

Planning Committee 3 January 2017
Report of the Chief Planning and Development Officer



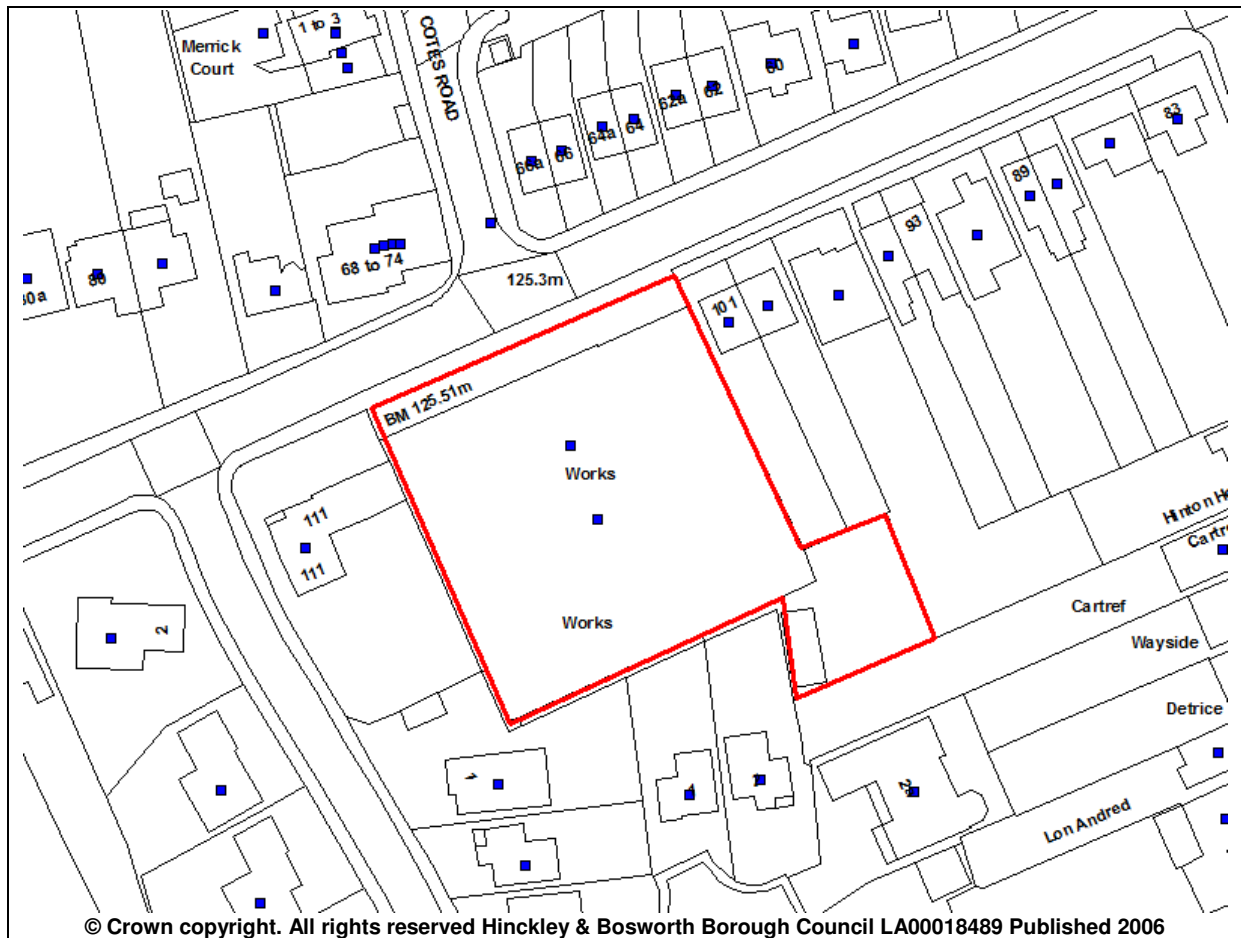
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 16/00827/OUT
Applicant: Mrs M Sykes
Ward: Burbage Sketchley & Stretton

Site: 103 Coventry Road Burbage

Proposal: Residential Development (Outline - access only)



1. **Recommendations**

1.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

2. **Planning Application Description**

2.1. This application seeks outline planning permission for means of access only, for a proposed residential development. The scheme comprises the demolition of the existing commercial building.

2.2. Indicative plans show a layout of 9 dwellings. However, the amount of dwellings and the layout are not under consideration within this application and will be considered at Reserved Matters stage.

