DELEGATED REPORT

Recommendation Made: 26 August 2011

Reference:- 11/00516/FUL **Parish:- Hinckley**

Applicant:- Mr Alan Parker
Applebee House
2A Applebee Road
Burbage
Hinckley

Location:- 155 London Road Hinckley Leicestershire LE10 1HH

Proposal:- CONVERSION AND ALTERATION OF DWELLING TO FORM TWO FLATS

Introduction:-

This is a planning application for the conversion of an existing dwelling to form two flats, one at ground floor and one at first floor. The proposals also involve the insertion of a new window in the first floor southern elevation and the bricking up of an existing door to be replaced by a window to the rear of the dwelling. It is proposed to provide access to the ground floor flat via the pedestrian access along the southern boundary and the first floor flat will be accessed through the existing front door. The garden to the rear of the dwelling will be sub-divided into two separate gardens to serve the two flats.

The dwelling is constructed from red brick with a smooth dark tile.

Relevant Planning History:-

None

Consultations:-

No objections have been received from the Head of Community Services (Land Drainage and Pollution Sections).

No objection subject to conditions have been received from the Director of Environment and Transport (Highways)

A site notice was displayed and neighbours notified. 1 letter of comment has been received raising the following issues:-

a) noise and dust from construction
b) right of access to property will be blocked during construction period

At the time of writing this report no comments have been received from:-

Leicestershire Fire and Rescue
Ward Members

Development Plan Policies:-

National Planning Guidance

PPS1: Delivering Sustainable Development
PPS3: Housing
PPG13: Transport

Adopted Core Strategy

Policy 1: Development in Hinckley
Policy 16: Housing Density, Mix and Design
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001:-

IMP1- Contributions towards the provision of Infrastructure and Facilities
RES5- Residential proposals on unallocated sites
BE1- Design and Siting of development
T5- Highway Design and Vehicle Parking Standards
T9- Facilities for Cyclists and Pedestrians
REC3: New Residential Development- Outdoor play space for children

Supplementary Planning Guidance:-

SPG: New Residential Development
SPD: Play and Open Space

Appraisal:-

The main considerations in this case are the principle of development, impact on neighbour amenity, highway implications and impact of development upon the character and visual amenity of the area and other issues.

Principle of development

The site lies within the settlement boundary for Hinckley where there is a presumption in favour of residential development. The proposals involve the conversion of the existing dwelling to form two flats. The site is located in a residential area where there are a number of dwellings that have been converted for use as flats. Therefore the development is considered to be acceptable in principle.

Neighbour amenity

The conversion of both floors to form two flats will ensure that the residential use of the building is retained. Therefore there is no potential loss of amenity to adjacent properties arising from the introduction of a conflicting use in this residential area. The external works proposed to the dwelling include a new window to be formed to the rear elevation and a first floor bedroom window along the southern elevation. The new window to the rear elevation will be at ground floor level (to serve the ground floor flat) and will serve a bathroom. This new window to the ground floor flat will overlook the existing garden. The first floor bedroom window to be formed in the southern elevation to serve the first floor flat will overlook the customer car park belonging to the adjacent convenience store. In both instances these proposed window openings to the two flats will not overlook neighbouring properties or their gardens.

It should be noted that the majority of building works will be contained within the existing dwelling to form the two flats. In terms of noise and dust generation from construction work this will be limited to a short period of time and the planning system is concerned with land use planning and long term impacts. There are other statutory controls that exist that control statutory noise, disturbance, and pollution.

A neighbouring resident states that they have a legal right of way across the rear garden of 155 London Road and along the pedestrian access that runs along the southern boundary. This access would be required to remain unobstructed at all times during the construction period as it is a means of escape from the dwelling. Therefore there is no reason to suggest that this access will become obstructed during the construction process.

Highway issues

No objection subject to the imposition of a condition have been raised by Director of Environment and Transport (Highways). A planning condition requiring the provision of a secure cycle store to be provided at the rear of the site has been recommended.

The proposed development doesn't make provision for any off-street parking spaces. This is considered acceptable in this case as the site is located on a main highway thoroughfare into Hinckley Town Centre within reasonable walking distance of those facilities and is well served by public transport. The provision of a bike storage area to the rear of the site will encourage sustainable modes of travel by the potential occupants of the flats.

Impact on the street scene

As noted above the only external changes to the dwelling will be the provision of a first floor bedroom window in the southern elevation and the provision of a new window to the rear. This window to the rear will not be visible from the highway. Taking into account these proposed external changes their impact upon the street scene is considered to be negligible.

Other issues

Play and Open Space Contributions

The site is located within 400 metres of open space Queens Park (local open space). Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Council's SPD on Play and Open Space.

The request for any developer must be considered alongside the guidance contained within Circular 05/05 and more recently in the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Within the Green Space Strategy 2005-2010, Hinckley was found to have a deficiency of both equipped open space (-1.20) and outdoor sports (-12.50) for its population when compared with the National Playing Fields Standard.

The quality of the space has been considered within the Quality and Accessibility Audit of 2005 which awarded Queens Park a low quality score of 32.4%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. As the scheme results in a net gain of 1 residential unit a total figure of £1250.80 is sought for the provision and maintenance of this open space.

It is considered that Hinckley has a deficit of both equipped and outdoor sports areas and Queens Park has been shown to have a quality deficit relating to facilities. In particular the size of the two-bedroom flat at first floor level proposed is likely to appeal to families and given the proximity of the application site to these open spaces it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance.

The application is accompanied by a signed unilateral undertaking to secure the open space contribution.

Conclusion

The proposals involve the conversion of existing residential floorspace to form two new flats. The site is located in a residential area where there are a number of dwellings that have been converted for use as flats. The proposed development is not considered to result in loss of residential amenity, highway safety or be detrimental to the character and appearance of the street scene. Accordingly the proposed development is recommended for approval subject to conditions.

RECOMMENDATION:- Permit 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 the proposed development is not considered to result in loss of residential amenity or highway safety, it consists of the creation of two residential units within an existing dwelling and by virtue of the creation of limited new openings is considered to be in keeping with the character and appearance of the street scene.

Hinckley and Bosworth Local Plan (2001):- IMP1, REC3, RES5, BE1, T5, T9

Hinckley and Bosworth Adopted Core Strategy (2009):- Policies 1, 16 and 24.

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

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Floor Plans, Elevations, Block Plan and Site Location Plan received on 28 July 2011.

3 Before the commencement of development details of the appearance of the proposed cycle storage for each flat shall be submitted to and approved in writing by the Local Planning Authority and the cycle store shall be fully installed as approved before the first occupation of the appropriate flat

Reasons :-

1 To comply with the requirements of 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 ensure an appropriate method of cycle storage is provided and in the interests of sustainable travel, in accordance with policy T9 of the adopted Local Plan 2001.

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).

Contact Officer:- Scott Jackson Ext 5929