COMMITTEE EXTRACT

Committee Date: 1 July 2008

Reference:- 08/00496/FUL **Parish:-**

Applicant:- Mr Michael Ford
1 Forresters Road
Burbage
Hinckley
Leicestershire

Location:- The Cottage Station Road Hinckley Leicestershire LE10 1AP

Proposal:- DEMOLITION OF DWELLING AND ERECTION OF NINE APARTMENTS (AMENDED SCHEME)

Introduction:-

This is a full application for the demolition of an existing dwelling known as "The Cottage" and the erection of a three storey block of nine, one bedroomed apartments with associated car parking and amenity space. This is an amended scheme following a refusal of planning permission ref. 07/01175/FUL.

The site is located on the corner of Station Road and Coley Close, in a predominantly residential area. The development consists of a large detached building fronting onto Station Road. Although the building is described as three storey ,the third storey is contained within the roof space. It is proposed to use the existing access off Station Road as the entrance point and to provide an exit point off Coley Close. 12 car parking spaces are shown within the site, 8 of which are sited along the southern boundary, the remainder located on the exit point adjacent to Coley Close.

The application has been accompanied by street scenes and a design and access statement which states that "the proposal follows the general character of the recent developments on adjacent land by using a gabled roof construction, dark facing bricks for walls and using dark concrete tiles for the roof finish."

History:-

92/00129/4	Dormer to side elevation	Refused Appeal dismissed	28.04.92
04/00221/COU	Change of use from residential to bed and breakfast	Withdrawn	13.07.04
07/01175/FUL	Demolition of dwelling and erection of nine apartments	Refused	21.11.2007

Consultations:-

No objection has been received from :-
E-on Central Networks
Head of Community Services (Pollution).

No objection subject to conditions have been received from Severn Trent Water Limited.

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

a) scale;
b) traffic congestion to Coley Close and more traffic to the lower end of Station Road;
c) car parking issues;

d) no need for flats in area as many stand empty;
e) noise and disturbance;
f) loss of privacy;
g) contamination;
h) drainage;
i) impact on wildlife;
j) impact on infrastructure;
k) concentration should be on Town Plan;
l) overshadowing;
m) decrease property value;
n) loss of light;
o) applicant does not live in area.

At the time of writing the report comments have not been received from:-

Director of Highways, Transportation and Waste Management (Highways)
Head of Community Services (Land Drainage)
Environment Agency.

Development Plan Policies:-

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 (PPS3) advises local planning authorities to promote developments that combine a mix of land uses and makes the most efficient use of land. It advises that local planning authorities should reject poor design and that applicants for housing development should be able to demonstrate how they have taken account of the need for good layout and design and how their proposals reflect the guidance set out in the Planning Policy Statement.

The Local Plan

The site lies within the settlement boundary for Hinckley in the adopted Hinckley and Bosworth Local Plan.

Policy RES5 of the Local Plan states that planning permission will only be granted for new residential development on sites not specifically allocated in the Local Plan for housing provided they lie within an urban area and their siting, design and layout does not conflict with the relevant plan policies.

Policy BE1 of the adopted Local Plan states that the Borough Council will seek to ensure a high standard of design in order to safeguard and enhance the existing environment and that planning permission will be granted where the development complements or enhances the character of the surrounding area with regard to design, materials and architectural features, and is not prejudicial to the comprehensive development of a larger area.

REC3 New Residential Development - Outdoor Play Space for Children requires the appropriate level of open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area. Supplementary Planning Guidance (October 2002) gives further advice regarding the provision of Play and Open Space. Green Space Strategy (October 2005 - updated 2007) sets out the vision for green space provision and identifies priorities and targets for improving parks and countryside service.

Policy T5 of the adopted Local Plan refers to the application of highway design and vehicle parking standards.

The Borough Council's adopted Supplementary Planning Guidance on New Residential Development (July 1997) provides further guidance for developers on density, design, layout, space between buildings and landscaping/boundary treatments along with highways and parking. The main aims of the guidance are to ensure that new developments are well integrated into their surroundings and offer a good standard of security and amenity to future residents whilst protecting the amenity of existing occupiers. Housing developments should make efficient use of land and be of appropriate density taking into account the general character of the surrounding area and the provision of necessary open spaces. Layout should seek to maximise amenity and visual interest and provide safe and convenient vehicular and pedestrian access.

Appraisal:-

The main considerations with regards to this application are the impact of the development on neighbouring properties and design.

Principle

The site lies within the settlement boundary for Hinckley therefore residential development is considered acceptable in principle.

Layout and Design

The street scene consists a mix of both commercial and residential development, varying from dormer bungalows to three storey buildings all set back from the road frontage. The site area is approximately 700m 2 and currently occupies a large detached dwelling positioned centrally within the plot. The southern and western boundaries are densely planted with mature trees and shrubs. The north eastern boundary is splayed as it adjoins the highway boundary on the corner of Coley Close and Station Road. A fence and planting is positioned along the boundary and a relatively deep grassed area and footpath is located forward of that.

