

Item 4

Application Reference Number P/16/2502/2

Application Type:	Full Planning Permission		
Applicant:	Wilmott Dixon Housing Ltd		
Proposal:	Variation of Condition 4 of planning application P/14/1492/2 for retention of alterations to car park, (Regulation 3).		
Location:	Riversdale Court, Riversdale Close, Birstall		
Parish:	Birstall		
Case Officer:	Karen Brightman	Tel No:	01509 632520

This application is being brought to Plans Committee in accordance with the provisions of the Council's Constitution, as it involves land that the council owns.

Site Description

The site comprises an existing complex of self-contained flats for retired and elderly people. The building was extended and remodelled in 2014/5 and provides 29 flats with a small communal living/kitchen area. To the north of the building is a parking area with space for 12 cars.

The site is surrounded by residential properties. Directly adjoining the car park's eastern boundary are 3 and 5 Riversdale Close both two storey houses set at lower level and separated from the car park by close board fencing. These properties have relatively small rear gardens which adjoin the eastern boundary to the car park.

Description of the Application

This application seeks to vary condition 4 of the planning permission which granted consent for the remodelling/refurbishment and extension, (P/14/1492/2). Condition 4 states:

"The car parking spaces and associated turning/manoeuvring facilities shown within the curtilage of the site shall be provided, hard surfaced and made available for use before any part of the development hereby granted is first occupied and shall thereafter be permanently so maintained.

REASON: To ensure that adequate off-street parking is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area."

The reason for this application is that during construction of the car park some of the levels were increased from those shown on the approved drawings, (by a maximum of 40 cm). This was as a result of a contractor misinterpreting a drawing. As a result the increased levels cause a degree of overlooking of 3 Riversdale Close from the car park. To alleviate this loss of residential amenity, the applicant is seeking to create a banked landscaped verge. In order to achieve this, the configuration and

layout of the car park would need to be altered although the number of spaces would remain the same. The applicant is proposing to replace existing condition 4 with a revised condition worded as follows:

“The car parking spaces and associated turning/manoeuvring facilities shown within the curtilage of the site on drawing 120_C entitled Proposed Car Park alterations shall be provided, hard surfaced and made available for use within 6 months of this consent being granted and shall thereafter be permanently so retained.

REASON: To ensure that adequate off-street parking is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.”

If Committee is minded to approve this application, the planning permission would effectively replace P/14/1492/2 and several of the other planning conditions would need to be repeated as per P/14/1492/2. However, as the development has already been implemented, with the exception of the proposed changes, it is necessary to modify and remove some of the original conditions. In summary:

Condition	Change	New Number
1 - Commencement	No longer required as work has commenced. Modified version requiring commencement of car park alterations within 6 months.	1
2 – Landscaping	Modified version to allow for amendments to car park landscaping	3
3 – Bat Survey	No longer required as work to buildings has taken place and the condition has been discharged. Remove.	-
4 – Car parking	Modify as per report	4
5 – Bin and scooter Store	Modify to remove pre commencement clause	5
6 – Drainage	No longer required as units are occupied. Remove.	-
7 – Hedge retention	Remains unchanged	6
8 – Tree retention	Remains unchanged	7
9 - Tree Protection	Modified as most of site works have taken place. Modified version is to ensure any trees close to altered area are retained and protected	8
New Plans List Condition proposed	For the avoidance of doubt a condition listing both current plans and those which still apply on the original consent is suggested.	2

Development Plan Policies

Charnwood Local Plan Core Strategy 2006- 2028 (Adopted 9th November 2015)

Policy CS2 - High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing,

height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Borough of Charnwood Local Plan (adopted 12th January 2004) (saved policies)

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

Policy EV/1 - Design - This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

Policy TR/18 - Parking in New Development - This seeks to set the maximum standards by which development should provide for off street car parking.

Other Material Considerations

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development and offers the following advice that is particularly relevant to the consideration of this proposal:

- Paragraph 17 states that a good standard of amenity should be sought for existing and future occupiers of buildings.
- Paragraph 39 states that in setting parking standards Local Planning authorities should have regard to accessibility, the type and mix of the development, public transport availability, car ownership levels and reducing the use of high emission vehicles.
- Paragraph 58 states, inter alia, that new development should function well and add to the quality of the area, create attractive places and be visually attractive in terms of architecture and landscaping.

Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework.

Leading in Design Supplementary Planning Document February 2006

This document encourages and provides guidance on achieving high quality design in new development.

Appendix 4 sets out spacing standards for new housing developments to ensure that

overlooking and over dominance do not occur and that a good quality design is achieved.

Building For Life

Building For Life is a national document which sets out criteria for assessing the quality of design that a proposal achieves.

The 6Cs Design Guide

The Highway Authority is one of six East Midland authorities that have adopted the Design Guide for new development. The guide contains advice relating to parking layouts and vehicle circulation.

Relevant Planning History

The flats were granted planning permission in the early seventies and were then remodelled and extended following planning consent P/13/2075/2. This consent was later modified under consent P/14/1492/2 with the size of the extension element scaled back and the number of flats reduced.

Responses of Statutory Consultees

Leicestershire County Council Highway Authority

The Highway Authority does not object to the application now that it has seen tracking details for plots 9 and 10.

Birstall Parish Council

The Parish Council has made no comment on the application.

Canal and River Trust

The Trust makes no comment on the application.

Third Party Representations

A letter objecting to the proposal and signed by 17 residents from Riversdale Court has been received. Concerns are raised that the alterations will disrupt parking and it is stated that a higher fence to the boundary with 3 Riverside Court should be erected instead.

