DELEGATED REPORT

Recommendation Made: 25 February 2011

Reference:- 11/00028/EXT **Parish:- Hinckley**

Applicant:- Mr Michael Ford
1 Forresters Road
Burbage
Hinckley
Leicestershire

Location:- The Cottage Station Road Hinckley Leicestershire LE10 1AP

Proposal:- EXTENSION OF TIME FOR EXTANT PLANNING PERMISSION 08/00496/FUL FOR THE DEMOLITION OF DWELLING AND ERECTION OF NINE APARTMENTS

Introduction:-

This application seeks approval for the extension of time of extant planning permission 08/00496/FUL for the demolition of one detached dwelling and the erection of nine apartments at 'The Cottage', Station Road, Hinckley.

The site is currently occupied by one detached dwelling located on the corner of Station Road and Coley Close, in a predominantly residential area.

The previous application was approved in 2008 and consisted of a large detached building fronting onto Station Road. The building is three storey with the third storey contained within the roof space. It is proposed to use the existing access off Station Road as the entrance point and to provide an exit point off Coley Close. 12 car parking spaces are proposed within the site, 8 of which are sited along the southern boundary, the remainder located on the exit point adjacent to Coley Close.

History

08/00496/FUL Demolition of dwelling and erection of nine apartments Approved 02.07.08

07/01175/FUL Demolition of dwelling and erection of nine apartments Refused 21.11.07

04/00221/COU Change of use from residential to bed and breakfast Withdrawn 13.07.04

92/00129/4 Dormer to side elevation Refused 28.04.92 Appeal dismissed

Consultations:-

No objections received from The Head of Community Services (Land Drainage)

No objections subject to conditions received from:

The Director of Environment and Transport (Highways)
The Environment Agency
Severn Trent Limited
The Head of Community Services (Pollution)
Head of Business Development and Street Scene Services (Waste Minimisation)

No objections subject to note to applicant received from E-ON Central Networks

Development Plan Policies:-

Central Government Guidance

PPS1
PPS3

The Community Infrastructure Levy Regulations 2010.

Government Circular 05/2005: Planning Obligations.

Local Development Framework Core Strategy 2009

Policy 1: Development in Hinckley

Policy 19: Green Space and Play Provision

Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities

Policy RES5: Residential Proposals on Unallocated Sites

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Vehicle Parking Standards

Policy REC3: New Residential Development - Outdoor Play Space for Children

Supplementary Planning Guidance / Documents

Supplementary Planning Guidance (SPG): New Residential Development

Supplementary Planning Document (SPD): Play and Open Space

Supplementary Planning Document (SPD): Hinckley Town Centre Strategic Transport Development Contributions

Other material policy guidance

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 in determining this application is whether any development plan policies or other material considerations have changed significantly since the grant of permission which may lead to a different conclusion on the acceptability of the application.

The previous application was considered against the same Hinckley and Bosworth Local Plan (adopted 2001) policies which have been ‘saved’ by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004. The committee report for the previous application states that Central Government Guidance PPS1 and PPS3, together with Local Plan policies BE1, RES5, REC3 and T5 were considered. Policy IMP1 is also relevant to the consideration of this application.

Since the determination of the application the Core Strategy has been adopted. The Core Strategy was adopted in December 2009 and of principle relevance to the scheme is Policy 1. This is an overarching policy to guide development in Hinckley and the scheme is considered to be compliant with the overarching aims and intensions of the policy.

Policy 24 of the Core Strategy now requires all new homes in Hinckley to be built to Code Level 3 of the Code for Sustainable Homes. This however, is not considered to be appropriate in this case as it may not be possible to incorporate sustainable design feature within the previously approved scheme.

Hinckley Town Centre Transport Development Contributions Supplementary Planning Document was adopted in April 2009. Whilst this SPD has been adopted it is not in accordance with the Community Infrastructure Levy Regulations 2010 therefore not contributions in terms of this document are considered to be required.

Since the determination of the previous application the Community Infrastructure Levy Regulations (CIL) 2010 has become a statutory requirement. The request for any developer must be considered alongside the guidance contained within Circular 05/05 and more recently in the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

The previous permission sought developer contributions towards Play and Open Space.

The site is within 400 metres of public play and open space at Rugby Road, Burbage recreation facility. Within the Green Space Strategy 2005-2010, Hinckley was found to have a surplus of open space, for its population, of 3.83 ha when compared with the National Playing Fields Standard. The quality of the space was considered within the Quality and Accessibility Audit of 2005 which awarded the Rugby Road facility a score of 29.6% suggesting that additional works are required to improve the quality of the space. The document makes recommendations to what works are required to improve the quality and provides a cost.

