DELEGATED REPORT

Recommendation Made: 19 March 2010

Reference:- 10/00056/FUL **Parish:- Barwell Parish Council**

Applicant:- Mr & Mrs R. Surman
105 Shilton Road
Barwell
Leicestershire
LE9 8BP

Location:- Land Adjacent To 105 Shilton Road Barwell Leicestershire LE9 8BP

Proposal:- ERECTION OF ONE NEW DWELLING AND NEW ACCESS.

Introduction:-

This is a full application for the erection of a detached dormer bungalow on garden land to the east side of 105 Shilton Road, Barwell together with the formation of a new vehicular access for the existing dwelling off Shilton Road. The site is a large corner plot laid to grass containing three mature trees that are subject to a Tree Preservation Order and a number of other small specimens. There is a 1.8 metres high timber panel fence to the north boundary with 7 Red Hall Drive and a 1.5 metres high hedgerow to the highway boundaries to the east and south. A new 2 metres high fence is proposed to separate the applicant's existing dwelling from the proposed building plot.

The dwellings fronting Shilton Road are generally detached, within large plots and of a mix of designs and styles. The existing dwelling, 105 Shilton Road, to the west of the plot is a bungalow and 2 Red Hall Drive to the east is a dormer bungalow, the semi-detached dwellings to the north are two storey houses. The application is a revised scheme following a previous planning permission for a similar development on the site but with an amended footprint and design.

A Design and Access Statement has been submitted to support the application.

History:-

07/00306/FUL	Detached Dormer Bungalow With Access	Approved	04.05.07
06/01409/FUL	Detached Dormer Bungalow With Access	Withdrawn	06.03.07.

Consultations:-

No objection has been received from:-

Chief Executive LCC (Archaeology)
Head of Business Development and Street Scene Services
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)

No objection subject to conditions has been received from:-

Director of Environment and Transport (Highways)
Barwell Parish Council.

At the time of writing the report comments have not been received from site notice or neighbours.

Development Plan Policies:-

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009)

Policy 3: Development in Barwell
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Hinckley & Bosworth Local Plan (2001)

Within settlement boundary of Barwell
BE1 - Design and Siting
RES5 - Residential Proposals on Unallocated Sites
NE14 – Protection of Surface and Groundwater Quality
REC3 - New Residential Development - Outdoor Play Space for Children
T5 - Highway Design and Vehicle Parking Standards
Leicestershire County Council's highway design guidance, 'Highways, Transportation and Development'
SPG on New Residential Development
SPD on Play and Open Space.

Appraisal:-

As the site is within the settlement boundary of Barwell, the erection of a new dwelling on this plot would be acceptable in principle and this has been established by the previous planning permission on the site. Therefore, the main issues in respect of this application are the layout and design of the development and its impact on the character and appearance of the area, the amenities of neighbouring properties and highway safety. The requirements of public play and open space contributions and sustainable design are also considered.

Layout and Design

The development of one dwelling on this large plot would not be out of character with the density of properties in the area fronting Shilton Road and the protected trees located towards the Shilton Road frontage provide a significant constraint for additional development.

The layout provides adequate separation distances to existing dwellings together with adequate private amenity and car parking and turning facilities within the curtilage of both the existing and proposed dwellings. The proposed dwelling is similar in design and scale to the previously approved scheme and has been designed with a dual aspect to provide interesting elevations to both Red Hall Drive and Shilton Road. A feature chimney adds further interest. Accordingly, the proposed layout and design is considered to be acceptable.

Character and Appearance

The proposal would be in keeping with the character and appearance of the existing dwellings to the west and east, a bungalow and dormer bungalow respectively. The proposed dwelling would be set back from both Red Hall Drive and Shilton Road and would not be unduly prominent or detrimental to either street scene. The existing Beech Trees fronting Shilton Road that are protected by a County Council Tree Preservation Order would be unaffected by the proposed development.

Neighbours Amenities

The proposed dwelling would be to the south of the adjacent house, 7 Red Hall Drive and slightly closer to the boundary than the previously approved scheme. The footprint of the proposed dwelling would project 5.2 metres beyond the rear elevation of 7 Red Hall Drive but also at a separation distance of approximately 4.8 metres. In addition, the closest part of the proposed dwelling is only single storey (garage) albeit with a steeply pitched roof and resulting gable. This relationship is not considered to have an overbearing impact on the neighbouring property and is therefore considered to

be acceptable in this case. There are no windows on the proposed bungalow facing the neighbouring property that would result in a loss of privacy.

There is a separation distance of 14 metres from the existing bungalow to the closest element of the proposed bungalow and a further 4 metres to its main rear elevation. The windows on these elevations face a main kitchen window on the side elevation of the existing dwelling and garaging and hardstanding areas only, the main private amenity area of the existing dwelling being well screened by the garaging. A new 2 metres high fence is to be erected along the new curtilage boundary between the two dwellings between points A and B on the annotated plan to provide additional privacy for both dwellings.

