DELEGATED REPORT

Recommendation Made: 7 September 2011

Reference:- 11/00426/FUL **Parish:- Hinckley**

Applicant:- Mr Terry Dunne
51 Leicester Road
Hinckley
Leicestershire
LE10 1LW

Location:- 51 Leicester Road Hinckley Leicestershire LE10 1LW

Proposal:- ERECTION OF EXTERNAL STAIRCASE AND CREATION OF SELF CONTAINED FLAT AT FIRST FLOOR

Introduction:-

This application seeks full planning permission for the change of use of a first floor flat associated with a veterinary practice to an independent 3 bed residential unit, and for the erection of an external staircase.

The building historically comprised of a detached period property occupying a large plot. In the mid 1970's a veterinary practice was established within the ground floor rooms of the dwelling. At this time, this use was considered to be an ancillary use to the dwelling. In the period following this, the first and second floors of the property have been used as residential accommodation.

Following concerns raised by officers in respect of the lack of amenity space provided, amended plans have been submitted. These illustrate that a parcel of land with an area of 35 square meters to the rear of the building has been designated as private amenity space for the proposed flat. In addition two off road parking spaces for the flat are also identified on the plan. Due to the minor nature of the amendment, no re-consultation has taken place.

Relevant Planning History: -

01/00481/FUL	ALTERATION TO EXISTING ACCESS	Approved	10.07.01
98/00655/FUL	WIDENING OF VEHICULAR ACCESS	Refused	11.11.98
96/00057/TEMP BUILDING	SITING OF TEMPORARY OFFICE	Approved	07.03.96

Consultations:-

No comments have been received from: -

Head of Community Services (Land Drainage)

Director of Environment and Transport (Highways) initially requested that details of the parking arrangement be submitted. Following their response, the amended plan submitted has illustrated these.

No comments have been received from: -
Head of Business Development and Street Scene Services
Neighbours

Development Plan Policies:-

Adopted Core Strategy

Policy 1 - Development in Hinckley

Policy 24 – Sustainable Development

Adopted Local Plan

The site lies within the settlement boundary of Hinckley as defined in the adopted Hinckley and Bosworth Local Plan.

Policy RES5: 'Residential Proposals on Unallocated Sites'

Policy BE1 - Design and Siting of the Development

Policy T5: 'Highway Design and Vehicle Parking Standards'

Supplementary Planning Guidance (SPG): 'New Residential Development' provides a series of standards that new residential development should achieve in respect of density, design, layout, space between buildings and highways and parking. It specifically states that the appropriate density of the development will be determined by the general character of the surrounding area.

Hinckley Town Centre Area Action Plan 2011

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 is within the Town Centre boundary as identified within the Hinckley Town Centre Area Action Plan (AAP). It is not identified as a key site.

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact of the proposal on the character and appearance of the building, on the amenities of the occupiers of neighbouring properties, on highway safety and other issues.

The Principle of Development

The site is located within the settlement boundary of Hinckley as defined in the Adopted Hinckley and Bosworth Local Plan Proposals Map; therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed. The Hinckley Town Centre Area Action Plan makes no specific reference to the site.

Impact on Existing Dwelling and Street Scene.

The external alterations proposed include the provision of an external staircase and the creation of a single doorway within the western elevation at first floor level. These will be partially visible when approaching the property from the west due to the existing landscaping along the adjacent boundary and will be largely screened when viewed from the front resultant of the landscaping. Accordingly there are considered to be no material impacts on the character of the street scene. Although there may be some impacts on the character of the application property; by virtue of the siting and screening of the proposed staircase any impacts will be reduced and would not warrant refusal of the application. This said, even if the landscaping along the western boundary were removed, due to the relatively minor scale of the development proposed, and its positioning part way along the side elevation, its impacts would be negligible and the development would remain acceptable.

Impact on Neighbours

The adjacent dwelling, number 153 Leicester Road has the potential to be most affected by the development. The external staircase proposed may be perceived to create an area that may result in some impact on

amenity, however by virtue of its structure and its position within a residential area, any impact is going to comparable with an access drive or footpath and therefore not unreasonable.

In respect of overlooking and privacy of the adjacent property. On the side elevation of this property which faces the proposed staircase and doorway, there are two second floor windows. In respect of impacts on this property, the provision of the staircase and doorway is not considered to result in any further impacts in the privacy of this property than at present. There is already a first floor bedroom window and a landing window within this elevation of the application property which has views over the adjacent dwelling. Further, there will be no direct overlooking into rooms of the adjacent property, due to their height. The proposal will predominantly have views over flat roofed extension of the adjacent dwelling and limited views over its rear amenity space. The creation of an additional doorway at first floor, due to the reasons outlined above, will have no further detrimental impacts in terms of noise and disturbance from pedestrian movements on the residential amenity of the adjacent property.

In terms of impacts of noise and disturbance from the ground floor veterinary practice on the amenities of the proposed dwelling, these are not considered significant. D1 uses such as this are not considered to be inherently noisy uses and are generally considered acceptable alongside residential uses. As there is a public car park to the rear of the buildings there will be vehicle movements associated with this, these however will be predominantly during normal working hours and will not result in a material level of disturbance.

Accordingly, based on the above, no adverse impacts in terms of residential amenity will arise.

Highways

There are two designated parking spaces proposed for the residential unit, there were initially concerns that this would result in a deficiency of spaces for the veterinary practice. Following an investigation into the history of the site, it has been identified that the veterinary surgery comprises an historically established use with no defined parking spaces and that the residential accommodation which has always been in existence has historically had two designated parking spaces. Accordingly, it would be difficult to argue that the proposal would result in an inadequate number of parking spaces for the vets. The parking spaces provided are considered sufficient for the property in question and thus there are considered no adverse impacts in terms of highway safety, particularly given the urban location.

Other Issues

Amenity Space

Following concerns raised by officers that there was no amenity space provision for this three bed property, an amended plan has been submitted. This illustrates an area of rear amenity space of 35sqm. Although this is less than the 80sqm of private amenity space advised within the SPG for three bed properties, given the sites town centre location, and it proximity to various recreational facilities, this shortfall alone would not warrant refusal of the application.

Play and Open Space

Ordinarily the Council would request a contribution towards the provision and maintenance of play and open space for new residential development. However, as this site is already in use as residential accommodation, the application will not result in the provisions of an additional residential unit and therefore the contribution in this case can not be justified.

Conclusion

The proposal results in the use of the upper floors of a business premises for independent residential accommodation, which is considered a sustainable use of the building in question. Due to the minimal extent of the external alterations to the building proposed, there are considered no impacts in terms of visual amenity or on the character of the building, and by virtue of the siting and height of the external staircase and doorway, there will be no further impacts in terms of residential amenity. In additional there is adequate amenity and parking space for the development purposed. Therefore the application is considered to be in accordance with policies BE1 and T5 of the Local Plan and is therefore 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 by virtue of its siting, scale and the provision of amenity and parking space is considered acceptable and would not have any material impacts in terms of either visual or residential amenity, highway safety or on the character of the area. Therefore the proposal is considered acceptable.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, T5

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: Drg Refs:- 177/07, 177/08 received by the Local Planning Authority on the 31/5/11, Drg Ref:- 177/05B received by the Local Planning Authority on the 7/09/11

3 The external staircase shall be finished in matt black and shall be retained thereafter.

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 In the interests of visual amenity top accord with Policy BE1 of the adopted Hinckley and 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).

Contact Officer:- Eleanor Shaw Ext 5680