DELEGATED REPORT

Recommendation Made: 5 July 2011

Reference:- 11/00346/EXT **Parish:- Burbage Parish Council**

Applicant:- Mr David Coventry
Highfields
18 Main Street
Frolesworth
Lutterworth

Location:- Land Adjacent To 34 Forresters Road Burbage Leicestershire

Proposal:- EXTENSION OF TIME APPLICATION FOR PLANNING PERMISSION 08/00337/FUL FOR THE ERECTION OF ONE DWELLING

Introduction:-

This in an application for an extension of time for extant planning permission (ref: 08/00337/FUL) for the erection of a single dwelling. The previous application was a full submission and expired on the 22.05.11. The extension of time application has been made prior to the expiry date.

The proposal is for the erection of a detached dwelling with an attached garage. The proposal is a two storey dwelling located on the north eastern corner of the site with a forward facing projecting gable.

The application site comprises a piece of land located on the north side of Forrester's Road, to the east of 34 Forrester's Road, Burabge. The site currently contains outbuildings including a garage which has an existing access.

Foresters Road contains a mixture of styles and house types, from detached two storey dwellings, semi-detached properties to bungalows or varying styles including traditional to properties constructed in the 1970s.

Relevant planning history:-

08/00337/FUL	Erection of one dwelling	Approved	22.05.08
06/00829/OUT	Erection of one dwelling	Approved	20.09.06

Consultations:-

No objections have been received from: -

Head of Community Services (Pollution)
Director of Highways, Transportation and Waste Management (highways)
Burbage Parish Council

Head of community services (Land Drainage) has suggested standard notes to applicant

At the time of writing the report no comments have been received from: -
Ward Members
Neighbours

Development Plan Policies:-

National

(PPS1): Delivering Sustainable Development

(PPS3): Housing

The Community Infrastructure Levy (CIL) Regulation 2010

Core Strategy (2009)

Policy 4: Development in Burbage

Policy 16: House type and tenure

Policy 19: Green Space and Play Provision

Policy 24: Sustainable Design

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
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Policy T5: Highway Design and Vehicle Parking Standards
.
Policy REC3: New Residential Development - Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

(SPG): New Residential Development
(SPD): Play and Open Space

Other Material Planning Documents

Greater Flexibility for Planning Permissions

Appraisal:-

The main considerations 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 and if the originally imposed conditions or additional conditions are required.

Changes to Policy

Central Government Guidance

Since 2008 National Planning Policy Statements have been both issued and amended on a number of topics. Planning Policy Statement 3 (PPS3) was revised on 9th June 2010 and removed private residential gardens from the definition of previously developed land and removed the national indicative minimum density of 30 dwellings per hectare.

Historical records indicate that the application site was originally garden land, however it is not clear to which adjacent property the garden belonged. Accordingly, following the changes to PPS3, it is considered the development of this garden land falls within a 'Greenfield' classification. 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.

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 character of Forresters Road is that of development that has a prominent road frontage. By virtue of the proposed dwelling sited to the road frontage it is considered that the development takes the form of the surrounding dwellings.

It is considered that the proposed dwelling would occupy a similar footprint to that of the surrounding residential dwellings and two storey proportions are also considered common within this setting. There are adequate separation distances and overall it is considered that the scheme would not overdevelop the site. The character of the area would not be compromised and it is considered that the scheme 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.

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

Policy 4 Development in Burbage seeks to allocate land for 295 new dwellings, diversify the range of existing housing stock to cater for a range of house types in line with Policy 16 and require development to be of the highest environmental standard in line with policy 24. As such, this policy is in principle, in support of the application.

Policy 19 sets out standards for the provision of green space and play provision and identifies where improvements are needed to existing green spaces and play areas and where new spaces are required to support existing and new residents and workers in the borough. There is an identified need for play provision within the vicinity of the site and therefore a contribution towards play and open space provision will be requested.

Policy 24 requires all new dwellings in Burbage to be built to a minimum of Level Three of the Code for Sustainable Homes. The Council is actively applying the requirements of Policy 24 unless material considerations indicate that it cannot be reasonably achieved. In this case there are no arising material considerations that suggest that Code Level 3 compliance cannot be achieved.

Local Plan Policy

The original scheme was granted on the 28 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

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 additional conditions should be applied.

As discussed above, it is considered necessary to attach an additional condition to secure compliance with Policy 24 of the Core Strategy.

The other remaining original conditions and the reasoning for their imposition have been considered and it is concluded that they are all necessary.

Play and Open Space Contributions

The site is located within 400 metres of open space Hinckley Road Recreation Ground (neighbourhood park). 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.

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.

Within the Green Space Strategy 2005-2010, Burbage was found to have a deficiency of both equipped open space and outdoor sports 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 Hinckley Road Recreation Ground a low quality score of 44.8%. 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 dwellings a total figure of £1250.80 is sought for the provision and maintenance.

It is considered that Burbage has a deficit of both equipped and outdoor sports areas and Hinckley Road Recreational Ground 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 these 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.

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. It is considered that subject to the Unilateral Undertaking for the play and open space contribution, the conditions on the original application and the additional conditions, as stated for the reasons outlined in the report should be imposed. As such, the extension of the scheme for a further 3 year plan period is considered 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 and legal agreement attached to this permission, the proposed development by virtue of the scale, mass and design of the proposed dwelling there would be no material impacts on either visual or residential amenity, highway safety or on the character of the street scene. Therefore the proposal is considered acceptable.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, T5, REC3, RES5, IMP1
Core Strategy (2009) Policy 4, Policy 16, 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 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.

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 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Class A shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

5 The windows to be inserted in the east and west elevations at first floor level shall be obscure glazed and retained as such at all times thereafter.

6 Before first occupation of the dwelling hereby approved, 3 car parking spaces shall be made within the curtilage of the dwelling. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking, unless otherwise agreed in writing by the Local Planning Authority.

7 Before first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with a porous hard bound material (not loose aggregate) and shall be so maintained at all times thereafter.

8 Before first use 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 as approved thereafter.

9 Before the commencement of development details of the proposed boundary treatments shall be submitted to and approved in writing by the local planning authority. The details shall be implemented as approved before the first occupation of dwelling hereby approved and shall be maintained thereafter.

10 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Refs:- D/1315/1/PD Received 7.05.08, D/1315/2/PD Received 8.05.08

Reasons :-

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

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

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

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

5 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property in accordance with policy BE1 of the Hinckley and Bosworth Local Plan.

6 To safeguard the privacy of surrounding residential properties in accordance with policy BE1 of the adopted Local Plan

7 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with policy T5 of the adopted 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 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

10 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).

Contact Officer:- Eleanor Shaw Ext 5680