

Reference: 15/00624/CONDIT

Applicant: P A Wright & Sons

Location: 1 Burton Road Twycross

Proposal: Variation of condition 2 of planning permission 10/00133/FUL to allow for the removal of two car parking spaces

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

The application is to be considered by Planning Committee, in accordance with the Scheme of Delegation, as the application has attracted interest from occupiers of five or more addresses (including the Parish Council), the views of which are contrary to the officer recommendation.

Application Proposal

This is a Section 73 application to vary condition 2 of planning permission 10/00133/FUL, to remove two parking spaces. The original permission included provision for 8 parking spaces to serve four dwellings. This application proposes 6 parking spaces to serve four dwellings, which equates to 1.5 parking spaces per dwelling.

No further amendments are proposed to the approved scheme.

The Site and Surrounding Area

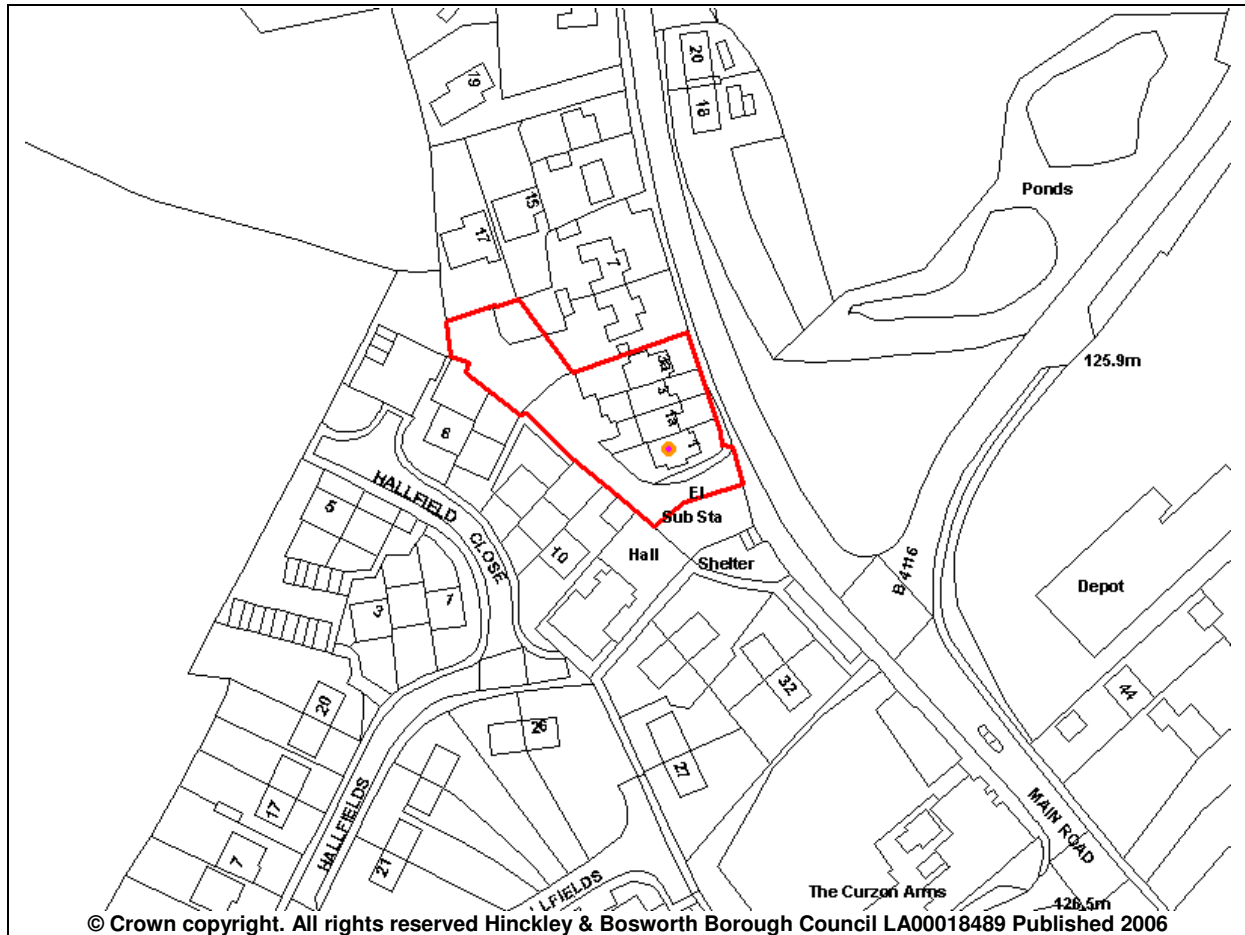
The development approved through 10/00133/FUL has been completed and is occupied. The site consists of four, 3 bedroomed, terraced dwellings which front Burton Road. The parking for these dwellings is situated to the rear of the properties and is accessed from Twycross Road, through a shared access.

