DELEGATED REPORT

Recommendation Made: 28 May 2010

Reference:- 10/00324/EXT **Parish:- Market Bosworth Parish Council**

Applicant:- Mr Simon Rowland
117 Station Road
Market Bosworth
Nuneaton
Leicestershire

Location:- 117 Station Road Market Bosworth Nuneaton Leicestershire CV13 0NR

Proposal:- EXTENSION OF TIME APPLICATION FOR EXTANT PLANNING PERMISSION 05/00370/FUL FOR CONVERSION OF GARAGE TO LIVING ACCOMMODATION

Introduction:-

This is an application for the extension of time to commence planning permission 05/00370/FUL for the conversion of the attached garage to living accommodation replacing the existing garage door with a window, together with the provision of a pitched roof over the existing flat roof. The garage extends along the majority of the westen elevation of the dwelling.

117 Station Road is a substantial 1950's style detached dwelling located in a large plot which has an existing access from Station Road and parking within the site.

History;

05/00370/FUL Conversion of garage Approved 26.05.05

Consultations:-

No objections received from;

Market Bosworth P C

The Director of Environment and Transport (Highways) recommends the standing advice procedure (consider loss of parking space).

Development Plan Policies:-

The Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order 2009 (S12009 No.2261)

Local Plan Policy (adopted 2001)

BE1 Siting and Design

T5 Highway design and Vehicle Parking Standards

Supplementary Planning Guidance on Household Extensions

In respect of the extension of buildings, these must be sympathetic, subservient, and in keeping with the design of the principal property. Extensions forward of the front building line are not normally considered acceptable , unless there are overriding material considerations.

Other Documents

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".

Core Strategy (adopted 2009)

Policy 7:Key Rural Centres

Appraisal:-

The original application approved under reference 05/00370/FUL expires on 14 June 2010. The main consideration for the determination of this application is whether development plan policies or other material considerations have changed significantly since the granting of the original planning permission, which may lead to a different conclusion on the acceptability of the application.

Consideration is therefore whether any material consideration is now applicable that would not have been considered in 2005. Since then National Planning Policy Statements have been issued on a number of topics, those considered to be of relevance would be PPS1 Delivering Sustainable Development, The Planning and Climate Change Supplement to PPS1 and PPS9 Biodiversity and Geological Conservation.

It is considered that whilst these documents set new broad national planning policies that would be applicable they do not raise issues that would now imply that the development would be unacceptable. Therefore it is concluded that the development plan and other material considerations have not changed in a manner that would now lead to the application being refused.

The Core Strategy has also been adopted (2009), it identifies MarKet Bosworth as a Key Rural Centre (Policy 7). It is does not specifically deal with this type of development. The original application was determined under Local Plan policies BE1, T5 and RES7. RES7 is not a 'saved' policy but the other policies remain along with the new Core Strategy. Whilst the development plan has changed since the previous planning permission was granted, the proposal is in accordance with the current policies and therefore, there is no change to the decision.

The original scheme was recommended for approval subject to conditions relating to matching materials and the provision of two parking spaces within the site. These conditions are still considered necessary to ensure a satisfactory form of development in accordance with adopted policies BE1 and T5.

Conclusion

As this application is not to be considered as a new proposition, under the new regulations but considered in terms of changes to planning policy or other material considerations that have occurred since the previous permission, it is considered that the extension of the proposal for a further 3 year period is acceptable subject to the imposition of the previous conditions.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the planning officers original decision, the changes to the development plan, other material considerations since that decision and representations received it is considered that subject to compliance

with the conditions attached to this permission, the proposed development would be in accordance with the development plan and would be of an acceptable design which would not harm neighbours amenity or the character of the area, highway safety or parking.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1 and T5

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

2 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.

3 Before the proposed conversion is first brought into use, a minimum of two car parking spaces shall be provided within the curtilage of the dwelling and retained for such use at all times thereafter.

4 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drawing 'Garage Conversion' submitted on 7 April 2005

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 adequate off-street parking facilities are available, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

4 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.

Contact Officer:- Louise Forman Ext 5682 Date Printed: 18 June 2010