Appeal Decision

Hearing held on 27 August 2008
Site visit made on 27 August 2008

by Andrew Jeyes BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

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Decision date:
4 September 2008

Appeal Ref: APP/K2420/A/08/2074009
Dennis House, 4 Hawley Road and 68 Station Road, Hinckley, Leicestershire LE10 0PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Cotswold Estates Limited against the decision of Hinckley & Bosworth Borough Council.
- The application Ref 07/01155/FUL, dated 20 September 2007, was refused by notice dated 20 December 2007.
- The development proposed is to convert [including some new build extensions], the existing building at 4 Hawley Road and 68 Station Road, Hinckley, into 42 one and two bedroom self contained flats, with common areas and facilities creating a sheltered housing complex with 682.16 sq. m. of employment space within the eastern block [68 Station Road] being retained and refurbished continuing with its B1, B2 and B8 use classification.

Application for costs

1. At the Hearing, an application for costs was made by Cotswold Estates Limited against Hinckley & Bosworth Borough Council. This application is the subject of a separate Decision.

Decision

2. I dismiss the appeal.

Procedural Matters

3. An amended plan was submitted to the Hearing. This plan was submitted to the Council on the day prior to the committee meeting that determined the application and the Council declined to consider it. The amended plan deletes a new build office extension between flats at 66 Station Road and The Railway Hotel and replaces it with an ingress that would lead down between the adjoining properties to the basement level of the existing building. Neighbours have not been consulted, revised elevational drawings have not been submitted and the Highway Authority had not previously seen this plan. For these reasons, I do not consider that I can consider the revised plan and I have based my decision on the plans submitted to, and considered by the Council, as part of the original planning application.

4. The site address was amended at the Hearing to include 68 Station Road.

Main Issues

5. I consider the main issues to be:-

a] the effect of the proposed development on the character and appearance of the area;

b] the effect of the proposal on highway safety in respect of the Station Road access and the provision of car parking; and

c] whether the lack of a financial contribution towards the provision of library and health facilities would lead to unacceptable pressure on existing facilities in the local area.

Reasons

Character and Appearance

6. The north side of Hawley Road, of which this site forms part, has a commercial character typified by small mill style buildings of two-storey height and simple design with regular features and patterns of fenestration. The forward projecting element of the appeal buildings, Dennis House, has been rendered and has replacement windows, but still exhibits the typical local characteristics. The buildings to the rear of the site, and those to No 68, are of a more traditional industrial appearance including blank walls, north facing roof lights and side glazing.

7. Dennis House forms a prominent feature in the street scene being visible from the Rugby Road junction and in extensive views from Southfield Road. There is a supermarket with a large open car park opposite the site and the appeal site forms a highly visible component to the outlook from this area. At the Hearing, the Council indicated that their main concern is in relation to the alterations and extensions proposed to the forward projecting element of the appeal buildings.

8. The proposed extensions would be significant additions to the existing building with only small elements remaining visible. The extensions would take the form of large projecting three-storey bays with hipped roofs, some conjoined, with either valleys or flat roofs between. The eaves to the extensions would be higher than the existing eaves line and produce a complex roof pattern. The extensions would produce a very busy elevation with inset elements, multiple roof heights, different roof forms and an irregular pattern of window positions and sizes. In my view, the extensions would be out of scale with the existing building, would not reflect the character of this end of the north side of Hawley Road and would not complement the area. In addition, the proposed wall topped with fencing to the raised car park across the remaining Hawley Road frontage would form a hard and unrelieved addition to the street.

9. The planning permission granted on the site, which involves building along the site frontage, would introduce a large building into the street scene. The artist's impression produced at the Hearing indicates to me a well-designed building that would not suffer from the deficiencies of the appeal scheme. Additionally, I consider that the appellants housing scheme built on Southfield Road, which does involve differing heights to buildings and elevations, is of good design with an integration of built form to produce a series of buildings that complement the street scene. Neither of these schemes convinces me that the appeal proposals are acceptable.