Consideration of the Planning Issues

The key issues in considering this application are:

- Whether the revised design is acceptable in terms of parking and turning
- Whether the alterations successfully address the issues with amenity

Whether the revised design is acceptable in terms of parking and turning

Policy CS2 seeks high quality design and as part of this requires safe public spaces and well defined legible streets and spaces that are easy to get around. Policy TR/18 sets out suggested parking provision for new development.

The revisions to the car park do not decrease the number or size of spaces although they do reduce the amount of circulation space within the car park. Tracking details have been provided which show that, even those spaces at the northern end of the car park (spaces 9 and 10), can be accessed despite manoeuvring space being tight. The Highway Authority has assessed the tracking details provided and has confirmed that they are satisfactory.

Whilst it is acknowledged that the ease of using the spaces may lessen it is considered that the revised layout remains safe, legible and easy to negotiate. The proposal remains, in accordance with policies CS2 and EV/1. As there is no reduction in spaces there is no change in terms of compliance with TR/18.

Whether the alterations successfully address the issues with amenity

Policies CS2 and EV/1 require new development to take account of the amenity of adjacent residents.

Currently there is a clear view into the rear garden of 3 Riversdale Close from the area of car park next to the boundary. This is because levels are significantly higher and because the back garden to this property is small and configured so that it wraps around the property. The proposals would move the built up car park area between 2 and 4 metres further from this boundary and would allow for a 0.8m landscaped bund to further screen and soften this boundary.

The erection of a higher fence on the existing boundary would not address the problem as the ground levels would require this to be excessively high when viewed from number 3. This would shade the garden and result in an oppressive outlook.

The occupier of 3 Riversdale Close has not objected to the proposed amendments as he has been involved with finding an appropriate solution to the loss of privacy to his property.

The proposed solution would significantly improve amenity for the residents at number 3 and would remedy the harm that is currently occurring. It is considered that the proposal complies with CS2 and EV/1.

Planning Balance and Conclusion

The proposed development would marginally decrease the ease of use of the car parking area although it would remain functional and in compliance with the relevant parts of CS2, EV/1 and TR/18. Weighed against this there would be a significant improvement to the amenity of adjacent occupiers and the proposal would lead to the development complying with this element of policies CS2 and EV/1. The

proposal is considered to be an acceptable one which would increase the schemes sustainability overall by improving its environmental role.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The alterations to the car park and boundary landscaping, hereby permitted, shall be begun not later than 6 months from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure that the harm to amenity is rectified in a timely manner.
2. The development shall be carried out only in accordance with the details and specifications included on the following plans:
 - 120_C Proposed Car Park Alterations
 - L01 Rev C Planting Plan
 - 122_B Section ZZ through car park

The following plans which were submitted under P/14/1492/2 also remain relevant:

- 105 B Proposed Block Plan (other than the area superseded by 120_C, L01 Rev C and 122_B listed above.)
- 115 C Proposed Ground Floor Plan
- 116 C Proposed First Floor Plan
- 114 C Proposed Roof Plan
- 121 D Proposed Elevations
- Plan 3 Tree Protection Plan
- 125 Scooter Store Elevations
- 130 C Site Sections, (other than the area superseded by 120_C, L01 Rev C and 122_B listed above.)

REASON: To make sure that the scheme takes the form agreed by the authority resulting in a satisfactory form of development and for the avoidance of doubt.

3. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of P/14/0194/2, (with the exception of minor repositioning of the newly planted lime trees to the southern boundary) and the revised plan 120_C proposed car park alterations, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.
REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

4. The car parking spaces and associated turning/manoeuvring facilities shown within the curtilage of the site on drawing 120_C entitled Proposed Car Park alterations shall be provided, hard surfaced and made available for use within 6 months of this consent being granted and shall thereafter be permanently so retained.
REASON: To ensure that adequate off-street parking is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
5. The proposed bin storage facility and the proposed mobility scooter store shown within the curtilage of the site, shall be provided and thereafter permanently remain available for use.
REASON: To ensure the car park is kept free for car parking, to try to ensure that parking does not overspill into the public highway
6. The existing hedges located on the southern and northern boundaries of the application site (adjacent to No. 14 Riversdale Close) shall be retained and maintained at a height no lower than 2.5 metres, except that part to be removed and replanted as indicated on the submitted plans. Any part of the hedges removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss.
REASON: The hedges are important features in the area and their retention is necessary to help screen the new development and prevent undue overlooking of adjoining dwellings.
7. The existing trees as shown to be retained on the submitted plans shall be retained and shall not be felled, lopped, topped or uprooted without the previous written agreement of the local planning authority. Any trees removed, dying, being severely damaged or becoming seriously diseased shall be replaced with trees of such size and species as previously agreed in writing by the local planning authority within one year of the date of any such loss, for a period of 5 years from the date development begins.
REASON: The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
8. No alterations to the car park including site works, shall begin until any affected tree shown to be retained on the approved plan has been protected, in the manner agreed under reference P/14/0194/2. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.
REASON: The trees are important features in the area and this condition is

imposed to make sure that they are properly protected while building works take place on the site.

The following Information Notes are suggested:

1. The Local Planning Authority has acted pro-actively through early engagement with the applicant at the pre-application stage. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
2. All bats species and their roosts are legally protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Should bats be found during the course of development work, work should immediately stop and advice from Natural England should be obtained and fully implemented before work can resume. Natural England's Batline can be contacted on 01509 672772.
3. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended), therefore should nesting birds be present in the trees / existing buildings subject to the consent, felling / surgery / clearance work should be deferred until the young birds have fledged. The nesting bird period is considered to take place between March to August inclusive, but may start earlier and extend later.