The front elevation facing Station Road appears in two parts; a large block which includes a centrally positioned entrance, ground floor bay windows and dormer windows together with a subservient element which projects along the Coley Close elevation. The building is proposed to have a set back of 3.5m from the highway boundary with a 9.5m set back of the subservient element. The elevation to Coley Close is staggered in height and extends to within 1m of the boundary to No. 17 Coley Close. The exit point is in the form of an arched undercroft. Amenity areas are located along the boundary to No. 17 Coley Close and on the corner of Coley Close and Station Road. Eight car parking spaces are proposed along the southern boundary and four spaces are located adjacent to the exit point to Coley Close. The scheme includes the retention of existing mature trees and boundary treatments together with additional landscaping at key points within the site. A dwarf wall with piers and iron railings is proposed along the Station Road and Coley Close boundaries.

The site occupies a very prominent location on Station Road/Coley Close and as an end stop to Springfield Road. The set back nature and design of the proposal, which incorporates key features on both the Station Road and Coley Close elevations together with a variation and staggering of the rooflines is considered to reflect the character of the street scene generally. This amended scheme is considered to overcome the previous reason for refusal relating to design.

With regard to the impact of the proposal on neighbouring properties; the properties most immediately affected by the development are Nos. 17 Coley Close and 1-6 Royal Court. Given the internal layout of the building and siting of the developments, with mature planting along the common boundary it is considered that the amenities of the occupiers of Royal Court would not be significantly affected by this development. No. 17 Coley Close is a dormer bungalow located to the rear of the site. The proposal includes a landscaping scheme which retains an existing mature conifer hedgerow planted along the common boundary to No. 17. A 2m high fence is also erected to the outside edge of that boundary. The building is proposed to extend to within 1m of the boundary to 17 Coley Close and steps down in height at this point to 7.5m. Whilst the proposal extends beyond the front and rear walls of No. 17 given the design of the proposal, distance from the boundary to that property together with the positioning of windows (with no habitable room windows located on the side elevations of both properties) it is considered that the proposal would not result in any significant impact on the amenities

of its occupiers. The scheme includes an adequate boundary treatment between the sites retaining a mature conifer hedge which exceeds the eaves height of No. 17 and the lower eaves of the proposal which also serves to maintain the privacy between the units. This revised scheme is considered to address the reasons for refusal set out in the previous application which relate to residential amenity.

Highway Considerations

The County Highway Authority raised no objections to the previous scheme. Whilst no comments have been received at the time of writing this report relating to this revised application the scheme has not altered in terms of highway impact from the previous scheme. The highway comments will be reported as a separate item.

Financial Contributions

The site is within 400 metres of public play and open space, therefore a financial contribution of £9,928 towards the provision and maintenance of informal public play and open space will be required in line with policy REC3 of the adopted Hinckley and Bosworth Local Plan, the Council's Play and Open Space Guide together with the objectives of both the adopted Green Space Strategy.

Conclusion

It is considered that the principle of development is acceptable in this location and the proposal addresses the reasons for refusal set out in planning application 07/01175/FUL. While final comments from the Director of Highways, Transportation and Waste Management (Highways) and Environment Agency are awaited, it is considered that these consultees are unlikely to object to the proposal. The scheme is therefore considered acceptable.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies RES5, BE1, REC3 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 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed development 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 Notwithstanding the submitted details, before the development is commenced on site, full details of the proposed bin stores, including elevations and external materials, shall be shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

4 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.

5 Notwithstanding the submitted details and before any development hereby permitted is commenced on site a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the treatment of all ground surfaces together with plant species, size and numbers and their disposition throughout the site. The development shall then be carried out in accordance with the approved details.

6 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.

7 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.

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 development has a satisfactory external appearance and that adequate provision for bin storage is provided to serve the proposed development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

4 To ensure that the development is provided with a 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.

5 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

7 To ensure that the development contributes towards the provision of public play and open space facilities within the vicinity of the site to accord with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Guidance on Play and Open Space.

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.

Contact Officer:- Cathy Horton Ext 5605

Before first occupation of the development hereby permitted, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

Reason: To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

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

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.

Before the development hereby permitted is first used, off-street car parking provision shall be made within the application site in accordance with the submitted plan. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

Before first use of the development hereby permitted, the vehicular accesses to the site shall be provided with 2 metre control radii on both sides of each access.

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway.

Before first use of the development hereby permitted the access drives and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the Highway boundary and shall be so maintained at all times.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

Note to Applicant

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 - (telephone 01455 287202).

Date Received	Date Of Inspection	Inspector	Signed Off
22/05/2008	05/06/2008	Matt Lennon	25/06/2008