Given the low quality score it is considered a contribution is justified in this instance. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. A contribution of £1,250.80 per apartment (net gain of 8 units following the demolition of the existing dwelling) is required, totally £10,0006.40; £6542.40 towards the provision and £3464 towards the maintenance. As such it is considered necessary to attach a revised condition to secure this.

While there have been changes to the development plan and material considerations since the determination of the previous application it does not lead to a different conclusion on the acceptability of the application.

Therefore given that the scheme is considered acceptable in principle consideration should now be given to whether the original conditions or additional conditions should be applied.

Conditions attached to the earlier approval concern material samples, bin store details, drainage plans, landscaping details, open space contribution, ground levels and highway conditions (gates, turning facilities, parking facilities during construction, parking to be provided prior to occupation, control radii, surfacing of turning and accesses).

The Director of Environment and Transport (Highways) has requested that the previous conditions in relation to highway matters be imposed. He has further requested a condition regarding cycle storage which has been added.

The Head of Business Development and Street Scene Services (Waste Minimisation) has requested a reworded condition to the one previously imposed in respect of bins stores.

Historically the development control process has sought to control the design of drainage systems, however in more recent years further control is now delivered through the Building Regulations and by Severn Trent Water (as the service provider) and the drainage scheme that has been approved by the planning authority is usually subject to change. Despite this, it is considered necessary to retain the condition relating to drainage in the interests in minimising the risk of water pollution in line with Policy NE14 of the adopted Local Plan.

Conclusion

Given the changes to the development plan and other material considerations since the determination of the last application it is considered that the development remains acceptable and that with minor alterations to the imposed conditions the scheme remains acceptable.

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 by virtue of the previous application and the changes in development plan policy since the last permission would not result in a different decision being reached and therefore would be in accordance with the development plan and would not be detrimental to the occupiers of neighbouring properties or highway safety.
Hinckley & Bosworth Borough Council Local Plan (2001):- BE1, RES5, T5, REC3 and IMP1

Hinckley & Bosworth Borough Council Core Strategy (2009):- Policy 1, 19 and 24

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

2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed development 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.

3 Notwithstanding the submitted details, no development shall take place until a scheme that make provision for refuse and recycling storage, and collection, across the site has been submitted to and approved in writing to the Local Planning Authority. The details should address accessibility to storage facilities for residents/collection crews across the site, and adequate collection point space at the adopted public highway.

4 Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment demonstrating that the dwelling hereby approved can be constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority. In addition, prior to the first occupation of the dwelling hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.

5 Notwithstanding the submitted details and before any development hereby permitted is commenced on site a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the treatment of all ground surfaces together with plant species, size and numbers and their disposition throughout the site. The development shall then be carried out in accordance with the approved details.

6 The approved hard and soft landscaping scheme 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.

7 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 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.

8 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the Highway boundary and shall be hung so as to open inwards only.

9 Before first occupation of the development hereby permitted, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

10 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site unless otherwise agreed in writing by the Local Planning Authority.

11 Before the development hereby permitted is first used, off-street car parking provision shall be made within the application site in accordance with the submitted plan. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.

12 Before first use of the development hereby permitted, the vehicular accesses to the site shall be provided with 2 metre control radii on both sides of each access

13 Before first use of the development hereby permitted the access drives and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the Highway boundary and shall be so maintained at all times.

14 Notwithstanding the submitted details 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 an agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

15 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: P052008.1, P052008.2 and P052008.3 received on 16 May 2008.

Reasons :-

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

2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

3 To ensure that the development has a satisfactory external appearance and that adequate provision for bin storage is provided to serve the proposed development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

4 In the interests of sustainable development to accord with policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.

5 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

7 To ensure that the development contributes towards the provision of public play and open space facilities within the vicinity of the site to accord with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Guidance on Play and Open Space.

8 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

9 To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

10 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.

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

12 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway.

13 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

14 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.

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

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 The applicant is reminded that any alteration, building or ground works proposed in the vicinity of an E-on Network that may or may not directly affect their cables, must be notified in detail to Central Networks. You should contact Central Networks, Pegasus Business Park, Castle Donington, Derbyshire, DE74 2TU or email customerworks@centralnetworks.co.uk

6 In accordance with condition 7, a contribution of £1,250.80 per apartment is required, totally £10,0006.40; £6542.40 towards the provision and £3464 towards the maintenance.

Contact Officer:- Louise Forman Ext 5682