10. The Council indicated that this site forms part of an important gateway to the town centre for pedestrians from the railway station and for vehicles entering the town using Station Road. In my opinion, Station Road is only a minor gateway to the town centre, with the main vehicular access being via the nearby Rugby Road and

a more limited pedestrian use arising from the station. In addition, the site only has a limited value as part of any gateway, as the main aspect of the site is to Hawley Road and not Station Road. However, this does not lessen the importance of the site within the street scene.

11. For the above reasons I conclude that the proposals would harm the character and appearance of the area. They would conflict with saved Policy BE1 of the Hinckley and Bosworth Local Plan 2001 [LP], which aims to ensure a high standard of design that complements or enhances the character of the surrounding area.

Highway Safety

12. The proposals involve the use of an existing delivery access from Station Road on the northern side of No 66, which would lead down to a basement car parking area. This access, which would serve 16 car parking spaces, would have a width of some 3.8 metres with retaining walls to each side. In my view, the likelihood of two vehicles wishing to move in opposing directions along this access is high, which would involve one vehicle having to reverse. Vehicles reversing onto Station Road, where existing walls restrict visibility, would not be a safe manoeuvre and would be prejudicial to highway safety. The likelihood of reversing from the site is emphasised by the inadequate parking layout within the basement area, where congestion and lack of turning space would inhibit manoeuvrability.

13. The appellants indicate the high traffic generation that would have arisen from the site when in full use, but the Station Road access would only have served for deliveries with consequential low use that was capable of supervision. Car parking would have been accommodated in the surrounding area. This would not have given rise to the problems that I consider would arise from the submitted scheme.

14. For the above reasons I conclude that the proposals for the access to Station Road and for parking within the basement would harm highway safety. The proposal would be contrary to the aims of LP Policy T5 to ensure the continued safety and efficiency of the highway network.

15. The amended plan submitted at the Hearing indicated an alternative arrangement with ingress to the south of No 66 and egress to the north, the reduction of parking to 10 spaces and the removal of an office extension. For the reason already given, I am not prepared to accept this plan and, for the same reasons, I do not consider that a condition relating to this layout would be appropriate.

16. In respect of car parking elsewhere on the site, 40 car parking spaces would be proposed off Hawley Road to serve the residential element of the scheme. Standards are contained within in the Leicestershire County Council Design Guide: *Highways, transportation and development* which has been adopted following public consultation and to which I attribute considerable weight. The spaces indicated are generally below the length considered adequate and have inadequate manoeuvring room between spaces to work effectively. A number of spaces are bound by walls, so making them difficult to use, and no wider spaces suitable for persons with disabilities have been provided despite the scheme proposing sheltered housing where ambulatory difficulties are likely to arise.

17. However, it was confirmed at the Hearing that the residential accommodation would be under the control of an on-site warden and the Council indicated that the parking requirement for the residential element could be reduced to 16 spaces. The Council were satisfied that a satisfactory parking layout, including disabled bays, could be provided within the scheme with all spaces available for use, but that a condition requiring warden provision would need to be included to ensure

supervision at all times. I agree that such a condition regarding the warden would be reasonable in this case and that 16 parking spaces could be provided within the allocated area and leave space for additional landscaping that could benefit the scheme.

18. I therefore conclude that, subject to a suitable condition, adequate parking provision could be made in respect of the residential aspect of these proposals. No harm would therefore arise to highway safety and, in this respect, the proposals would comply with the aims of LP Policy T5 to ensure the continued safety and efficiency of the highway network.

Developer Contributions

19. Saved LP Policy IMP11 requires a contribution towards the provision of necessary on-site and off-site infrastructure and facilities to serve the proposed development commensurate with the scale and nature of the development proposed. Leicestershire County Council Supplementary Planning Guidance: *Statement of Requirements for Developer Contributions* has been adopted following public consultation and I attribute substantial weight to it. This SPG indicates the rates for contributions and provides a general indication for their use. In this case, the Council consider that a contribution is required towards library facilities and health care and have agreed that a sum of £14,360 would suffice.

20. The appellants have submitted a Unilateral Undertaking to pay this sum and the Council consider that a suitable undertaking would overcome the fourth reason of refusal. However, the undertaking submitted places specific requirements on the actions of the Council in respect of holding the contribution and repaying the contribution if not used within a specific timescale. The Council are not a party to the undertaking and, therefore, cannot be bound by any matters contained therein. The unilateral undertaking is therefore unacceptable.