3. **Description of the Site and Surrounding Area**

- 3.1. The site relates to a former factory building which would be demolished. The first floor was granted a change of use to a boxing club under 03/00476/COU. The site remains in use as a storage unit for Wiltshire Carpets.
- 3.2. The site is surrounded by residential development within the settlement boundary of Burbage.

4. **Relevant Planning History**

03/00476/COU	Change of use of first floor to boxing club	Permitted	19.06.2003
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5. **Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. There have been three letters of objection from local residents. The objections relate to:
- 1) Highways concerns
 - 2) Overdevelopment of site

6. **Consultation**

- 6.1. The following consultees were notified of the application and have no objections:

Burbage Parish Council

- 6.2. The following consultees have no objection subject to Conditions:

HBBC (Drainage)
Leicestershire County Council (Highways)

7. **Policy**

- 7.1. Core Strategy (2009)

- Policy 4: Development in Burbage
- Policy 19: Green Space and Play Provision

- 7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Design & Development
- Policy DM17: Highways & Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites

- Policy DM25: Community Facilities

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Burbage Village Design Statement (VDS) 2006

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon the highway

Assessment against strategic planning policies

8.2. Paragraphs 11 - 13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision taking and that the NPPF is a material consideration in determining applications. The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). Paragraph 47 requires local authorities to identify and update annually a supply of deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional 5 % buffer. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. As of 1 April 2016, the Council could confirm a five year housing land supply of 5.84 years and so the relevant policies relating to the supply of housing are considered up-to-date.

8.3. Policy 4 of the Core Strategy seeks to ensure sustainable development in Burbage, including providing support to Burbage local centre, and ensuring development contributes to Burbage's character and sense of place. It makes provision for a minimum of 295 dwellings in Burbage over the plan period to 2026. The most up-to-date information confirms that Burbage has currently met its housing target and therefore the development proposed within the current application would exceed the minimum housing requirement in Burbage. However, the numbers stipulated within the Policy are a minimum and there is no limit on the consideration of housing proposals provided that they accord with policies in the development plan.

8.4. Policy 19 refers to green space and play provision. The PPG provides that contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1000sqm gross internal area). The agent has confirmed the indicative layout of 9 dwellings would have an approximate GFA of between 800-850 sqm. In this case, there is no requirement for a Section 106 Agreement.

- 8.5. The site has a mixed use. In a building approximately 1942 sqm, 1518sqm relates to a Category C employment site. It is described within the Employment Land and Premises Review (2013) as an outdated building (size and configuration) in a suburban location with limited commercial demand and poor access. Policy DM19 relates to existing employment sites and states that in the case of Category C sites the Borough Council is able to take a more flexible approach for alternative uses. The loss of the site for continued employment uses would have little impact on the employment land supply of Burbage and the Borough.
- 8.6. The remaining 424sqm on the first floor is in use as a Boxing Club (03/00476/COU refers). Under Policy DM25, the Local Planning Authority should resist the loss of community uses unless it can be demonstrated that replacement facilities will be provided or; a surplus of the facility type exceeds the needs of the community; or the loss of a small portion of the site would result in wider community benefits on the remainder of the site. Where none of the above can be met, the loss of the community facility is only acceptable where; the facility has been proactively marketed and it has been offered to the local community to take ownership of the facility.
- 8.7. The agent has provided a letter from the Boxing Club which indicates they are actively looking for alternative premises. Furthermore the Club uses less than a quarter of the floor space and it is considered that as the employment use is not protected, the use of the site for housing purposes would result in a wider community benefit and therefore the loss of the community use, in this case, is acceptable.
- 8.8. The site is within the settlement boundary where sustainable development is encouraged the loss of both the employment use and the community use is acceptable. In accordance with Policy DM1 of the SADMP, the site is located within a highly sustainable urban location within the settlement boundary of Burbage and within a reasonable distance of its services and facilities.
- 8.9. There are three core strands underpinning the presumption in favour of sustainable development as set out within the NPPF which give rise to the need for planning to perform a number of roles. These considerations are economic, social and environmental. Paragraph 8 of the NPPF sets out that these roles should not be undertaken in isolation because they are mutually dependent. Therefore these roles need to be balanced and a cost benefit analysis undertaken to determine whether a development is considered to be sustainable. The proposal would contribute to the social role of sustainable development by providing new dwellings towards the housing supply within the Borough. The construction of the development and its future ongoing occupation would contribute to the economic role of sustainable development by supporting the local economy both during construction and by the use of local facilities by future residents. Subject to matters including design, appearance and landscaping, which would be considered at the reserved matters stage, the proposal would not result in any adverse impacts on the natural or built environment. Residential development of the site would therefore be sustainable and therefore acceptable in terms of strategic planning policies subject to all other planning matters being satisfactorily addressed.

