Item: **13**

Reference: **11/00207/DEEM**

Applicant: **H B B C**

Location: **Land Adj 7 Alexander Gardens Hinckley**

Proposal: **VARIATION OF CONDITIONS 1 AND 5 OF PLANNING PERMISSION 10/00195/DEEM RELATING TO MATERIALS AND DRAWING DETAILS**

Target Date: **19 May 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the scheme of Delegation as it is an application made by Hinckley and Bosworth Borough Council.

Application Proposal

Planning permission is sought for the variation of Conditions 1 and 5 attached to planning permission ref: 10/00195/DEEM which granted permission for the erection of a pair of semi detached dwellings in May 2010.

Condition 1 refers to facing bricks, roof tiles and header and cils and approved Redland Antique Brown tiles for the construction of the roof. This current application now proposes Redland DuoPlain Rustic Brown tiles. This change has arisen as a result of the approved roof facing materials generating a ridge height substantially above the adjacent dwellings. The proposed change to the roof materials would allow a lower pitch whilst maintaining a plain tile appearance.
Condition 5 refers to the development being carried out in accordance with the approved plans. The current application proposes the following changes:-

a) location of pv/solar panels to the rear elevation
b) removal of the air source heat pumps from the scheme
c) increase in height of the enclosing fence from 1.5 metres to 1.8 metres
d) the removal of the visibility splay from the eastern side of the access, adjacent to No. 6
e) the replacement of the radius kerb at each side of the entrance with an extension of the existing dropped kerb.

The Site and Surrounding Area

No. 7 Alexander Gardens shares the site's northern boundary and 6 Alexander Gardens shares its eastern boundary. The site is surrounded by residential properties with the rear gardens of 76 and 78 Burleigh Road adjoining the sites western boundary and the rear gardens of 33, 35 and 39 King Richard Road adjoining the southern boundary. The properties on Alexander Gardens are 1950s, two-storey, hipped-roof, semi-detached and terraced properties set back from the road.

The site is located within the settlement boundary of Hinckley, as defined by the adopted Hinckley and Bosworth Local Plan (2001).

Technical Documents submitted with application

No documents accompany the submission of this application.

History:-

11/00170/CONDIT	Variation of Condition No's 1 and 5 of planning Permission 10/00195/DEEM relating to materials and drawing details	Withdrawn	14.04.11
10/00195/DEEM	Residential Development Reserved Matters)	Approved	12.05.10
09/00587/DEEM	Residential Development (Outline – all matters reserved)	Approved	30.09.09
09/00526/DEEM	Erection of 2 no. dwellings	Returned	31.07.09



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Consultations:-

No objection has been received from:-

The Director of Highways, Transportation and Waste Management (Highways)
Director of Community Services (Ecology)

The Environment Agency.

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

Head of Community Services (Land Drainage)
Head of Business Development and Street Scene Services (Waste Minimisation)
Severn Trent Water
Neighbours.

The consultation period remains open at the time of writing and closes on 22 April 2011. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

Central Government Guidance

Planning Policy Statement 1 (PPS1): 'Sustainable Development and Climate Change', outlines the government's objectives for the land use planning system with a focus on protecting the environment.

Planning Policy Statement 3 (PPS3): 'Housing' explains how the government's objectives on housing such as providing housing in suitable locations which offer a good range of community facilities with access to jobs and key services can be delivered through the planning system. Planning Policy Statement 3 states this can be achieved through the effective use of land which includes the opportunity for housing provision on surplus public sector land. It states priority for development should be given to previously developed land, in particular vacant and derelict sites.

Regional Policy

The decision of the Secretary of State for Communities and Local Government ("SoS") on 6 July 2010 to revoke Regional Strategies using powers in section 79 of The Local Democracy, Economic Development and Construction Act 2009 was successfully challenged in the High Court and was quashed in a judgment handed down on 10 November 2010.

Following the decision, the SoS has written to local planning authorities stating that the government will introduce the Localism Bill in November containing proposals to abolish Regional Strategies.

The government's Chief Planning Officer has also written advising that local planning authorities should still have regard to the SoS`s letter of 27 May 2010 and that it should still be regarded as a material consideration.

Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS`s intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration.

In relation to the weight to be given to that intention as a material consideration the Court held that `the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:

Policy 1 seeks to secure the delivery of sustainable development.

Local Development Framework Core Strategy 2009

Policy 1 set the development intentions for Hinckley, which includes the Allocation of land for the development of a minimum of 1120 new residential dwellings.