Overall, the proposed development is not considered likely to have an adverse effect on the amenities of the occupiers of neighbouring dwellings. However, a condition has been included within the recommendation removing permitted development rights to ensure that the privacy and amenity of neighbouring properties would not be adversely affected by additional extensions, alterations to the roof, or additional buildings within the curtilage.

Highway Safety

The existing access off Red Hall Drive to 105 Shilton Road would provide adequate and safe access to the proposed bungalow and adequate parking and turning would be provided within the curtilage. A new vehicular access is proposed to provide access to the existing dwelling. The Highway Authority has no objection subject to a number of conditions to ensure that adequate visibility is achieved from the new access.

Public Play and Open Space

A contribution will be required in this case towards the provision and maintenance of public play and open space to accord with policy REC3 of the adopted Local Plan, the SPD on Play and Open Space and the Green Space Strategy and Audits of provision. The contribution could be used at The Common or Kirkby Road neighbourhood parks or at Masefield Close local open space. A condition has been included in the recommendation to secure the contribution.

Sustainable Design

As the site is within Barwell, policy 24 of the adopted Core Strategy requires that new development meets Code Level 3 of the Code for Sustainable Homes unless it would make the development unviable. No justification has been submitted that would indicate un-viability, therefore, a condition has been included in the recommendation requiring compliance with the code.

Archaeology

The previous planning permission required a condition to be attached in respect of the investigation of potential archaeology within the site however, having considered the reasons behind this recommendation further, LCC (Archaeology) consider that this is likely to be onerous and, therefore, have no objection to the application.

Conclusion

As the site is within the settlement boundary of Barwell, the erection of a dwelling on this plot would be acceptable in principle and this has been established by the previous planning permission on the site. The layout of the site is acceptable and would provide adequate private amenity space and off-street parking and turning for both the existing and proposed dwellings. The layout and design of the development is acceptable and would not have an adverse effect on the character or appearance of the street scene or wider area, the amenities of the occupiers of neighbouring properties or highway safety. The development would make a contribution towards the provision and maintenance of public play and open space to mitigate the additional use of such facilities. The application is therefore recommended for approval subject to conditions.

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 as: it is within the settlement boundary of Barwell; the layout and design is acceptable and would not have an adverse effect on the character or appearance of the street scene, the amenities of the occupiers of neighbouring properties or highway safety; a contribution would be provided towards public play and open space facilities.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policies 3, 19 and 24;

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, RES5, NE14, REC3 and T5.

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: Site Plan at 1:1250 scale; Block Plan at 1:500 scale; Site Layout Plan Drg.No. 4206/2 and Plans and Elevations Drg. No. 4206/1 received by the Local Planning Authority on 21st January 2010.

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 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.

5 No development shall commence on site until full details of the method of disposal of surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

6 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, C and E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

7 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.

8 The development hereby approved shall not be occupied until a screen fence, of a height of 2 metres has been erected between points A and B on the approved Site Layout Plan Drg.No. 4206/2 as annotated by the agent on 19th March 2010.

9 Notwithstanding the submitted details, before first use of the new access hereby permitted, visibility splays of 2.4 metres by the maximum achievable across the sites frontage to Shilton Road shall be provided at the junction of the new access with Shilton Road. These shall be in accordance with the standards contained in the current Highway Authority design guide and once provided shall be so maintained at all times in the future. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.

10 Notwithstanding the submitted details, before first use of the new access hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the new access with nothing within those splays higher than 0.6 metres above ground level and once provided shall be so maintained at all times thereafter.

11 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.

12 Before first occupation of the dwelling hereby permitted, two car parking spaces and car turning facilities shall be provided within the curtilage and shall be surfaced with a hard bound porous material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary. The parking and turning facilities so provided shall remain available for such use and be maintained as such at all times thereafter.

13. Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment demonstrating that the dwelling hereby approved can be constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority. In addition, prior to the first occupation of the dwelling hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.

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 enable the Local Planning Authority to fully assess the development in the light of the ground levels on the site and in the interests of visual amenity to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

5 To ensure that satisfactory provisions are made for the drainage of the site and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to accord with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

6 To ensure that future development is not detrimental to the privacy and amenity of neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

7 To ensure the provision of adequate public play and open space within the vicinity of the site to accord with policy REC3 of the adopted Hinckley and Bosworth Local Plan.

8 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

9 To ensure that an adequate line of vision is available in the interests of highway safety to accord with policies BE1 and T5 of the Hinckley and Bosworth Local Plan.

10 To ensure that an adequate line of vision is available in the interests of pedestrian safety to accord with policies BE1 and T5 of the Hinckley and Bosworth Local Plan.

11 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

12 To ensure that adequate off-street car parking and turning facilities are available to serve the dwelling, to ensure that vehicles may enter and leave the site in a forward direction and to reduce the possibility

of deleterious material (loose stones etc) being deposited in the highway in the interests of highway safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

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

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 In relation to Condition 7, in this case a financial contribution of £1250.80 towards the provision and maintenance of off site public play and open space is required in lieu of on site provision.

6 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Planning Authority.

Contact Officer:- Richard Wright Ext 5894 Date Printed: 19 March 2010