Impact upon the character of the area

- 8.10. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.11 It is considered that new residential development of a scale and appearance in keeping with the surrounding established suburban area would be more in keeping than the existing industrial building. The site is within the settlement boundary where residential development is appropriate and new residential development would both complement and enhance the character of the area.
- 8.12 Objections have been received with regard to the potential overdevelopment of the site. The indicative layout for 9 dwellings appears cramped with plot sizes smaller than the prevailing layout of development within the immediate vicinity. However, notwithstanding the indicative layout as shown on the submitted plan, the number of dwellings and layout would be dealt with at Reserved Matters stage and it is considered that there is scope for a smaller scheme which would complement the character of the surrounding area and would therefore be in accordance with Policy DM10 in this respect.

Impact upon neighbouring residential amenity

- 8.13 Policy DM10 of the adopted SADMP states that development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. Paragraph 17 of the NPPF also seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.14 It is considered that a smaller scheme of residential development would enable adequate separation distances to be achieved to the windows and gardens of neighbouring dwellings such that it would not result in any significant overbearing impacts or loss of privacy from overlooking to neighbouring dwellings. A reserved Matters application would assess the impact on residential amenity once a layout is provided, however in principle the site is of a size that could accommodate a form of residential development without an adverse affect on the amenities of surrounding residents. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP in respect of impact on residential amenity.

Impact upon Highway Safety

- 8.15 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision. Paragraph 32 of the NPPF states that a safe and suitable access to sites should be achieved and that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.16 Objections have been received on the grounds that there is an existing traffic congestion problem on Coventry Road due to on-street parking in the vicinity of the site.
- 8.17 The indicative layout demonstrates that the proposed dwellings could be provided with adequate access from the public highway and a minimum of two off-street

parking spaces to serve each plot of dimensions in accordance with adopted highway design guidance. This level of provision within a sustainable urban area with access to alternative means of transport would be satisfactory to serve the proposed dwellings. Therefore the proposed scheme would not result in any severe adverse impacts on highway safety. Leicestershire County Council (Highways) has assessed the scheme and raises no objections in principle.

Other Matters

- 8.18 The site is within Flood Zone 1 which is the lowest risk area for flooding. Policy DM7 relates to the prevention of pollution and flooding and states that development proposals must demonstrate that the proposals would not adversely impact the water quality, ecological value or drainage function of water bodies in the Borough. Policy DM10 requires an appropriate Sustainable Drainage System to be submitted as part of an application. HBBC (Drainage) have assessed the scheme with regard to SUDs and Surface Water Management and find it in accordance with the above policies and subject to conditions have no objections to the scheme.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The application site is in a highly sustainable urban location within a reasonable distance of services and facilities close to the centre of Burbage. Subject to the detailed approval of the scheme, residential development of the site would complement the character of the surrounding area and would not result in any significant adverse impacts on the privacy or amenity of any neighbouring properties or highway safety.
- 10.2. The loss of the employment/community use has been justified in this case and the proposal would be in accordance with Policies 4 and 8 of the Core Strategy, Policies DM1, DM7, DM10, DM17, DM18, DM19 and DM25 of the SADMP and the overarching principles of the NPPF.

11. Recommendation

11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

12. Conditions and Reasons

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:
 - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
 - b) The scale of each building proposed in relation to its surroundings.
 - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
 - d) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: No 16/52 04A but only in respect of those matters not reserved for later approval.

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Notwithstanding condition 3, no development shall take place until a plan detailing the dimensions of the site access and associated visibility splays has been submitted to and approved in writing by the local planning authority.

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the details submitted, no development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with approved proposed ground levels and finished floor levels.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

6. No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development shall commence until surface water drainage details, incorporating sustainable drainage principles (SuDS) and foul sewerage disposal details have been submitted to and approved in writing by the local planning authority and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the development is provided with satisfactory means of surface water and foul water drainage to prevent flooding and minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

8. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area in accordance with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

9. Construction shall be limited to 08:00 - 18.00 hrs Monday to Friday and 09:00 - 13:00hrs Saturdays with no working on Sundays or Bank Holidays.

Reason: To ensure there is not excessive noise and disturbance during construction at times that would have an adverse impact on the amenity of the occupiers of adjacent dwellings in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

10. No development shall commence until a site investigation for any contaminated land on the site has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before the development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: In order to safeguard human health and the environment and identify potential contamination on-site and the potential for off-site migration in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

12.1. **Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.