DELEGATED REPORT

Recommendation Made: 8 June 2011

Reference:- 11/00337/EXT **Parish:- Hinckley**

Applicant:- Mr Terry Poulton
70 Leicester Road
Hinckley
Leicestershire
LE10 1LT

Location:- Land Between Upper Bond Street, Druid Street And Neale's Yard Hinckley Leicestershire LE10 1RT

Proposal:- EXTEND THE TIME LIMIT FOR IMPLEMENTATION OF THE EXTANT PLANNING PERMISSION (08/00068/CON)

Introduction:-

This is an application to extend the conservation consent granted under reference 08/00068/CON which approved to demolish a building on the former factory site, which extends between Druid Street, Neal's Yard and Upper Bond Street. The building to be demolished is known as the Laban Tansley needle factory. The factory complex, as a whole, lies within the Druid Street Conservation Area. An application to extend the full planning permission to redevelop the factory complex has recently been approved

A variety of uses and buildings including residential and commercial bound the site.

In 2008, the justification for the demolition of this particular building was that the loss of this building will create an opening in the street scene and it will be possible to view Upper Bond Street through the site. This will allow the hosiery buildings to be seen in isolation, which will improve their setting. The proposal to demolish the Laban Tansley factory will facilitate the reuse of the principle former hosiery factories on the site and their setting.

History:

11/00058/EXT Extension of time limit for implementation of the extant planning permission 08/00037/FUL Approved 28.04.11

08/00068/CON	Demolition of the Laban Tansley Building	Approved	28.05.08
08/00037/FUL	Demolition of existing building and conversion of remaining industrial buildings to form B1 Office use and 17 apartments	Approved	24.04.08

There is an on going enforcement investigation in relation to improving the appearance of the site. The owner has been requested to complete a schedule of repair works.

Consultations:-

No objections received from:

Director of Environment and Transport (Rights of Way Officer)
The Head of Community Services (Land Drainage)

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development
Planning Policy Statement 5 (PPS5): Planning for the Historic Environment

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses.

East Midlands Regional Plan 2009

The Regional Spatial Strategy for the East Midlands is the East Midlands Regional Plan this provides a broad development strategy for the East Midlands. The following policies are relevant to this proposal:

Policy 1 seeks to secure the delivery of sustainable development.
Policy 2 promotes better design including highway and parking design that improves community safety.
Policy 43 seeks to improve highway safety across the region and reduce congestion.

Local Development Framework Core Strategy 2009

Spatial Objective 11: 'Built Environment and Townscape Character' states that the borough's distinctive built environment including Conservation Areas, Listed Buildings and historic industries should be safeguarded, enhanced and where necessary regenerated.

Policy 1: 'Development in Hinckley' sets out that land for the development of 1120 residential dwellings will be allocated with an aim to diversify the existing housing stock in the town centre to cater for a range of house types. The policy also sets out aspirations to address the existing deficiencies in the quantity, quality and accessibility of green space and play provision and that development should respect Hinckley's industrial heritage through sympathetic reuse of existing buildings unless it can be demonstrated that this is not achievable.

Hinckley & Bosworth Local Plan 2001

Policy BE1: 'Design and Siting of Development'
Policy BE7: 'Development in Conservation Areas'
Policy BE8: 'Demolition in Conservation Area'
Policy T5: 'Highway Design and Vehicle Parking Standards'
Policy T9: 'Facilities for Cyclists and Pedestrians'

Supplementary Planning Guidance/Documents

The Council's Supplementary Planning Guidance (SPG): 'New Residential Development'.

Other Material Planning Documents

The Town Centre Area Action Plan (2011).

The guidance document Greater Flexibility for Planning Permissions published in November 2009 states that in determining applications to extend the time limit for implementing planning permissions:

"Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date".

The guidance continues:

"Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission".

Appraisal:-

The main consideration with regards to this application is whether there have been any material changes in planning policy since the previous application that would affect the determination of the application. There are additional considerations such as if the originally imposed conditions are still required and whether additional conditions should be applied.

Changes to Policy

National Government Guidance

Since 2008 National Planning Policy Statements have been both issued and amended on a number of topics. Of particular relevance is Planning Policy Statement 5 in relation to historic buildings. The Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

In 2008, the justification for the demolition of this particular building was that it resolves the access issue with the full planning permission by the demolition of one of the smaller and historically less important buildings on the site, the Laban Tansley needle factory. This would create a new access from Druid Street and space for car parking. The Druid Street conservation area was declared to ensure the continued survival of the hosiery factories. The area has the greatest concentration of factories in the town. However due to the compact way in which most sites have been developed, their use as modern places of work or as conversions to residential use is severely restricted by the lack of adequate service and car access. On this site it is proposed to over come this issue by the demolition of the least important building on the site. This will permit the reuse and ensure the continued survival of the remaining buildings. On Druid Street these buildings are currently attached to a garage, which detracts from the general appearance.

