DELEGATED REPORT

Recommendation Made:

Reference:- 10/00328/EXT **Parish:- Burbage Parish Council**

Applicant:- Mrs S E Smith
10 Salford Close
Welford
Northants
NN6 7JJ

Location:- Land Rear Of 68 Britannia Road Burbage Leicestershire

Proposal:- EXTENSION OF TIME FOR EXTANT PLANNING PERMISSION - 07/00566/OUT - OUTLINE PERMISSION FOR RESIDENTIAL DEVELOPMENT

Introduction:-

This is an application for the extension of time of planning permission 07/00566/OUT for outline permission for residential development.

The application site is located to the rear of 68 Brittannia Road, within the settlement boundary of Burbage. The site forms part of the rear garden area of 46 Lutterworth road, Burbage and contains trees protected by a group tree preservation order (08/01/0411 - Burbage The Lodge, Lutterworth Road 1982).

There is a history of renewed applications on this site dating back to 1998

Relevant Planning History

07/00566/OUT	Renewal of outline planning permission 04/00958/OUT for residential development	Approved	24.07.07
04/00958/OUT	Renewal of outline permission 01/00853/OUT for residential development	Approved	24.09.04
01/00853/OUT	Erection of one dwelling (renewal of outline permission)	Approved	04.10.01
98/00732/OUT	Erection of one dwelling (renewal of outline permission)	Approved	30.09.98
95/00764/OUT	Erection of one dwelling	Approved	30.11.95

Consultations:-

No objection has been received from
- Head of Community Services (Land Drainage)
- Head of Business Development and Street Scene Services
- Director of Environment and Transport (Highways)
- Director of Environment and Transport (Ecology)

Burbage Parish Council objects due to poor access from Brittannia Road.

Development Plan Policies:-

Planning Policy Statement 3 (PPS3)- Housing (June 2010)
Classifies garden land as green field land and states that development should be on previously development land in the first instance.

Local Development Framework-
Core Strategy- Policy 4 considered development in Burbage.

Hinckley and Bosworth Local Plan

Policy BE1- Design and siting of development.
Policy RES5- Development in the countryside
Policy T5- Highway design and vehicle parking standards
REC3- Play and open space provision
IMP1- Contributions towards infrastructure improvements

Other Material Considerations
Burbage Village Design Statement- Divides Burbage into different character areas, gives a brief description and examples of good and bad design.
Play and open space supplementary planning document

Appraisal:-

The main issues for consideration are if there have been any changes in Policy since the last decision was issued.

The Council adopted its Core Strategy in December 2009 and policy 4 relates to Burbage. This is an overarching policy to guide development in Burbage, none of the points are directly relevant to this application.

More recently (June 2010) PPS3 has been revised to include garden land as an exception to previously development land, and therefore awarding it greenfield status. Paragraph 35. of PPS3 states that the priority for development should be on previously developed land. This application is for the development of garden land to the rear of 46 Lutterworth Road, which is now classified as greenfield and therefore there is a presumption against residential development on this site. However ministerial advice provides clarification regarding what this small but significant change seeks to achieve. It is interpreted that this is to primarily prevent over development within residential areas that is out of character. This application is for a single dwelling on a relatively large plot. No 66 Lutterworth Road would retain a substantial garden area which extends along both Brittannia Road and Lutterworth Road and offers an attractive natural break. It is therefore not considered that this application would result in over development of the area.

Whilst saved policy RES5 of the adopted Hinckley Local Plan, supports residential development within the settlement boundary, whilst PPS3 carries weight, this is still material policy and has been considered.

Criterion A of Policy BE1 requires development to complement or enhance the character of the surrounding area. 46 Lutterworth Road is a large house in a very large plot of garden land with other dwellings in the area consisting of large detached dwellings in modest plots. To the south east there is a row of detached dwellings, some served off Lodge Close with the other two off Workhouse Lane, forming two separate tandem developments. The site is towards the edge of the settlement, where density tends to naturally decrease. The proposal would result in development over part of a large garden and result in backland development, or development in tandem. Given the other developments in the area which are relatively low density and this application is for one detached dwelling, and the screening around the site which offers a natural break between the development, it is considered that the proposal would not significantly detrimentally affect the character of the area and is considered to be in accordance with Policy BE1.

Burbage Parish Council have objected due to inadequate access off Brittannia road. Leicestershire County Highways have not objected to the development and therefore there are no highway grounds on which to refuse the proposal.

In conclusion, the application is contrary to the policy objectives of PPS3. However that is to prevent overdevelopment of the site which it is considered this application does not do. It is further considered that the proposal is in line with Policy BE1 and therefore the application is recommended for approval.

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 single proposed dwelling, the large plot and mature screening the proposal is not considered to detrimentally affect the character of the area or result in overdevelopment and therefore would be in accordance with the development plan.
Core Strategy (2009) :- Policy 4

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

1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:

i) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
ii) The scale of each building proposed in relation to its surroundings.
iii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
iv) The access arrangements to and within the site for vehicles, cycles and pedestrians.
v) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
Site location plan received 29.04.10

4 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.

5 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 5 metres behind the highway boundary and shall be hung so as to open inwards only.

6 Before any development is commenced on the site, a plan numbering each tree and indicating a protection zone at a radius from the bole of 3 metres or to coincide with the extremity of the canopy of the tree, whichever is the greater shall be submitted and approved in writing by the Local Planning Authority. Before development commences the approved plan shall be implemented using protective fencing on a scaffolding framework in accordance with B. S. 5837. Within the areas so fenced off, the existing ground level shall be neither raised or lowered, (except as may be approved by the Local Planning Authority as part of the development) and no materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored thereon. If any trenches for services are required in the fenced-off 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.

7 No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.

8 Before first occupation of the dwelling hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.

9 The proposed access shall have an effective width of a minimum of 4.25 metres for a distance of at least 5 metres behind the highway boundary. The access drive once provided shall be so maintained at all times.

10 Before first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with a hard bound porous material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

11 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.

12 This permission does not grant planning permission for no more than one dwelling.

Reasons :-

1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

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

4 To ensure the provision of adequate play and open space within the vicinity of the site in accordance with Policy REC3 of the Hinckley and Bosworth Local Plan.

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

6 The trees on this site are subject to a Tree Preservation Order and this condition is necessary to ensure that proper steps are taken to safeguard the trees during the course of development.

7 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.

8 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.

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

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

11 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

12 To ensure an appropriate level of development on the site in accordance with Policy BE1 if the Hinckley Local Plan and Planning Policy Statement 3- Housing (2010).

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 6th 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 Condition 4 relates to play and open space contribution. In this instance a contribution of £1250.80 is required.

Contact Officer:- Sarah Fryer Ext 5680 Date Printed: 24 June 2010