21. No evidence has been submitted indicating the justification for a requirement towards health care and, other than the generality contained in SPG, no indication is given as to how the contribution would be spent and within what time frame. In respect of library provision, the letter from the County Council does not indicate any justification for the contribution and does not indicate how the contribution would be spent and within what time frame. I have not been given an explanation of the impact that this proposal would have on health care provision or library facilities. Based on the lack of evidence submitted, I am not, therefore, persuaded that contributions are necessary to make this proposal acceptable and or that off-site infrastructure and facilities to serve the proposed development commensurate with the scale and nature of the development proposed are necessary.

Conclusions

22. My findings in respect of the parking for the residential element of the proposals and the funding provision of library and health facilities do not outweigh my conclusions in respect of the harmful effect on the character and appearance of the area or on highway safety in respect of the access and car park served from Station Road. For these reasons, I conclude that the appeal should be dismissed.

Andrew Jeyes

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Loveday BSc[Hons] MRTPI	Independence House, 15 Burley Road, Oakham, Rutland LE15 6DH
Simon England BSc[Hons]	The Appellant Cotswold Estates Ltd, High Cross Building, 18 Lancaster Road, Hinckley, Leicestershire LE10 0AW

FOR THE LOCAL PLANNING AUTHORITY:

Tracy Miller MA[Town Planning] MA[Urban Design] MRTPI	Senior Planning Officer Hinckley & Bosworth Borough Council
Rebecca Henson BA[Hons] MSc	Senior Engineer Leicestershire County Council

DOCUMENTS

1 List of persons attending the Hearing

2 Copy of Section 106 Obligation [Unilateral Undertaking]; submitted by the Appellant.

3 Correspondence with Hinckley & Bosworth Borough Council; submitted by the Appellant.

4 Extract from LCC Design Guide: *Highways, transportation and development*; submitted by Leicestershire County Council as Highway Authority.

5 Report on status of LCC SPG: *Statement of Requirements for Developer Contributions*; submitted by the Council.

6 Copy of amended Section 106 Obligation [Unilateral Undertaking]; submitted by the Appellant.

7 Introductory note to Supplementary Planning Guidance outlining status: submitted by the Council.

8 Statement in relation to submission for Full Costs; submitted by the Appellant.

PLANS

A Plan FP4.04-05-07 Rev A: Proposed Ground Floor / Site Layout; submitted by the Appellant.

B Plan FP4.04-04-06 Rev A: Proposed Highway Amendments - Resiting of Bus Stops; relating to previous planning permission granted on the site under Council reference 07/00742/OUT; submitted by the Appellant.

C A1 scaleable copy of Drawing No FP4.04-04-01 Existing Ground Floor / Site Layout; submitted by the Appellant.

D A1 scaleable copy of Drawing No FP4.04-04-02 Existing First Floor Layout; submitted by the Appellant.

E A1 scaleable copy of Drawing No FP4.04-04-03 Existing Second Floor Layout; submitted by the Appellant.

F A1 scaleable copy of Drawing No FP4.04-04-04 Existing Roof Layout; submitted by the Appellant.

G A1 scaleable copy of Drawing No FP4.04-04-05 Existing Elevations; submitted by the Appellant.

H A1 scaleable copy of Drawing No FP4.04-05-02 Proposed First Floor Layout; submitted by the Appellant.

I A1 scaleable copy of Drawing No FP4.04-05-03 Proposed Second Floor Layout; submitted by the Appellant.

J A1 scaleable copy of Drawing No FP4.04-05-04 Proposed Elevations; submitted by the Appellant.

K A1 scaleable copy of Drawing No FP4.04-05-06 Site layout comparing existing and proposed footprints; submitted by the Appellant.

L A1 scaleable copy of Drawing No FP4.04-05-07 Proposed Ground Floor / Site Layout; submitted by the Appellant.

M A1 scaleable copy of Drawing No 25029-901A Road Layout Alterations; submitted by the Appellant.