Policy 24 requires all new residential development in Hinckley to be built to Code Level 3 of the Code for Sustainable Homes.

Hinckley and Bosworth Local Plan 2001

The site lies within the Hinckley settlement boundary as defined within the adopted Hinckley and Bosworth Local Plan.

Policy RES5 relates to residential development on unallocated sites and supports the principle of development providing the site is within the settlement boundary and complies with other policies of the Local Plan.

Policy BE1 requires the design and siting of new development to be of a high standard of design, incorporate a high quality landscaping scheme, have regard to highway safety and the amenities of neighbouring residents.

Policy IMP1 requires new developments to contribute towards infrastructure and facilities to serve the development commensurate with the scale and nature of the proposal.

Policy REC3 ensures that there is an adequate standard of play and open space to serve new residential development.

Policy T5 requires new development to apply the highway design standards as published by Leicestershire County Council.

Policy NE2: Pollution states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution.

Supplementary Planning Guidance/Documents

The Council's Supplementary Planning Guidance (SPG): 'New Residential Development' provides further guidance for developers on density, design, layout, space between buildings and highways and parking.

The Council's Supplementary Planning Document (SPD): '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.

The Council's Supplementary Planning Document (SPD): 'Sustainable Design' aims to support and encourage developers and applicants in delivering homes in line with national best practice guidance primarily the Code for Sustainable Homes for housing and delivery of sustainable development through the planning system.

Appraisal:-

The principle of the development has already been established through the earlier grant of planning permission (ref: 10/00195/DEEM) therefore the main considerations with regards to this application are the impact of the proposed variations to the approved scheme on the design and character of the area and highway safety.

Design, Visual Amenity, Character of the Street Scene

The variation of condition one involves the replacement of the approved Redland Antique Brown tiles with Redland Duo Plain Rustic Brown tiles. The use of the proposed tiles will ensure the development will have a ridge height similar to adjacent properties and further the tiles proposed have a similar appearance to those already approved. Accordingly the change in approved material will have no detrimental impacts on the visual amenity or character of the street scene. Two of the solar panels which were originally situated on the south eastern roof plane have been re-sited to the rear roof plane (western elevation) adjacent to the proposed solar panels on the adjoining property. Accordingly the re-sited solar panels will not be visible from the street scene and will therefore have no further impacts on visual amenity and are considered acceptable.
The increase in the height of the side fences from 1.5m to 1.8m and the repositioning of the solar panels to the rear elevation are considered to have no material impacts in terms of visual amenity, and thus are considered acceptable.

Highways

In respect of the removal of the visibility splay to the eastern side of the access and the replacement of the radius kerb with a conventional dropped kerb, the Director of Environment and Transport (Highways) raises no objections. Accordingly the changes proposed are not considered to have a detrimental impact in terms of Highway safety and are considered compliant with the requirements of Policy T5 of the adopted Local Plan.

Other Matters

The removal of the air source heat pump is unfortunate and it will result in a loss of on site sustainable technology. However, the dwellings are still being constructed to Code Level 3 of the Code for Sustainable Homes and are therefore compliant with the requirements of Policy 24 of the Core Strategy.

Conclusion

The proposed modifications to this scheme will ensure a viable and appropriate sustainable development can be delivered and therefore the variation of conditions 1 and 5 are considered acceptable as they will have no further material impacts in terms of visual amenity or highway safety.

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 would be in accordance with the development plan. Resultant of the materials proposed and the minor amendments made to the scheme there are considered no adverse material impacts in terms of either visual 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, NE2.

Hinckley and Bosworth Borough Council Local Development Framework Core Strategy (2009) Policy 1, Policy 24.

1 This permission relates to the variation of Conditions 1 and 5 of planning permission reference 10/00195/DEEM dated 15 March 2010, a copy of which is appended hereto and the conditions imposed by the decision notice in relation to the previous application shall be deemed to apply to the grant of permission in respect of application 11/0207/CONDIT save in so far as they are amended by virtue of the decision notice in relation to the current application or where variations subsequent to the previous application have been approved in writing by the local planning authority.

2 The development hereby permitted shall be carried out in complete accordance with the submitted application details, as follows: Drawing No's: 6338/11C and 12B received by the Local Planning Authority on 17 March 2011.

Reasons:-

1 To define the permission and to ensure that all other conditions attached to the original consent still apply.

2 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).

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