Currently the parking area is unallocated and parking is available for 8 vehicles.

The site is surrounded by residential properties to the north and west and the village hall to the south west.

Relevant Planning History:-

14/00060/FUL	Erection of 3 bedroomed detached dwelling	Appeal Dismissed	17.11.14
13/00928/FUL	Erection of one new dwelling	Withdrawn	13.12.13
10/00133/FUL	Demolition of existing dwellings and erection of four new dwellings	Granted	15.07.10
09/00300/FUL	Demolition of one and three Burton Road and erection of four terrace dwellings with parking and amenity space	Granted	10.06.09



Consultations:-

No objection has been received from Leicestershire County Council (Highways).

Twycross Parish Council object to the scheme and raise the following issues:-

- a) residents of the properties are currently parking at the side of their dwellings on land not owned by the developer, suggesting the parking is inadequate or not it for purpose
- b) residents park in the area in front of village hall and removal of spaces will impact on parking for the village hall
- c) availability of public transport is questionable as the future of the bus route is uncertain and no train stations are available as an alternative
- d) reference to number of cars owned per household within the borough is not relevant as Twycross is an affluent area with multiple cars per household
- e) rented properties so parking requirements may change
- f) no public parking area within the vicinity of these properties
- g) no provision for visitor or tradesman parking, they parking on access road an village hall car park which are not public parking spaces
- h) problems with reversing onto A444 rather than leaving in a forward gear.

A site notice was displayed and neighbours notified.

Five letters of support have been received.

Six objections have been received from neighbouring properties raising the following issues:-

- a) would result in inadequate parking, leading to parking on the main road (A444)
- b) currently not enough parking for the existing residents
- c) existing residents park within the village hall car park
- d) some vehicles are reversing out onto the A444 as there is no adequate vehicle turning area, which was a condition of the original approved application (09/00300/FUL) and as recommended by LCC Highways
- e) some properties have more than two cars.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) 2012
The National Planning Practice Guidance (NPPG) 2014

Hinckley and Bosworth Core Strategy 2009

Policy 10: Key Rural Centres within the National Forest

Site Allocations and Development Management Policies Development Plan Document - Submission Version December 2014

Policy DM18: Vehicle Parking Standards

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards

Appraisal:-

This is a variation of condition application to planning permission ref: 10/00133/FUL and therefore the principle of development is considered acceptable. With the exception of the removal of two car parking spaces no further amendments are proposed to the previously approved scheme.

The main considerations in the determination of this application are:-

- Impact upon the highway and parking provision on site
- Conditions
- Developer contributions

Impact upon the highway and parking provision on site

Saved Policy T5 of the Local Plan (2001) states that the borough council will apply the parking targets as set out in Appendix D unless a different level of provision can be justified. The parking targets identified within Appendix D states that two parking spaces should be provided for dwellings with 3 or less bedrooms. The approved application (ref:

10/00133/FUL) provided eight parking spaces in total, which equates to two parking spaces per dwelling.

