Item: **04**

Reference: **09/00300/FUL**

Applicant: **The Crown Estate**

Location: **1 – 3 Burton Road Twycross Atherstone Leicestershire CV9 3PR**

Proposal: **DEMOLITION OF NUMBERS ONE AND THREE BURTON ROAD AND ERECTION OF FOUR TERRACE DWELLINGS WITH PARKING AND AMENITY SPACE**

Introduction:-

This application seeks full planning permission for the demolition of nos.1 and 3 Burton Road and the construction of a terrace of four dwellings with car parking to the rear. Nos.1 and 3 are a pair of semi detached 1 1/2 storey cottages that were originally 17th Century workers' cottages. However they have been altered significantly in the 19th and 20th Centuries. The replacement dwellings are of conventional 2 storey design of brick and tile construction with prominent gables and elevational detailing. This is a revised application following the withdrawal of a similar application in 2008. The application was withdrawn to allow a historic building survey to be carried out and access problems to be resolved.

Nos. 1 and 3 Burton Road are a pair of semi detached 1½ storey cottages that have been somewhat altered over the years, through alterations to the roof and ground floor extensions. Both properties are currently unoccupied and have been boarded up for some time. The cottages are screened from Burton Road by a mature deciduous hedge and vehicle access is obtained from the open area to the front of the village hall.

A design and access statement detailing the design influences relevant to the proposal, a historic building survey and phase 1 habitat survey accompanies the application. The historic building survey confirms that the existing cottages are of a significant age. However through a series of modifications the historic fabric has been extensively removed or damaged. The habitat survey confirms that there are no protected species identified. However, precautions should be exercised during any construction, particularly in respect of nesting birds.

Amended plans have been received revising the design of the proposed dwellings and these plans are subject to re-consultation.

History:-

08/00900/FUL	Demolition of nos.1 and 3 Burton Road and erection of four terraced houses with parking and amenity space	Withdrawn 28.11.08



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Consultations:-

No objection has been received from: Head of Community Services (Pollution).

No objection subject to conditions has been received from: Director of Highways, Transportation and Waste Management (Highways).

Site notice displayed and neighbours notified.

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

Director of Community Services (Archaeology)
Director of Community Services (Ecology)
Parish Council
Head of Community Services (Land Drainage).

One neighbour letter received objecting on the grounds that the existing cottages should be restored as they are part of the history of Twycross.

Policy:-

Policy RES5 supports new residential development on unallocated sites providing the site lies within the defined settlement boundary and the siting and design does not conflict with other relevant policies.

Policy BE1 considers the design and siting of the development, in terms of the effect on the character of the area, amenities of neighbours and highway safety.

Policy T5 requires all new development to achieve the relevant highway standards and vehicle requirements contained with the County Councils design guidance Highways Transport and Development.

The Councils Adopted Supplementary Planning Guidance on New Residential Development advises of a series of design standards that all new development should seek to achieve.

Appraisal:-

The main considerations with regards to this application are the principle for the demolition of the existing cottages and their replacement, the siting and design of the replacement dwellings, the access arrangements and highway safety and the impact on residential amenity of nearby dwellings.

The Principle of Development

The site lies within the settlement boundary for Twycross and therefore there is a presumption in favour of development providing all other matters are appropriately addressed.

Following a consultation response from the earlier application it was suggested that the cottages were older than they appeared and that further investigation should be carried out to ascertain the true origin. To appropriately investigate this claim, the applicant withdrew the application and commissioned a historic building survey of the cottages. The survey's findings have been subject to pre-application discussion with the Conservation Officer. Whilst the loss of any historic building is a material planning consideration, the only option available to the Local Planning Authority is to consider whether the building is worthy of putting forward for listing. However, the cottages have been so severely altered previously that there is little special historic fabric remaining. Accordingly, there is no sound planning justification to seek to retain these dwellings. The fact remains however, that any replacement should be of a high quality that maintains the character of the village and the pattern of development in the locality.

Siting and Design

The terraced arrangement of the proposed dwellings does not reinstate the siting or form of the existing cottages but does provide a form of development that is evident elsewhere in the village. The set-back terraced arrangement allows for the roadside hedgerow to be retained and the dwellings to create their own character and setting beyond this. The set back naturally allows for a sensible degree of separation from Burton Road (A444) which is a busy road. The orientation of the terrace and its staggered form is such that it will be clearly visible from Burton Road when both entering and leaving the village and forms a line of development that naturally links with the line of the existing buildings within the street.

The shape, mass, form and overall design of the dwellings have been created to reflect the character of Twycross. The use of steep roof pitches, dominant gables, ridge and elevation detailing, heavy chimney stacks and strong fenestration detailing, whilst creating a compatible and recognisable design style locally, results in a dominant form of development in respect of the adjacent almshouses by way of its similar design. To address this concern, the applicant’s agent has provided an amended design for the street facing elevation. This maintains the mass, form and siting but removes the very dominant steep pitched gables that echo the adjacent

Almshouses. The amended scheme maintains the proposed use of a mix of render, brick and tile, a crisp and contemporary feel is added to these propose dwellings. Careful thought has been given to creating a high quality and attractive development but also providing a built form that sits well with this prominent edge of village location.

