DELEGATED REPORT

Recommendation Made: 1 November 2011

Reference:- 11/00749/EXT **Parish:-**

Applicant:- Mrs Anne Knight
Middleton House
16 Springfield Road
Hinckley
Leicestershire

Location:- Land At Springfield Road Hinckley Leicestershire

Proposal:- EXTENSION OF TIME FOR EXTANT PLANNING PERMISSION 08/00881/FUL FOR ERECTION OF ONE DWELLING

Introduction:-

This is an application for the extension of time of a full application for one dwelling. The original application (ref: 08/00881/FUL) will expire on 27 November 2011, however the extension of time application was made prior to the expiry date.

The application proposes the removal of the existing garages and the erection of a four bedroomed, two and a half storey detached dwelling with two off street parking spaces to be provided to Springfield Road frontage.

The site is located within the settlement boundary of Hinckley, as defined by the adopted Hinckley and Bosworth Local Plan.

The application is accompanied by a Unilateral Undertaking.

Planning History

11/00440/EXT	Extension of time for extant planning permission 08/00881/FUL for erection of one dwelling	Withdrawn	23.06.11
11/00232/OUT	Demolition of garages and erection of dwelling (all matters reserved)	Approved	16.05.11
08/00881/FUL	Erection of one dwelling	Approved	27.11.08
08/00302/FUL	Erection of one dwelling	Approved	03.06.08

Consultations:-

No objections from:-

Head of Community Services (Pollution)
Head of Community Services (Land Drainage)

No objection subject to conditions from:-

Director of Environment and Transport (Highways)

Site notice displayed and neighbours notified

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development.

Planning Policy Statement 3: (PPS3): Housing.

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 & Bosworth Local Plan (2001)

The site is within the settlement boundary of Hinckley, as defined in the adopted Hinckley and Bosworth Local Plan.

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): Sustainable Design

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 or financial contributions should be applied.

Changes to Policy

Central Government Guidance

Since 2008 National Planning Policy Statements have been both issued and amended on a number of topics. Of particular relevance to this application is Planning Policy Statement 3: Housing (PPS3).

The previous application was considered in light of Planning Policy Guidance Note 3: Housing published in March 2000. Early editions of Planning Policy Statement 3 were issued in 29 November 2006 and 19 January 2010 and have been superseded by the latest issue of PPS3 in June 2010.

The particular revisions issued on 9 June 2010 were the removal of private residential gardens from the definition of previously developed land and the removal of the national indicative minimum density of 30 dwellings per hectare. Whilst these changes to policy have taken place, the subsequent letter from the Chief Planning Officer on 15th June 2010 makes clear these amendments provide Local Authorities the opportunity to prevent over development and to determine for themselves the best locations and types of development. It is also interpreted that the changes are to primarily prevent over development within residential areas that are considered out of character. As such the Council has considered that where development falls within Greenfield classification but is within a defined settlement boundary, that character density, mass, layout and design should be fundamental to the determination of the application alongside the development being carried out in accordance with relevant plan policies.

The application site comprises garden land and would prior to the update to PPS3 have fallen into the category of brownfield land, however following the changes to PPS3 it is considered that the land falls within a 'brownfield' land classification.

There is a mix of types, styles and designs within the streetscene, however the proposed dwelling would be of a similar height to that of the adjacent two neighbouring dwellings. Therefore, the proposal is not out of keeping in terms of design or scale.

As such it is considered that the proposal would be characteristic of the surrounding dwellings. In addition, it is considered that the development would not overdevelop the site and as such would be in general conformity with PPS3. It is considered that whilst amendments have been made to PPS3, they do not raise issues that would now imply that the development would be unacceptable.

Regional Policy

In 2008 the scheme would have also been considered against Leicester, Leicestershire and Rutland Structure Plan which has since been superseded by the Regional Spatial Strategy for the East Midlands. While this high level policy has changed it is considered that the scheme would also be in accordance with the broad polices of the RSS which still seek to direct new development to urban areas and Brownfield land. Therefore while the development plan has changed since the original decision was reached it does not lead to a different conclusion on the acceptability of the application.

Core Strategy

The Local Development Framework Core Strategy was adopted in December 2009 and of relevance to the scheme are Policies 1, 19 and 24.

Policy 1- Development in Hinckley is an overarching policy to guide development in Hinckley which does not raise issues that would now imply that the development would be unacceptable.

Policy 19 - Green Space and Play Provision seeks high quality and accessible green spaces and play areas, whilst Policy 1 also sets out aspirations to address the existing deficiencies in the quantity, quality and accessibility of green space and play provision. It is considered that the site is located close to Hinckley's town centre, and also within 400 metres of Queens Park and as discussed later in the park is a requirement that financial contributions are sought from this development.