The loss of this building will create an opening in the street scene and it will be possible to view Upper Bond Street through the site. This will allow the hosiery buildings to be seen in isolation, which will improve their setting. The proposal to demolish the Laban Tansley factory will facilitate the reuse of the principle former hosiery factories on the site and their setting.

It is considered that this proposal whilst removing one building within a complex of historic buildings will ensure the future of the remaining group, it is therefore considered that the proposal is in accordance with PPS5.

Local Policy

Since 2008, The Local Development Framework Core Strategy has been adopted. Of particular relevance is Spatial Objective 11: 'Built Environment and Townscape Character' which states that the borough's distinctive built environment including Conservation Areas, Listed Buildings and historic industries should be safeguarded, enhanced and where necessary regenerated.

Policy 1: 'Development in Hinckley' sets out that land for the development of 1120 residential dwellings will be allocated with an aim to diversify the existing housing stock in the town centre to cater for a range of house types. The policy also sets out aspirations to address the existing deficiencies in the quantity, quality and accessibility of green space and play provision and that development should respect Hinckley's industrial heritage through sympathetic reuse of existing buildings unless it can be demonstrated that this is not achievable.

It is considered that the proposal, in conjunction with planning permission 11/00058/EXT will further Objective 11 and is in accordance with Policy 1 due to the reuse nature of this application.

The Town Centre Area Action Plan (2011) includes the site within the are of the Plan. It refers to Hinckley's

historic development and confirms that heritage will continue to be a key driver of its regeneration in the future. It confirms the Borough Council's intention to review the Druid Quarter Regeneration Strategy and Masterplan, this together with a full appraisal of the Druid Street Conservation Area and a conservation area management plan to protect and enhance the industrial heritage will further promote the area. There are no directly related policies applicable to this site or the development proposed.

Conditions

The previous consent was granted subject to conditions which relate to:

a) precisely matching the bonding, coursing, other detailing and materials of the gable of the Puffer factory to those of the existing building.

b) requiring a contract for carrying out the works of re-development of the site being made and full planning permission being granted for the re-development for which the contract provides. Full planning permission has been granted under reference 11/00058/EXT but it is considered that an amended condition should be imposed to ensure that a contract in relation to carry out planning permission 11/00058/EXT is in place to prevent the demolition until immediately prior to redevelopment, to ensure that the clearance following a demolition does not have a negative impact on the Conservation Area.

c) historic building recording.

It is considered that the above conditions remain relevant and should be re-imposed.

Conclusion

The development plan and other material considerations have not changed in a manner that would now lead to a different conclusion on the acceptability of the application. The impact of development upon the conservation area and the impact of development on neighbour amenity were appraised as part of the original consent and it is not considered that there are any significant issues which have altered since that consent was approved. It is considered that all other remaining conditions are necessary. As such, the extension of the scheme for a further three year period is acceptable subject to the imposition of conditions as considered within this report. The implementation of this consent in association with planning permission 11/00058/EXT will result in a positive enhancement to the character and appearance of the Conservation Area.

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 demolition would be in accordance with the development plan as it is considered that would enhance the character and appearance of the Conservation Area.
Hinckley & Bosworth Local Plan (2001):- BE8.

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

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

2 The demolition hereby permitted shall not be carried out otherwise than in complete accordance with the details: Location Plan and Drawings 5921A-02, 5921A-05A and 5921A-06A received on 25 January 2008 (Ref 08/00068/CON).

3 Notwithstanding the details submitted, the new areas of walling to be incorporated into the gable of the Puffer factory shall be constructed using materials, bonding techniques, coursing and other detailing to precisely match those of the existing building.

4 The demolition hereby permitted shall not be undertaken before a contract for carrying out the works of re-development of the site granted full planning permission under reference 11/00058/EXT has been made.

5 The demolition shall not take place until the applicant or their agents or successors in title, have secured the implementation of a programme of historic building recording. This work shall be conducted in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority

Reasons :-

1 To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

3 In the interests of the appearance and character of the conservation area to accord with policy BE8 of the adopted Hinckley and Bosworth Local Plan.

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5 To ensure satisfactory historic building recording to accord with BE16 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).

5 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

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