley Ext 5691