The 6C's Design Guide deals with highways and transportation infrastructure for developments where Leicestershire County Council is the Highway Authority. Within this design guide, it provides either set maximum parking standards or allows the use of the DCLG Residential Car Parking Research Paper Method (Department for Communities and Local Government method). The DCLG method calculates the demand for car parking spaces for a development, based upon car ownership details for the area, dwelling type/size, and location. It is considered that the DCLG method is consistent with paragraph 39 of the NPPF in regard to parking standards. This approach is supported by emerging Policy DM18 of the Site Allocations and Development Management Policies (submission document 2014).

A desk exercise using the DCLG Method has been undertaken by the Highway Authority for the assessment of parking for the existing development. This concludes that six parking spaces would be acceptable, if all parking spaces were to be unallocated. The parking spaces are currently unallocated and can be used by any resident or visitor to the four dwellings. Therefore an alternative level of provision can be justified on site and is in accordance with Policy T5 of the Local Plan (2001) and the provisions of the 6C's design guidance and emerging policy DM18 of the Site Allocations and Development Management Policies (submission document 2014).

Objections have been received in regard to vehicles (associated with the four dwellings) parking within the area in front of the village hall. It is not considered that this is a reflection of insufficient parking for the site, as it was noted during the site visit that vehicles were parked in this area in front of no. 1 Burton Road and the parking area to the rear of the properties was unused. Therefore the use of the area in front of the village hall for parking relates to a matter of land ownership which is a civil matter which cannot be controlled through the planning process.

Further concerns have been raised in regards to the potential parking on the A444, due to a lack of parking for the development. There are no parking restrictions on the A444, however this is a busy main road and parking would not be ideal. It is considered that the removal of two parking spaces would result in an acceptable parking provision on site. It is therefore considered that the development would not result in a need for further parking which cannot be accommodated on site and it is therefore unlikely residents would need to park on the A444.

The parking for the existing dwellings allows turning for vehicles to leave the site in a forward gear. The removal of two parking spaces would not alter this.

It is therefore considered that the removal of two parking spaces for these properties would not cause a severe impact upon the highway network and is therefore acceptable and in accordance with Policy T5 of the Local Plan (2001), the provisions of the 6C's guidance, and emerging Policy DM18 of the Site Allocations and Development Management Policies (submission document 2014).

Conditions

As this application is a S73 application all other conditions from the previous permission must be carried forward, if applicable. Pre-commencement conditions, including materials, drainage and landscaping have been discharged and undertaken as the development is completed. It is not considered reasonable to include these conditions within this application. The conditions have therefore been amended to reflect this.

Developer Contributions

Developer contributions in regard to play and open space have been paid and provided by this development. Therefore further contributions are not required and the development has been carried out in accordance with Policy REC3 of the Local Plan 2001.

Conclusion

It is therefore considered that the removal of two parking spaces will not result in an under provision of parking on site and therefore would not have a severe impact upon the highway network and is in accordance with paragraph 39 of the NPPF and saved Policy T5 of the Local Plan (2001).

RECOMMENDATION:- Grant subject to conditions.

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Conditions:-

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 1:1250 Site Location Plan, 5656.SS, 5656.03D - Elevations and details, all received 15 July 2010, topographical survey Dwg No 3768cv-01 Rev B received 18 April 2012 and production drawing Dwg No 2011.001-008B received 2 June 2015.
- 2 The hard and soft landscaping identified in the landscaping site plan within Dwg No 2011.001-008B received 2 June 2015 shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 3 The approved parking areas shall be unallocated and available for parking in perpetuity.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) development within Article 3, Schedule 2, Part 1 Classes A, B, C, D and E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To enhance the appearance of the development to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 To ensure the appropriate parking provision on site in accordance with Policy T5 of the adopted Hinckley & Bosworth Local Plan.

- 4 To safeguard the amenities of adjacent occupiers and the character of the area, in accordance with the requirements of 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:- Helen Wilson Ext 5691