DELEGATED REPORT

Reference:- 11/00806/FUL **Parish:- Markfield Parish Council**

Applicant:- Mr Christopher Harbot
67 Carlisle Street
Leicester
LE3 6AH

Location:- Rear Of 132-136 Main Street Markfield Coalville Leicestershire

Proposal:- DEMOLITION OF WORKSHOP AND STORE AND ERECTION OF SINGLE STOREY DWELLING

Introduction:-

Planning permission is sought for the erection of a dwelling to the rear of 132-136 Main Street, Markfield.

The site is roughly rectangular in shape with an access driveway located to the north of 136 Main Street. The application site is located within a residential area characterised by two storey detached and semi-detached properties, some with stone detailing. There is an area of open space to the south of the site.

The site is currently contains a single storey storage building with outside storage of building materials to the front of the building. It is proposed to demolish the existing building and erect a single storey dwelling. The proposal would be rectangular in shape with the ridgeline running north to south. The access would remain the same with parking to the front of the dwelling. To the rear there would be a small private amenity space. The building would accommodate a separate kitchen and living area with a bedroom and study and bathroom.

Amended plans were submitted at the request of the planning officer adding details to the elevations. These include a porch to the main entrance door, with brick headers to the windows.

Relevant Planning History

10/00799/FUL	Erection of a single storey dwelling	Refused	27.01.11	Appeal dismissed 25.07.11
05/00399/TEMP	Renewal of consent 99/00188/TEMP to allow continued use of joinery workshop/ external storage of building materials	Approved	26.05.05	
01/01208/OUT	Erection of chalet bungalow and garage	Refused	31.01.02	
99/00188/TEMP	Retention of joinery workshop and external storage of builders materials	Approved	26.05.05	

Consultations:-

No objection has been received from
Director of Environment and Transport (Ecology)
Director of Chief Executive (Archaeology)

No objection subject to conditions have been received from
Director of Environment and Transport (Highways)
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)

Site notice was displayed and neighbours notified m from either

1 letters of objection has been received raising the following concerns:-

a) Inconsistencies within the submitted design and access statement with regard to public consultation,

vehicle movements and effect on the environment.

Development Plan Policies:-

Local Development Framework-
Core Strategy - Policy 8, Key rural centres relating to Leicester

Hinckley and Bosworth Local Plan

Policy IMP1- Contributions
Policy RES5- New residential development.
Policy BE1- Design and siting of development.
Policy T5- Highway design and vehicle parking standards
Policy ENV2- Pollution
Policy REC3- requirement for play and open space

Supplementary Planning Guidance (SPG)
New Residential Development
The Play and Open Space Guide SPD

Appraisal:-

The main issues for consideration are principle of development, the design and appearance of the dwelling, highway safety and the impact on the amenities of neighbouring residents.

Principle
The site is within the Markfield Settlement Boundary as defined by the adopted Hinckley and Bosworth Local Plan. Development within the settlement boundary is generally supported by policy providing the development conforms to other relevant policies.

A previous application was refused on this site and dismissed at appeal. This development consisted of a chalet style dwelling with accommodation within the roof space. In dismissing the appeal the Inspector considered that whilst the backland nature of the development would not adversely affect the amenities of neighbouring residents he did object to the height of the proposal and the harm this would have on the character and appearance and overbearing impact that would harm the outlook of neighbouring residents.

It is therefore considered that the a dwelling in this backland location is acceptable in principle.

Amenities
The proposal is located to the rear of properties facing Main Street and Park Avenue. All properties have boundary treatments of at least 1.8m in height either consisting of a brick/ block wall to the properties on Park Avenue or timber fencing and conifer hedging to the properties on Main Street. The proposed dwelling would be 0.4m higher than the existing workshop building and whilst sited, closer to the properties on Park Avenue it is considered that the dwelling would not have a significantly worse impact on these properties.

Due to the single storey nature of the proposal and the height of the windows in relation to the boundary treatments it is not considered that the proposal would result in any overlooking.

The application proposes a one bedroom dwelling with car parking and turning area to the front. It is considered that the vehicular movements would not be dissimilar from the current situation and therefore would not result in additional noise or disturbance that would detrimentally affect the amenities of neighbouring residents.

