Item: **03**

Reference: **09/00067/OUT**

Applicant: **Secondrebel Ltd**

Location: **Land Rear Of 8 Birch Close Earl Shilton Leicestershire**

Proposal: **DEMOLITION OF 8 BIRCH CLOSE AND ERECTION OF 15 NEW DWELLINGS AND FORMATION OF NEW ACCESS**

Introduction:-

This application seeks outline planning permission for access and layout, with all other matters reserved, for a linear residential development of 15 new dwellings. It includes a replacement dwelling for a bungalow to be demolished, and the formation of a new access off Birch Close incorporating a turning area and pedestrian link to the adjacent recreation ground. Indicative dwelling sizes of two, three and four bedrooms at two-storey scale are provided together with parking and landscaping principles, although these will be subject to a reserved matters application. The 0.46 hectare roughly triangular site is located to the north of Birch Close and to the east of Elmdale Drive at the rear of existing dwellings, predominantly bungalows but with occasional dormer bungalows and two-storey dwellings. To the north of the site is a recreation ground and to the east are open fields. The site slopes down from southwest to northeast and is contained by a variety of domestic hedging, timber panel and ranch fencing to the south and western boundaries with a field boundary hedge on the eastern side. A drainage ditch runs just inside the eastern boundary. The site was overgrown and densely covered in a variety of vegetation until its recent clearance.

A Design and Access Statement, Topographical Survey, Biodiversity Report, Tree Survey, Heritage Report and draft Section 106 Agreement have been submitted to support the application. The Design and Access Statement states that the development does not involve the loss of greenfield land and can be considered sustainable in terms of its location, the provision of available services within the town and its transport links without loss or impact to the surrounding area. The development provides a layout with design and form well related to the characteristics of the area, preventing impact to amenity of the surrounding residents. The clearance and development of the site will remove antisocial activities that have blighted the community.

The Biodiversity Report recommends that the proposed development is unlikely to have a negative effect on biodiversity as the site would be classed as an area of limited wildlife interest providing habitat for relatively common species. No evidence of protected species was found at the time of the survey. The Tree Survey found no trees of any significant merit within the proposed development area. The majority were self-seeded specimens, some of which had been damaged as a result of vandalism. Two trees considered suitable for retention were identified on the site boundary. The Heritage Report concludes that the proposed development site does not have the potential to contain significant archaeological evidence and no further evaluation is considered necessary.

History:-

No relevant site history.



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Consultations:-

No objections have been received from:-

Environment Agency
Head of Community Services (Pollution).

No objections have been received subject to conditions from:-

Director of Highways, Transportation and Waste Management (Highways)
Severn Trent Water Limited
Head of Community Services (Land Drainage).

As a result of the Developer Contributions consultation, Leicestershire County Council has the following comments:-

a) Director of Community Services (Ecology) has no objection but advises that bats have been recorded in the area and that great crested newts have been recorded very close to the site. He recommends that various measures to improve habitat opportunities for wildlife be incorporated into the development

b) Director of Children and Young People's Service (Education) requires no education contribution as at the present time there is surplus capacity in the local primary, high and upper schools

c) Head of Commercial and Support Services (Libraries) requires developer contributions for library facilities on a pro-rata basis of £27.18 per one bedroom dwellings; £54.35 per two bedroom dwellings and £63.41 per 3/4/5 bedroom dwellings

d) Director of Highways, Transportation and Waste Management (Civic Amenity) requires developer contributions to improve civic amenity site infrastructure at a rate of £45.40 per dwelling.

Primary Care Trust requires developer contributions towards health care facilities on a pro-rata basis of £583 per one/two bedroom dwelling; £1167 per three/four bedroom dwelling and £1750 per five bedroom dwelling.

Leicestershire Constabulary Crime Reduction Officer requires developer contributions towards additional policing requirements as a result of the new development at a rate of £606 per dwelling. Concerns are raised in respect of the siting of plots 8 and 9, lack of parking for plot 9 and the increased permeability of the site with the provision of a footpath link to the recreation ground having the potential to increase anti-social behaviour and criminal activity.

Earl Shilton Town Council object to the application on the grounds of overdevelopment of the site, insufficient access and not being in keeping with the surrounding bungalows.

Head of Business Development and Street Scene Services does not object but provides advice on the requirements of the recycling and refuse service and raises concerns regarding the design, width and layout of the proposed access.

Head of Corporate and Scrutiny Services (Green Spaces) does not object and comments that the Green Space Strategy quality audits identified that the adjacent recreation area and play equipment is in need of improvements and the proposed development would increase demand for the facilities. The proposed pathway linking the site would improve access to the open space and also security at the site. Any developer contributions for public play and open space should be allocated to improvements at this recreation area.