Reconsultation has taken place on the amended design and any responses will be reported as a late item.

The proposed access driveway, car parking spaces and garaging is all located to the rear of the site. This prevents the creation of a car-dominated frontage and scores highly in urban design terms. Furthermore, it means there will be no need for the removal of the roadside hedgerow, which defines the site's frontage and softens the appearance of the development.

Access and Highway Safety

The earlier application was withdrawn because it did not include land, which abutted Burton Road and therefore failed to demonstrate that the site had adequate vehicular access to Burton Road. The access position proposed in the current application remains in the same position but includes the area of land in front of the village hall. The applicant does not own this piece of land and the land is not registered with the Land Registry, but the applicant does have a historic legal right of access across it for the existing cottages. The application is accompanied by a notice served under Article 6 to address this matter. For the avoidance of doubt the fact that the applicant does not own this land is not material in the determination of this application. It is the responsibility of the applicant and any subsequent owner that they are satisfied that access to the highway exists thereafter. The creation of the access will be subject to a planning condition, requiring it to be in place before the first occupation of any dwelling.

Impact on Residential Amenity

The proposed dwellings are sited to ensure there is adequate privacy between them and adjacent dwellings. The separation distances normally required for such developments are generally achieved and there are no material reasons identified that would suggest the proposal would have an adverse affect on the amenities of neighbours.

The position of the access driveway and parking spaces to the rear are sited within close proximity to the neighbouring dwellings on Hallfield Close, however the vehicular access point into the site is in the same position as the existing vehicular access to the cottages. The applicants have already confirmed their intention to appropriately surface the driveway and manoeuvring spaces to cut down on any unnecessary noise. A mature native hedge and a number of native trees currently define the sites southwest boundary. The application confirms that this hedgerow will be retained to maintain the existing arrangement; however it may be necessary to erect a close-boarded fence within the application site to provide adequate privacy during the winter period.

Other Matters

The site lies within 400 metres of the Orton Lane playing field and therefore the sum of £1250.80p for each additional dwelling proposed is requested for the ongoing

provision and maintenance of the facility in line with the increase pressures this development will place upon it.

Conclusion

This application proposes the erection of four high quality and well designed dwellings in place of two existing historic but somewhat altered and poor quality cottages. The loss of the existing cottages is unfortunate; however there is no formal basis under which the retention would be successful. The replacement dwellings are well sited to not result in an adverse impact on the amenities experienced by others and will be a prominent and attractive development that will complement the entrance to the village.

RECOMMENDATION:- That subject to the expiry of the statutory consultation period, the Director of Community and Planning Services be granted powers to grant planning permission, subject to the following conditions, for the reasons below:

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 character of the area, residential amenities or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, RES5, T5 and SPG on New Residential Development

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

2 This permission relates to the application as revised by amended plan 5656.02E and 5656.03A received by the Local Planning Authority on 19 May 2009.

3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings 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 take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

(i) means of enclosure and boundary treatments
(ii) car parking layouts
(iii) other vehicle and pedestrian accesses
(iv) hard surfacing materials (inc vehicular access, turning and parking areas)

(v) all existing trees to be retained and proposals for restoration, where relevant
(vi) planting plans
(vii) written specifications
(viii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
(ix) implementation programme.

5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

6 Before any development is commenced on the site, including site works of any description, the hedgerow to the site frontage and the trees on the site's southern boundary, as shown to be retained on the approved plan, shall be securely fenced off by protective fencing on a scaffolding framework in accordance with B. S. 5837 for the duration of all work on site.

7 No development shall commence until details (including construction methods, materials and technologies to mitigate any impact) of the construction of the driveway adjacent to the tree shown to be retained in the approved plan have been submitted to an approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details only.

8 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 Supplementary Planning Document has been secured in such a manner as is approved in writing by the Local Planning Authority.

9 Before the first occupation of any dwelling hereby permitted the vehicular access, turning and parking areas as shown on the approved plan shall be laid out and made available for use and remain available for the respective use thereafter.

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

Reasons:-

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

2 To define the permission.

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

4-6 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

7 To ensure the root system of the tree is not adversely affected by the driveway and its construction, in accordance with the intentions of Policy BE1 of the Adopted Hinckley and Bosworth Local Plan.

8 To ensure the adequate provision of public play and open space within the vicinity of the site to accord with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the Adopted Supplementary Planning Document on Play and Open Space.

9 To ensure that vehicles may enter and leave the site in a forward direction, turn and park clear of the public highway, in the interests of road safety to accord with policies BE1 and T5 of the Hinckley and Bosworth Local Plan.

10 To safeguard the amenities of adjacent occupiers and the character of the area, in accordance with the requirements of Policy BE1 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 The current play and open space contribution required by condition no.8 is £1250.80p per dwelling.

Contact Officer:- James Hicks Ext 5762