DELEGATED REPORT

Recommendation Made: 14 July 2011

Reference:- 11/00298/TEMP **Parish:- Hinckley**

Applicant:- Mr John Batchellor
4 Butt Lane
Hinckley
Leicestershire
LE10 1LD

Location:- Beckett Associates 23A Mount Road Hinckley Leicestershire LE10 1AD

Proposal:- CHANGE OF USE OF FIRST FLOOR FROM COMMERCIAL TO A MIXED USE OF STORAGE ANCILLARY TO DENTAL SURGERY AND RESIDENTIAL ACCOMMODATION FOR A TEMPORARY PERIOD OF UP TO TWO YEARS

Introduction:-

Temporary planning permission is sought for the change of use of the first and second floor of the premises, for a two year period.

The ground floor premises is currently used as a dental surgery and the first and second floors have previously been used as an architects office. Permission is sought to change the use of the first floor from office to storage, ancillary to the dental surgery below and a residential lounge, kitchen and bathroom, and the second floor from office to residential bedroom. The residential use is to be accessed separately via an external staircase approved under application ref: 98/00483/FUL.

In respect of the residential element, the first floor will contain a bathroom, kitchen and lounge and the second floor a bedroom.

For the avoidance of doubt, no external alterations are proposed.

The site is located within an area characterised by both commercial and residential uses and is located within the Hinckley Town Centre, as defined by the adopted Hinckley and Bosworth Local Plan.

The application is accompanied by additional information justifying the change of use of the premises. It states that the occupant of the flat is intending to be a family member, whom should be out of the office during the day time with work, when the dentist will be open and will be in the flat in the evenings with the dentist is closed, ensuring noise and disturbance is kept to a minimal.

Planning History

98/00483/FUL	Provision of External Staircase	Approved	13.08.1998
90/00142/4	Change of Use of 1st and 2nd floor flat to office use	Approved	21.08.1990

Consultations:-

No comments/objections from:-

Head of Community Services (Pollution)
Head of Community Services (Land Drainage)
Director of Environment and Transport (Highways)

No objection subject to conditions from:-

Head of Business Development and Street Scene Services (Waste Minimisation)

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 3: (PPS3): Housing.

Planning Policy Statement 4 (PPS4) 'Planning for Sustainable Economic Growth'

The Community Infrastructure Levy Regulations 2010.

Government Circular 05/2005: Planning Obligations.

Local Development Framework: Core Strategy (2009)

Policy 1: Development in Hinckley

Hinckley & Bosworth Local Plan (2001)

The site lies within Hinckley Town Centre, as defined in the adopted Hinckley and Bosworth Local Plan. The site was previously designated as Retail 5 within the proposals map, however this is no longer a saved local plan policy.

Policy Retail 12: Use of Upper Floors

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance (SPG): New Residential Development

Supplementary Planning Document (SPD): Play and Open Space

Other material policy guidance

The Hinckley Town Centre Area Action Plan (AAP) was adopted 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.

Spatial Objective 3 of the AAP seeks to increase and improve the range of retail provision in the town centre to support Hinckley's role as a sub regional centre.

Spatial Objective 4 of the AAP seeks to enhance Hinckley Town Centre's image to developers, retailers, residents and visitors by ensuring high quality, safe and well designed, environmentally friendly development in the town centre.

Spatial Objective 8 of the APP seeks to retain and enhance employment opportunities in the Hinckley Town Centre Area Action Plan boundary.

Appraisal:-

The main consideration in the determination of this application is whether the proposed change of uses to storage (ancillary to the dentist) and residential use would have any significant material impacts over and above that currently occurring from the premise's last lawful use as offices.

Principle of Development

The site lies within the Hinckley Town Centre, however does not afford any specific retail designation. Given the sites location with the settlement boundary of Hinckley there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

This scheme has two distinct elements; the change of use from office to ancillary use to the dentist and residential accommodation at first floor and the change of use from office to residential accommodation at second floor. The building itself was originally residential and the first and second floors remained residential until the grant of a previous permission (ref: 90/00142/4) to change the use from first and second floor flats to office use.

As such the first floor has formerly been in both residential and office uses, and the proposal is to change this to a mixed use of storage, ancillary to the use of the dentist below, and residential to serve the bedroom above. The addition of one room to serve the dentist is considered minor in scale and there is no objection in principle to this change.

Saved Local Policy Retail 12 'Use of Upper Floors' supports the use of residential accommodation above shops, providing this does not have an adverse impact upon neighbouring residential properties or involve the intensified use or creation of a new access. Whilst the dentist is not classified as a shop, the site falls within the town centre and for the reasons discussed later in this report, are not considered to have an adverse impact upon neighbouring residential properties and nor does the development involve the intensification or creation of a new access. As such the underlying intentions behind the policy, to improve the vitality of area and is considered to apply in this case.