Press and site notices posted, neighbours notified, two petitions objecting to the development have been received signed by a total of 210 signatories from 153 dwellings together with 12 separate letters raising the following concerns/issues:-

i) detrimental to the character of the area
ii) out of keeping with surrounding bungalows
iii) high density/overdevelopment
iv) detrimental to privacy and amenity of neighbouring properties in terms of overlooking, obstruction of views and loss of light
v) loss of green space
vi) not in keeping with local development plan 2008
vii) land has heritage value and should be used for recreation or allotments
viii) reduction in property values
ix) no need for housing in current market and other areas have been identified to meet future demand
x) drainage capacity issues, potential flooding
xi) footpath link to recreation ground will be detrimental to safety and security of individuals and property
xii) will provide future access to adjacent field for further development

xiii) increase in pollution from traffic noise and headlights
xiv) disturbance from construction traffic
xv) inadequate access of unadoptable standard in terms of width, layout, visibility etc
xvi) approach road is too narrow to cope with additional traffic
xvii) increase in traffic, on-street parking and congestion
xviii) inadequate access for emergency vehicles and recycling/refuse vehicles
xix) inadequate parking within the development
xx) lack of pedestrian footway will be dangerous for pedestrians including children and elderly persons.

Policy:-

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

Planning Policy Statement 3 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives. Paragraph 47 sets out 30 dwellings per hectare as the national indicative minimum density. Paragraph 16 lists matters to be considered when assessing design quality, this includes assessing the extent to which the proposed development is well integrated with and compliments, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

Local Plan Policies

The site is within the settlement boundary of Earl Shilton as defined in the adopted Hinckley and Bosworth Local Plan.

Policy RES5 states that on sites that are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

Policy BE1 seeks 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 incorporate landscaping to a high standard and 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 BE13 requires sites of 0.4 hectares or more in area to be accompanied by an initial assessment of whether the site is known or likely to contain archaeological remains.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified. Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance.

Policy IMP1 seeks to ensure that adequate contributions are made towards the provisions of necessary on-site and off-site infrastructure facilities.

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. The Play and Open Space Guide Supplementary Planning Document provides further guidance to developers in respect of the different types of open space and the level of financial contributions required.

The Borough Council's Supplementary Planning Guidance on New Residential Development provides further guidance for developers on density, design, layout, space between buildings and landscaping/boundary treatments along with highways and parking. The main aims of the guidance are to ensure that new developments are well integrated into their surroundings and offer a good standard of security and amenity to future residents whilst protecting the amenity of existing occupiers. Housing developments should make efficient use of land and be of appropriate density taking into account the general character of the surrounding area.

The Borough Council's Affordable Housing Supplementary Planning Document provides guidance on the requirements for affordable housing on proposed housing developments. The Borough Council's Sustainable Design Supplementary Planning Document provides guidance on and promotes sustainable development.

Appraisal:-

The main considerations with regards to this application are the principle of residential development, the siting and layout and its impact on neighbouring properties and highway issues.

Principle of Development

The site is within the settlement boundary of Earl Shilton as defined in the adopted Hinckley and Bosworth Local Plan and adjacent to existing residential properties. Residential development of this site is therefore considered acceptable in principle, subject to the layout, density, design and scale being satisfactory.

Density, Layout and Impact on Neighbours

The provision of 15 dwellings on this 0.46 hectares site would provide a gross density of 33 dwellings per hectare, which would be within government guidelines and would be acceptable in this edge of settlement location. Whilst the density of the surrounding development is not as high as that proposed within the application site, it is recognised that the proposed layout reflects government guidance and the need to use land more efficiently and at higher densities than provided by the surrounding development. The proposed development would be in contrast with the character of the surrounding development which is predominantly single storey bungalows with occasional dormers and two storey houses, however, the replacement bungalow on Birch Close would provide continuity to this frontage. The new development to the rear would create its own character in terms of both density and indicative dwelling types. A condition restricting the replacement dwelling (Plot G) to single storey is included in the recommendation.

The proposed layout reflects the shape of the application site and would provide a linear, gradient stepped development, as on Elmdale Road, and would be served by a central shared access road. The layout would achieve adequate separation distances between the proposed dwellings and the existing surrounding dwellings on

Birch Close (of between 20 metres (to a side elevation of plot 14) and 28 metres) and Elmdale Road (of between 32 metres and 40 metres) to mitigate any impact on the amenities of neighbouring dwellings either from overlooking or from the development being overbearing. The impact of additional traffic movements are discussed in the highways section below.

