Item: **01**

Reference: **10/00129/FUL**

Applicant: **Jelson Limited**

Location: **Land Outlands Drive Hinckley Leicestershire**

Proposal: **ERECTION OF 8 DWELLINGS (AMENDMENT OF PLANNING PERMISSION 08/00717/REM)**

Target Date: **19 July 2010**

Introduction:-

This full application is an amended scheme for the erection of eight dwellings on land off Outlands Drive, Hinckley. The application relates to the western most parcel of land of the previous approved scheme within site B of the larger site. The site as a whole benefits from outline and reserved matters approvals and this application is submitted because the application site has since been found to be smaller than originally surveyed and the previously approved scheme of 11 dwellings could not therefore be constructed. The application refers to the site of approved plots 119-129.

The scheme proposes the erection 4 no. 2 bed and 4 no. 3 bed terraced dwellings. This is a reduction in a total of three units (1no. 3bed and 2no. 2bed) over the previously approved scheme.

The application site is currently cleared and comprises a working construction site.

The application is accompanied by a design and access statement, landscaping scheme and legal agreement.

The design and access statement details the design concept applicable to the scheme and seeks to demonstrate that the re-development of this part of the site is in conformity with the wider character and design of this residential development.

The landscaping scheme details landscaping provisions for the development.

The legal agreement seeks to bind this application to the requirements of the earlier outline application at the site.

Amended plans have been submitted following concerns raised by officers in respect of the design and layout of the scheme.

The application is only being presented before Planning Committee because it is subject to a legal agreement.

History:-

08/00717/REM	Erection of 63 No. dwellings Including diversion of footpath	Approved	01.10.08

08/00360/REM	Erection of 72 No. dwellings	Withdrawn	12.06.08
08/00030/REM	Three storey block (plots 17-19) with revised roofline and window detail	Approved	28.05.08
08/00002/TPO	Works to trees	Approved	22.01.08
07/00441/FUL	Substitution of House Types (plots 17-19)	Approved	18.07.07
06/00473/REM	Erection of 53 Dwellings	Approved	18.07.06
05/00335/OUT	Erection of 375 dwellings and estate roads, footpaths and cycle routes and landscaping	Permitted	29.03.06
05/00336/FUL	Erection of fifty six dwellings	Withdrawn	25.04.06
05/00011/OUT	Erection of 375 dwellings and estate roads, footpaths and cycle routes and landscaping	Withdrawn	04.05.06
03/00346/OUT	Residential Development	Refused	25.06.03
01/00338/OUT	Residential development	DismissedAppeal	09.05.04



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Consultations:-

No objection has been received from:-

The Director of Environment and Transport (Rights of Way)
The Head of Community Services (Land Drainage).

Head of Community Services (Pollution) raises no objection but confirms that uprated gas protection measures will remain necessary due to the proximity of the dwellings to the former landfill site.

Site notice displayed and neighbours notified.

At the time of writing the report comments have not been received from:-

Director of Environment and Transport (Highways)
Directorate of Chief Executive (Ecology
Environment Agency
The Ramblers Association
Severn Trent Water
Head of Corporate and Scrutiny Services (Green Spaces)
Neighbours.

Policy:-

Central Government Guidance

Planning Policy Statement 1 'Delivering Sustainable Development' promotes sustainable and inclusive patterns of urban development and the more efficient use of land.

Planning Policy Statement 3 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives. The PPS also details that Local Planning Authorities should maintain a 5 year land supply in housing delivery figures. PPS3 has very recently been updated to specifically refer to garden land not being brownfield land and the policy in relation to a minimum housing density figure has now been amended to allow local planning authorities to develop their own range of policies whilst having regard to the continued need to develop land in the most efficient manner.

Regional Policy

The East Midlands Regional Plan (adopted March 2009) provides the development strategy for the East Midlands up to 2026. Whilst recent instruction by the Secretary of State for the Department of Communities and Local Government confirms the commitment by the Coalition Government to abolish Regional Plans. Whilst Regional Plans are still in place they need to be a material consideration as does the letter from the Secretary of State and decisions need to be made having regard to both.

Policy 1 seeks to secure the delivery of sustainable development. Policy 2 promotes better design. Policy 3 directs development towards urban areas with Hinckley being defined as a Sub-Regional Centre and the main focus for development at the local level. Policy 3 also states that in assessing the suitability of sites for development priority should be given to making the best use of previously developed land in urban or other sustainable locations, contributing to the regional target of 60% of additional

dwellings on previously developed land. Policy 13a sets out targets for housing provision (2006 - 2026). Policy 14 sets out the regional priorities for affordable housing in line with Housing Market Assessment for the area. Policy 43 sets out regional transport objectives across the region. Policy SRS3 states that new housing provision in Hinckley and Bosworth will be made at the level of 450 dwellings per annum and be located mainly at Hinckley.

Local Development Framework Core Strategy (2009)

Policy 1 seeks to ensure that all new development supports Hinckley's role as a sub regional centre through, the delivery of, inter alia, a minimum of 1120 new homes and land for employment uses.

Policy 5 seeks to ensure that appropriate transport infrastructure is provided within the Hinckley sub regional centre.

Policy 15 seeks to deliver 20% affordable housing provision in Hinckley on sites of 15 dwellings or more or sites of 0.5ha or more.