In summary, given the history of the site, its siting within a commercial and residential area, combined with the proposed nature of the changes of use, there is no in-principle objection to an expansion of one room to serve an existing dentist and a residential unit within this setting, providing that all other planning matters can be adequately addressed.

Impact upon Residential Amenity

The residential dwellings most immediately impacted upon as a result of the proposal would be No. 21 Mount Road located to the east of the application site.

The existing vehicular access, parking and pedestrian access to the proposed residential unit via an external staircase are located to the west of the site, where it is considered that this is a sufficient distance away from the occupiers of the adjoining neighbouring dwelling, which would also be screened by the application building. It is acknowledged that resultant of the proposed residential unit that there would be an increase in the level of noise and associated comings and goings later into the evening, over and above that of the existing office use. However, it is considered that the addition of one residential unit, intended for two occupants is not considered to give rise to an unacceptable level of noise and disturbance of people coming and going, the starting and stopping of cars and the noise associated with the closure of car doors, over and above that which already exists within similar time frames (into the evening) within the residential area of Mount Road.

Given that the occupant of the proposed flat is intending to be the family of the applicant that is in ownership of the whole building, it is considered that the associated noise as a result of the dentist use and visa versa is well known to all parties concerned. However, it is considered necessary to impose a condition to restrict the occupancy to the family to ensure that the use of the flat cannot be sold off or leased separately so ensure that are no potential conflicts and detrimental impacts between the occupiers within the buildings and to the surrounding neighbouring dwellings.

Given the nature of the proposed storage use of the first floor, it is not considered that this would lead to any detrimental impacts upon residential amenity.

In summary, it is acknowledged that there is a residential element proposed which will involve additional comings and goings, however the net gain of one flat is unlikely to lead to a significant increase in the level of disturbance, over and above that exerted by other residential accommodation within the area. As such the proposal is considered to have minimal impacts upon amenity of neighbouring residents. Accordingly the scheme is considered to be in accordance with Saved Policy BE1 of the Local Plan.

Highway Considerations

The proposal provides two off street car parking spaces via an existing access. The scheme has been considered by the Director of Environment and Transport (Highways) who has no objection to the scheme. It is considered necessary to impose a condition to ensure that parking remains available within the site,

In summary, it is not considered that there would be any significant impacts upon highways safety. Accordingly the development accords with Saved Policy T5 of the Local Plan.

Other Matters

In respect of grants of temporary permission, it is suggested that they be used within caution and should not be used to delay the making of a full and permanent decision on a proposal. As such, it is usually considered necessary to limit the temporary permission to a period of one - two years to ensure that a full and permanent decision be sought or alternative buildings sought. In this case, the applicant has justified the reason for the temporary planning permission and it is considered that a two year period would be reasonable in this case.

Head of Business Development and Street Scene Services (Waste Minimisation) stated that the submitted plans do not show storage or collection area for recycling and refuse containers for the domestic side of the property and as such recommends a condition to secure a scheme for the provision for waste and recycling storage across the site.

Play and Open Space Contributions

Due to the residential element of the proposed flat, the development triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Play and Open Space SPD. 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.

It is considered by the nature of the temporary use of the residential unit it is not considered that the development would not be able to satisfy the requirements of planning obligations and as such the scheme would not be CIL compliant. Should a more permanent application be submitted in due course, a decision would have to be taken at that time to see whether the CIL tests would be met.

Conclusion

In conclusion, there is no principle objection to the extension to an existing dentist use and a change to residential unit, given the sites location within a commercial and residential setting. The development would not give rise to any significant material impacts to neighbouring dwelling or highway safety. Accordingly the application is recommended for temporary planning permission, subject to the imposition of planning 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 general accordance with the development plan as it is considered characteristic of the surrounding area and would not be detrimental to visual or residential amenity or highway safety.

Hinckley & Bosworth Local Plan (2001):- Policies BE1, T5, Retail 12.

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

1 This permission is limited to a period of two years from the date of this permission. Immediately on the expiry of that period the first and second floors shall be reinstated to their original office use, unless in the meantime a further planning permission has been granted.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended details: Site Plan (Scale 1:1250) and Proposed Layout Drawing No 90/287 01 received by the Local Planning Authority on 17 June 2011.

3 The residential accommodation, hereby approved shall not be sold, leased, nor otherwise disposed of separately from No. 23 Mount Road.

4 The existing car parking provision shall not obstructed and shall thereafter permanently remain available for car parking, unless otherwise agreed in writing by the Local Planning Authority.

5 Before first occupation of the residential accommodation, hereby approved a scheme that makes provision for waste and recycling storage across the site shall first be submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary.

Reasons :-

1 To define the terms of the permission, as applied for.

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

3 The application has been considered on the basis of the specific details provided in respect of the intended occupier. Any other occupier of the premises would require further consideration by the Borough Planning Authority. To comply with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

4 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

5 In the interests of visual amenity, to 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).

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