The proposed dwellings would have adequately sized enclosed rear amenity spaces with pedestrian accesses to the rear. In addition, there is a recreation ground adjacent to the site which would provide an extensive additional play area. The layout would be successful in reducing the visual impact of cars in the street scene by locating adequate parking facilities at the side or rear of the dwellings they serve to give the buildings greater prominence and provide a more attractive street scene. Whilst in the case of plot 9 the parking would be remote from the dwelling, it would still be well integrated into the development. The proposed pedestrian link to the recreation ground would provide good permeability through the development and connectivity to adjacent areas. Whilst it has been suggested that the link would have the potential to increase anti-social behaviour, it would have the benefit of natural surveillance from plots 8 and 9 and the vacant site has a history of such problems which the development as a whole would remove.

Highway Issues and Impact on Neighbours

The proposal includes the demolition of an existing bungalow on Birch Close to enable the creation of a new shared surface access to the site to serve the proposed development. Whilst this would create additional movements adjacent to the rear amenity area of 10 Birch Close and potential disturbance, the impact of the access could be addressed by the provision of appropriate boundary treatment and planting along this boundary to provide a buffer. The amended plan indicates that a 1.8 metre high brick wall would be constructed along this boundary from the front of the garage of 10 Birch Close to the rear boundary.

The Director of Highways, Transportation and Waste Management does not object, subject to a number of standard highway related conditions, but initially raised concerns that the proposed access road would not conform to an acceptable standard for adoption and future maintenance by the Highway Authority. An amended plan has been submitted to try to address these concerns without any significant change to the footprint of the proposed dwellings or separation distances to existing dwellings. Subject to some further minor amendments, the revised road layout is now considered to be generally suitable to ensure that an adoption agreement may be achievable in the future. The amended road layout may also address concerns raised by the Head of Business Development and Street Scene Services and neighbours regarding the suitability of the access for recycling/refuse vehicles and emergency vehicles, any further comments will be reported as a late item to this agenda.

The occupiers of neighbouring properties have also raised concerns regarding the potential increase in the use of Birch Close to access the additional dwellings and additional disturbance from traffic noise, headlights and pollution. Birch Close is an adopted highway and is constructed of an acceptable specification to adequately cope with the limited levels of additional traffic likely to be generated by the proposed development. There are concerns that the new access would become a through road for future development of the adjacent field but the fields are outside the settlement boundary, unlikely to be allocated for residential development in the foreseeable future and would in any case be subject to further consideration of highway safety. Potential disturbance from construction traffic would only be for a temporary period.

The parking layout demonstrates that adequate car parking provision would be provided within the application site to serve the development and it should not lead to additional on-street car parking or congestion on Birch Close. The proposed shared surface access would be in accordance with the principles of government guidance contained in the document "Manual for Streets" which places a high priority on meeting the needs of pedestrians and cyclists rather than those of the motor vehicle. The lack of a pedestrian footway would not be considered unacceptable in terms of pedestrian safety given the relatively short length of the access (which is not a through road), and the additional traffic calming measures proposed including the use of different surfacing materials.

Developer Contributions

The developer has submitted a draft Section 106 agreement with the application to secure appropriate contributions to meet policies IMP1 and REC3 of the adopted Local Plan. The County Council would require pro-rata financial contributions towards an enhanced programme of refurbishment and improvements to library facilities including equipment and other library materials, the overall amount required will depend upon the number/size of the dwellings to be provided on the site. In addition, a total of £636 (£45.40 per additional dwelling) would be required towards new or improved civic amenity site infrastructure for the nearest site at Barwell. No contributions would be required towards education as at the present time there is surplus capacity in the local primary, high and upper schools. In addition, it is suggested that the development incorporate the provision of bat bricks and boxes to mitigate the loss of any potential roosts on the site. These have been indicated on the submitted plan.

The Primary Care Trust would require a pro-rata financial contribution towards the provision, enhancement and/or maintenance of health care facilities. The overall amount required will depend upon the number/size of the dwellings to be provided on the site. The Police Authority would require a financial contribution of £8484 (£606 per additional dwelling) towards additional policing requirements as a result of the new development.

The site would provide a net 14 dwellings which would be under the threshold for a requirement for the provision of affordable housing. A financial contribution towards the provision and maintenance of informal public open space will be required to comply with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Document on Play and Open Space, together with the objectives of the Green Space Strategy and the Parish Public Open Space Quantity/Accessibility Audit 2005. In this case the contribution required would be £1250.80 per additional dwelling amounting to £17,511.20 in total (Capital Sum £11,449.20, Maintenance Sum £6062.00). This contribution could be used to improve play equipment and other facilities at the adjacent recreation area.

