DELEGATED REPORT

Recommendation Made: 29 April 2009

Reference:- 09/00145/FUL **Parish:- Earl Shilton Town Council**

Applicant:- Mr Steve Messenger
152 Leicester Road
Sutton In The Elms
Leicestershire

Location:- 6 Oxford Street Earl Shilton Leicester LE9 7BB

Proposal:- SUB DIVISION OF EXISTING DWELLING INTO TWO DWELLINGS

Introduction:-

Planning application is sought for the subdivision of an existing two storey dwelling into two, 2 bedroomed semi-detached properties. Number 6 is located on the west side of Oxford Street which is short residential street containing a mix of dwellings. The eastern side of the road comprises of Victorian terraced properties sited at the back edge of the highway. The west consists of a wider mix of dwellings including detached and semi-detached properties, either sited on the back edge of the highway, set further back.

A site visit was undertaken on 31.03.09 and a site notice put up. It was noted that number 6, a white rendered and red brick two storey property, is sited adjacent to the back edge of the highway and currently had no off street parking provision. The property is in a dilapidated state with the previous owner unlawfully sub-dividing the dwelling into bedsits. It appears that the dwelling has been unoccupied fro some time. Oxford Street is a narrow street with cars parked either side and no parking restrictions. The Street slopes to the north, towards Almeys Lane.

Relevant Planning History

None relevant

Consultations:-

Director of Highways, Transportation and Waste Management have objected stating that the proposed sub-division of the property, without any off street parking provision would lead to an increase in on street parking on Oxford Street and surrounding roads exacerbating an existing problems and resulting in a detriment to highway safety.

County Ecology have requested that a watching brief be maintained during the development period.

To date two letters of objection has been received, objecting on the following grounds;
- The lack of no off street parking, exacerbating existing parking problems in the area.
- Disturbance resulting from the intensification of the site, cars coming late at night and loud music.

No objections received from:-
Environmental Health Officer
Land Drainage Engineer,
Earl Shilton Town Council

Development Plan Policies:-

Hinckley and Bosworth Local Plan

Policy BE1- design and siting of development.

Policy RES5- New residential development
Policy T5- Highway design standards

Supplementary Planning Guidance- (SPG) New residential development.

Appraisal:-

The main issues for consideration are the effect of the proposal on the amenities of neighbouring residents the character of the area and highway safety. The proposal is located within the Earl Shilton Settlement boundary where the principle of new residential development is acceptable.

The sub division of the plot provided sufficient amenity for both proposed dwellings. As no new windows are proposed, it is not considered that the proposal would result in any loss of amenities to neighbouring residents.

Oxford Street has a high density of development already. Due to the mix of sizes of dwellings the subdivision of one dwelling into two smaller units would not be out of character with the area and therefore it is considered that the proposal is acceptable.

County Highways have objected to the proposal due to the lack of off street parking provision to accommodate the extra traffic it is anticipated the additional dwelling would create. It is acknowledged that there is a problem with parking in the area. However the dwelling is in a poor condition and its re-development would improve the streetscene. The site is also considered to be in a sustainable location, with good public transport links to Leicester and Hinckley and within a reasonable distance from both employment and other service providers. This opinion was supported at an appeal (04/00263/FUL) against some flats which was refused on insufficient parking, in which the Inspector considered that due to the location less parking could be provided without a detrimental impact on highway safety.

Permission is sought for the conversion of a three bedroomed dwelling into two bedroomed smaller dwellings, a net increase of one bed space. It is therefore considered that the proposal would not generate a significant amount of additional traffic. The character of the area consists of small properties that do not have any off street parking.

It is therefore considered that for the above reasons there are insufficient grounds on which to refuse this application. And, when considered against the benefit to the street scene the redevelopment of the property would have, the proposal is considered acceptable.

Objections have been received on the grounds of anti-social behaviour that resulted when the property was used as bedsits and in the current economical climate the owner will be unable to sell the property and hence it will be let with a re-occurrence of the previous problems. Past trouble experienced at the site should not affect the determination of the current application. The planning system cannot control future occupiers of the site, however if anti-social behaviour should occur again the instigation of enforcement action would be explored.

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 tidy up and bring into use a neglected building whose use would be in keeping with the surrounding area and the alterations would not detrimentally affect the amenities of neighbouring residents. The location and distance from the centre of the Town Centre is considered to be a sustainable form of development and therefore considered to be in accordance with the development plan.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, RES5 and T5

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

2 Prior to the commencement of development, details of the proposed cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle stores shall then be implemented in accordance with the approved details prior to the first occupation of either dwelling.

3 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 REC2 and 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.

4 This permission relates to the application as revised by amended plan 532-SM.03B received by the Local Planning Authority on 30.04.09.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 To encourage alternative means of transport, in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

3 To ensure the provision of adequate play and open space within the vicinity of the site in accordance with Policy REC3 of the adopted Hinckley and Bosworth Local Plan.

4 For the avoidance of doubt.

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.

4 List of plans used in the determination of this application:-
532-SM.01

5 Condition 3 refers to play and open space. In this instance a contribution of £1250.80 is required.

Contact Officer:- Sarah Humphries Ext 5680