Policy 16 seeks to ensure that all new residential developments provide a mix of types and tenures appropriate to the applicable household type projections.

Policy 19 seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.

Policy 20 seeks to achieve the implementation of the green infrastructure network applicable to Hinckley town centre.

Policy 24 seeks to ensure that all new homes in Hinckley are built to Code For Sustainable Homes Level 3 at the current time.

Adopted Hinckley and Bosworth Local Plan (2001)

The site is within the settlement boundary of Hinckley as defined in the adopted Hinckley and Bosworth Local Plan and is a designated site for residential development in accordance with Saved Policy RES1(m).

Policy IMP1 requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

RES1 states that planning permission will be developed for the site to the north of Outlands Drive subject to access are from Outlands Drive, inclusion of pedestrian links and the safeguarding of the sites TPOS trees.

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Development should ensure adequate highway visibility for road users and adequate provision for on and off street parking for residents and visitors together with turning facilities and should not adversely affect the occupiers of neighbouring properties.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new developments. Leicestershire County Council's document

'Highways, Transportation and Development' provides further highway design guidance and parking targets.

Policy REC3 requires the appropriate level of informal public open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance: New Residential Development provides a series of standards that new residential development should achieve in respect of design, layout, impact on neighbours and amenity space.

Supplementary Planning Document: Play and Open Space provides a framework for the provision of play and open space and financial contributions to support the requirements of Policy REC3.

Supplementary Planning Document: Affordable Housing provides the background and approach to the Borough Councils delivery of affordable housing.

Appraisal:-

The principle of the development of this site is well established within the Saved Policies of the Adopted Local Plan and furthermore through the previous grants of planning permission on the site. Accordingly, the key issues for consideration in the determination of this application are the design and siting of the revised scheme, highways and the associated implications on the reduction of three dwellings on the previously signed legal agreements relating to this development.

Siting and Design

The layout of the site remains principally unaltered from that of the approved scheme for the site, however the application omits the garage building sited on the south side of the site adjacent to the access road. The omission of the garage building does leave a large open space between the rear elevations of the two terraces of dwellings, however the applicant now proposes the a 1.8 metre brick wall to denote the side boundaries of the plots and to screen roadside views into the parking court.

The issue of the loss of the garage buildings has been discussed with the applicant, however the applicant is no longer willing to provide these structures. The screen wall will provide the necessary screening of the parking area and subject to its design being agreed, will provide an attractive boundary treatment in the street scene. A landscaping scheme has been submitted with the application however at the time or writing it has not been updated to correspond with the amended site layout. It is important that the landscaping provides the necessary softening to the proposed boundary wall and amended scheme has been requested and reported as a late item.

The dwellings are standard house types used on the earlier phases of the development and are considered to be in accordance with the design code of the reserved matters approval. The house types proposed are the same as those originally approved for this area on the previous scheme, accordingly there is no change in the mix of house types and therefore no objection to the design of the dwellings.

Highways

The scheme fails to provide two off street car parking spaces per dwelling line with the approved details of the earlier reserved matters approval. An additional space has been requested and an amended layout showing its position will be reported as a late item.

Implications on the Outline and Reserved Matters Approvals

The earlier outline planning permission is subject to a legal agreement, however as this application is a revised scheme it is not bound by the legal agreement. The applicant has submitted a new agreement to tie this application to the requirements of the earlier agreement to ensure that the necessary planning obligations are still secured.

Other Matters

The site is adjacent to a former landfill site and gas protection measures remain necessary due to the proximity of the dwellings to the former site. This matter is not controlled through the planning process but through the Building Regulations.

Conclusion

The reduction in the site area that has naturally led to the need for the re-submission of this part of the scheme is unfortunate but is beyond the control of the Local Planning Authority and therefore the application must be determined on its own merits.

The scheme will complement the character of the existing phases of the development and the surrounding area without resulting in any material detriment to others or highway safety.

RECOMMENDATION:- That subject to the signing of a Legal Agreement binding this permission to the Outline Planning Permission ref: 05/00346/OUT, the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant planning permission for the development subject to the following conditions. Failure to do so by 19 July 2010 may result in the application being refused.

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 would be in accordance with the development plan and would not be to the detriment of the amenities of others or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001) :- IMP1, RES5, RES1, BE1, T5, REC2.
Hinckley & Bosworth Borough Council Core Strategy (2010):- Policies 1, 5, 15, 16, 19, 20, 24.

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

2 The dwellings hereby approved shall be constructed from the materials specified on ref:700/7B unless agreed otherwise in writing by the Local Planning Authority.

3 No development shall commence until details (including materials of construction) of the proposed brick wall between the parking court area and rear gardens of plots 119 and 123, and the access road has been submitted to and agreed in writing by the Local Planning Authority. The wall shall then be constructed in accordance with the approved details before the first occupation of any dwelling hereby approved.

4 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 700.7B, 788.7D, OD/60, OD/73B.

Reasons:-

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

2&3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & 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.

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 This grant of planning permission is subject to a legal agreement.

6 Your attention drawn to the need for gas protection measures in the construction of these dwellings as the application site is located within 50 metres of a former landfill site. Further advice can be obtained from The Head of Community Services (Pollution) on 01455 255641.

Contact Officer:- James Hicks Ext 5762