Other Issues

This is an outline application for access and layout only, design, external appearance and landscaping do not form part of the application and will be considered at the reserved matters stage. Adequate surface and foul water drainage of the site would be required to comply with current Building Control legislation. There is no indication that the site has any archaeological or ecological significance. The potential impact on the value of surrounding properties is not a material planning consideration.

Conclusion

The site is within the settlement boundary of Earl Shilton and the principle of residential development is acceptable. The density and layout meet government guidance and the requirements of the Council's SPG on new residential development and adequate private amenity and parking spaces would be provided for each dwelling. The development would not be unduly detrimental to the amenities of the occupiers of neighbouring properties. The proposed shared access would be acceptable to the Highway Authority. The developer would be willing to provide appropriate contributions towards the provision or maintenance of infrastructure to mitigate the impact of the development. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION :- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section lll of the Local Government Act 1972 towards the provision and maintenance of public play and open space facilities, health facilities, library facilities, civic amenity facilities and policing requirements, the Director of Community and Planning Services be granted powers to issue outline planning permission subject to the conditions below. Failure to complete the Agreement by the 1st May 2009 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 as the site is within the settlement boundary, the access would be suitable to serve the development, the design and layout would not be detrimental to the character or appearance of the area, the amenities of neighbouring properties or highway safety and a Section 106 agreement would secure appropriate contributions towards infrastructure requirements.

Hinckley & Bosworth Borough Council Local Plan (2001) :- RES5, BE1, BE13, T5, IMP1 and REC3

1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:

i) The scale of each building proposed in relation to its surroundings.
ii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
iii) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures. The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to

the approved details unless otherwise agreed in writing by the Local Planning Authority.

3 The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.

i) The external building and surfacing materials
ii) The method of disposal of surface and foul water drainage, which shall be on separate systems
iii) The existing trees and hedges on the site, which are to be retained
iv) The provision to be made for screening by walls and fences.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

4 This permission relates to the application as revised by amended plan No. FC:3242:B received by the Local Planning Authority on 20th March 2009.

5 The development shall be implemented in accordance with the ground and finished floor levels details provided on the approved plan No. FC:3243:A unless otherwise agreed in writing by the Local Planning Authority.

6 Before first occupation of each of the dwellings hereby permitted, car parking spaces shall be provided in accordance with the details submitted on approved plan No. FC:3244:A and once provided shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.

7 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-E inclusive shall not be carried out on Plot 9 unless planning permission for such development has first been granted by the Local Planning Authority.

8 Notwithstanding the details submitted on the approved plan the replacement dwelling hereby permitted on Plot G shall be restricted to a single storey dwelling only.

9 The access drive, turning areas and car parking spaces shall be constructed and laid out in accordance with the details on the approved plan No. FC:3242:B received by the Local Planning Authority on 20th March 2009 and once provided shall be maintained as such at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

10 If any car port doors, 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.

11 Before first occupation of the dwellings hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the accesses with nothing within those splays higher than 0.6 metres above ground level and once provided shall be so maintained at all

times thereafter unless otherwise agreed in writing by the Local planning Authority.

Reasons:-

1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2&3 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

4 To define the permission.

5 To ensure that the development has a satisfactory appearance and relationship to the surrounding development to accord with policy BE1of the adopted Hinckley and Bosworth Local Plan.

6 To ensure that adequate off-street parking facilities are available to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

7 To safeguard the privacy and amenity of neighbouring properties and ensure adequate private amenity space is retained within the curtilage of the dwelling to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

8 To define the permission and safeguard the privacy and amenities of neighbouring dwellings to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

9 To ensure a satisfactory form of development, to enable vehicles to enter and leave the development in a forward direction and in the interests of general highway safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan..

10 To enable a vehicle to stand clear of the highway to accord with policy BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

11 To ensure that adequate pedestrian visibility is provided and in the interests of general highway safety to accord with policies BE1 and 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 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 List of plans used in the determination of this application:- FC:3242:B; FC:32:43:A; FC:3244:A; FC:3153:A

6 The highway layout geometry as shown on the submitted drawing FC:3242:B appears to conform with standards for adoptability. However, this does not confer technical approval for the scheme. If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development.
If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Area Manager.

7 In the interests of the sustainability of the development and to encourage alternative transport choice, the Developer should provide 2 three month Travel Passes for each dwelling upon occupation. The developer shall also provide a travel pack to each property upon occupation. The travel pack will include details of busses and stops in the vicinity and all relevant timetables as well as the location of local facilities and details of village walking and cycling routes as appropriate.

Contact Officer:- Richard Wright Ext 5894