Design and Appearance
The proposal consists of a simple rectangular dwelling with a shallow pitched roof. All the accommodation is contained on the ground floor with the windows to the principle rooms facing north and south. At the request of the planning officer details have been added including brick solider course above the windows and a porch to the front door.

The design is very simplistic, however design modifications including brick headers and a front door porch have been sought that improve the appearance of the dwelling. . The proposal is located on a backland site with the building tucked round the corner form the access drive. Whilst it may be visible from the open space to the south of the site, the elevation will be screened with vegetation and the boundary treatments. The low pitch of the roof is in response to the appeal decision and reduces impact on the neighbouring residents. It is therefore considered that the proposal would not detrimentally affect the character or appearance of Main Street, and complies with Policy BE1. In this instance the design and appearance is acceptable.

A rear amenity area of 34.5 metre square has been proposed to the rear of the dwelling. This is approximately half the councils minimum requirement for a two bedroom dwelling however given the size of accommodation it is unlikely the proposal would house a family. It is therefore considered that the proposed amenity space is appropriate for the size of dwelling proposed.

Highway safety
No objection has been received from the Director of Environment and Transport (Highways) as it is considered a single dwelling would generate a similar number of trips to that of a builders yard. Consideration should therefore be given to surfacing of the driveway and set back of any gates. These can be controlled by suitably worded conditions.

Play and open space
Core Strategy Policy 19 and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update). In time it is intended that Policies REC2 and REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport & Recreation Facilities Study once the Green Spaces Delivery Plan has been completed

To date only the Open Space, Sport & Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19. Accordingly, this application is determined in accordance with the requirements of Policies REC2 and REC3, SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

The site is located within 400 metres of the recreational sites at Mayflower Close and Chitterman Way. 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, Markfield was found to have a deficiency of equipped play space (-0.30) and sufficiency of informal play space (0.14) when compared with the National Playing Fields Standard.

Markfield Parish Council have indicated adding wooden play equipment to the Mayfield Close Recreational site. This would cost in the region of £10,000 for the equipment and suitable surfacing. The quality of the space has been considered within the Quality and Accessibility Audit update of 2007 which awarded Mayflower Court recreational facility a quality score of 60.0% where a score of 80% is the target. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development.

It is therefore considered that whilst Markfield has a sufficiency of informal play space there is a need to improve the quality of that space to provide for the residents. The Parish council who maintain the designated space have indicated how monies would be spent to improve the facility. As the application is for a one bedroomed unit, in accordance with SPD, 75% of the full contribution is sought to reflect the reduced impact of the proposal on the open space. It is therefore considered that the contribution is necessary, directly and fairly related to the development in scale and kind. Accordingly a contribution of £938.10 is sought consisting of £613.35 towards the provision of equipment and £324.75 towards maintenance of the open space at Mayflower Close.

Conclusion
It is therefore considered that the proposal would not detrimentally affect the amenities of neighbouring properties nor result in a detrimental impact on the character or appearance of the area. The proposal is therefore considered to be 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 attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the scale, massing, design and site characteristics, the proposed dwelling would not detrimentally affect the amenities of neighbouring residents nor have a detrimental impact on the character or appearance of the streetscene.
Hinckley and Bosworth Local Development Framework
Core Strategy (2009)- Policy 8

Hinckley & Bosworth Borough Council Local Plan (2001) :-
IMP1, RES5, BE1, T5, REC3, NE2

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

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
Existing site survey, block plan (1:500) and site location plan (1:1250) received 25.10.11
Scheme design proposals (rev A) received 01.12.11

3 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; Classes A, B, and C; shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

4 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

5 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

6 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.

7 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.

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 To protect the amenities of neighbouring residents in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

5 To protect the health of future occupiers of the dwelling hereby approved in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.

6 To protect the health of future occupiers of the dwelling hereby approved in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.

7 To stop loose materials being deposited on the public highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

8 To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway in accordance with Policy T5 of the adopted Hinckley and 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 In relation to conditions 5 and 6 advice from Environmental Health is attached to this decision notice, which includes the borough council's policy on the investigation of land contamination . Any schemes shall be in accordance with this policy

6 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

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