In line with Policy 24 - Sustainable Design and Technology, the residential units to be constructed on site will now need to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. It is considered necessary to attach a condition to ensure that details of the schemes compliance with this standard are submitted to and approved in writing by the Local Planning Authority.

In summary, since the determination of the previous application a number of policies of the Local Development Framework Core Strategy are relevant. In principle the policies do not raise further issues that would imply that the development would be unacceptable, however it is considered that an additional condition for Code Level 3 and a legal agreement to secure financial contributions towards play and open space facilities are required in order for the scheme to be in compliance with these policies.

Local Plan Policy

The original scheme was granted on the 12 March 2008 therefore it was considered in light of the current adopted Local Plan Policies.

In summary, the development plan and other material considerations have not changed in a manner that would now lead to the application being refused.

Changes to Conditions and Financial Contributions

Therefore given that the development plan and other material considerations have not changed in a manner that would now lead to the application being refused the other consideration is whether the original conditions are still relevant and whether additional conditions or financial contributions should be applied.

Conditions

Since the determination of the previous application the Community Infrastructure Levy Regulations (CIL) 2010 has become a statutory requirement and this requires the Borough Council to ensure that requested contributions are necessary, directly related and fairly and reasonably related in scale and kind the development proposed.

The site is located within 400 metres of open space at Queens Park (local open space). Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Council's SPD on Play and Open Space.

Within the Green Space Strategy 2005-2010, Hinckley was found to have a deficiency of both equipped open space (-1.20) and outdoor sports (-12.50) for its population when compared with the National Playing Fields Standard.

The quality of the space has been considered within the Quality and Accessibility Audit of 2005 which awarded Queens Park a low quality score of 32.4%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. As the scheme results in a net gain of 1 no. dwelling a total figure of £1250.80 is sought for the provision and maintenance. The money is set to be spent on improving the entrances, increasing landscaping, additional play for infants, juniors and teenagers and providing a permanent rounder pitch.

It is considered that Hinckley has a deficit of both equipped and outdoor sports areas and Queens Park has been shown to have a quality deficit relating to facilities. The size of the dwelling proposed would appeal to families and given the proximity of the application site to this open spaces it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance.

The previous permission secured this sum through the imposition of a planning condition (no.7) however no such sum was received. These monies are no longer requested by condition and as such a Unilateral Undertaking is under currently negotiation to secure the play and open space contributions. Condition 7 is not therefore being carried forward to this permission.

As previously discussed since the determination of the previous application the Local Development Framework Core Strategy has been adopted (2009) and Policy 24 requires that all new residential development within Hinckley, Burbage, Barwell and Earl Shilton to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. The details of the schemes compliance with this standard will be subject to an additional condition.

Conclusion

In 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. As such, the extension of the

scheme for a further three year plan period is acceptable subject to the imposition of planning conditions.

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 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 be to the detriment of visual or residential amenity or highway safety.

Hinckley & Bosworth Local Plan (2001):- Policies IMP1, RES5, BE1, T5, REC3.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policy 1, Policy 19, Policy 24.

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

2 This permission relates to the application as revised by amended plan No. 06;488 received by the Local Planning Authority on 20 May 2008.

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

4 The garage shall be provided with sliding or roller shutter doors prior to first occupation of the dwelling hereby permitted and thereafter shall be so maintained.

5 Prior to the development commencing on site the car parking (including garage) space shown on the approved plan shall be provided solely for the use of the occupiers of the dwelling hereby approved and shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.

6 No gates shall be erected to the parking area.

7 Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, 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.

8 Before first occupation of the dwelling hereby permitted, the access drive and parking spaces shown on the approved plan shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

9 Before first occupation of the dwelling hereby approved, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the vehicular accesses with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in at all times thereafter, where in the control of the applicant.

10 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 and 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.

11 The windows serving the bedroom, en suite and toilet in the western elevation at first floor level shall be obscurely glazed and the glazing retained at all times thereafter.

Reasons :-

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

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

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

4 In the interests of road safety to accord with Policy T5 of the Hinckley & Bosworth Local Plan.

5 In the interests of road safety to accord with Policy T5 of the Hinckley & Bosworth Local Plan.

6 To enable a vehicle to stand clear of the highway to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

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

8 To reduce the possibility of deleterious material (loose stones etc.) being deposited in the public highway and in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

9 To ensure that an adequate line of vision is available in the interests of road safety to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

10 To ensure the development is compatible with the character and appearance of the existing streetscene and is not to the privacy and amenity of the neighbouring property in accordance with the requirements of Policy BE1 of the Adopted Hinckley and Bosworth Local Plan.

11 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property, to accord with Policy BE1 of the adopted Hinckley & 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 Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the

minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid the necessity of discharging some surface water off-site, flow attenuation methods should be employed, either alone or, if practicable, in combination with infiltration systems and/or rainwater harvesting systems.

Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).

Contact Officer:- Ebbony Mattley Ext 5691