DELEGATED REPORT

Recommendation Made: 5 May 2011

Reference:- 11/00200/FUL **Parish:- Burbage Parish Council**

Applicant:- Mr Stephen Long
64 Merevale Avenue
Hinckley
Leicestershire
LE10 0PY

Location:- 1 Cowper Road Burbage Hinckley Leicestershire LE10 2LW

Proposal:- ERECTION OF ONE NEW DWELLING.

Introduction:-

Full planning permission is sought for the erection of a two and a half storey detached dwelling of four bed configuration and a single detached garage.

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

Following concerns raised by officers amended plans have been received showing re-positioning of windows units to rhythm within the development.

The application is accompanied by a Design and Access Statement which states that the dual aspect presents an active frontage in keeping with the corner location.

Planning History

93/00163/4	Erection of a bungalow	Permitted	31/03/1993
91/01167/4	Erection of bungalow	Permitted	25/02/1992
89/00006/4	Erection of one bungalow outline	Permitted	21/02/1989

Consultations:-

No objections from:-

Head of Community Services (Pollution)

No objection subject to conditions from:-

Head of Business Development and Street Scene Services (Waste Minimisation)
Director of Environment and Transport (Highways)

Two letters of objection have been received raising the following concerns:-

a) position of new dwelling
b) insufficient space
c) overlooking onto property and garden
d) impact upon ‘rat run’
e) new access in poor location, proximity to junction

Burbage Parish Council states that no other three storey properties are in the area, and therefore this dwelling

would be out of keeping with the area and represent overdevelopment. Burbage Parish Council states that should the Local Planning Authority be minded to approve the application then financial contributions should be sought.

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development.

Planning Policy Statement 3: (PPS3): Housing.

The Community Infrastructure Levy Regulations 2010.

Government Circular 05/2005: Planning Obligations.

Local Development Framework: Core Strategy (2009)

Policy 4: Development in Burbage

Policy 19: Green Space and Play Provision

Policy 24: Sustainable Design and Technology

Hinckley & Bosworth Local Plan (2001)

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

Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities

Policy RES5: Residential Proposals on Unallocated Sites

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Vehicle Parking Standards

Policy REC3: New Residential Development - Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance (SPG): New Residential Development

Supplementary Planning Document (SPD): Play and Open Space

Supplementary Planning Document (SOD): Sustainable Design

Other Material Planning Documents

Burbage Village Design Statement (2006) designated the site within Zone 4: Brookside

Guidance Note 2 (GN2): Design Principles states that houses should be matched in terms of design and scale with neighbouring properties.

Appraisal:-

The main considerations with regards to this application are the principle of development, impact upon character, impact upon residential amenity, highway considerations and other matters.

Principle of Development

The site is located within the settlement boundary of Burbage, defined on the Adopted Hinckley and Bosworth Local Plan proposals map and therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

The application site comprises garden land and would prior to the update to PPS3 have fallen into the category of brownfield land, however the update to PPS3 removed garden land from the 'brownfield' land classification. It is considered that where development is proposed on garden land within the defined settlement boundary the character, density, mass, layout and design should be fundamental to the determination of the application alongside the development being carried out in accordance with relevant plan policies.

The relevant plan policies include PPS3 which states that the extent to which the proposed development is well integrated with and complements the neighbouring buildings and the local area more generally in terms of scale, density layout and access should be considered.

This approach is supported by Policy RES5 of the Adopted Local Plan that states that on sites 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.

Local Plan Policy BE1 seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, design, materials and architectural features'. This consideration ties in with the intentions of PPS3 and RES5 for local authorities to prevent overdevelopment and development that is out of keeping with the character of the surrounding area.

The Council currently does not have a five year housing supply and as such this is a material consideration that should be given weight in the determination of this application. This must however, as stated in Paragraph 69 of PPS3 be balanced carefully and consideration should be given to the number of dwellings proposed and the impact this will have on the housing supply and the design policy requirements discussed above.

In summary, the site lies within the settlement boundary of Burbage where the erection of a new dwelling on this plot would normally be acceptable in principle. The development proposed in this application is for 1 dwelling and for the reasons discussed further in this report is considered to be in conflict with adopted development plan policy.

Impact Upon Character; Siting and Design (including Burbage Village Design Statement)

The consideration of the impact on character has always been a material consideration in the determination of planning applications, even before the revised version of PPS3 came into force, through consideration of the requirements of Policy BE1. The amendments to PPS3 further strengthen the issue of impact on character and the pattern of development.

The dwelling is proposed to be sited on a prominent position on the corner of Cowper and Lucas Road.

The dwelling will be sited close to the boundary fronting Cowper Road in a position similar to that of the other dwellings within the streetscene and as such the proposed siting of the dwelling to the road frontage is considered characteristic of the area. This forward position allows for ample separation between the rear elevation of the proposal and the existing dwellings to the rear along Rugby Road.

The footprint of the proposed dwelling would be similar to surrounding residential dwellings and proposes an appropriately rear sized garden in accordance with the standards set down in the Borough Council's SPG.

Whilst there are other examples of detached two storey detached dwellings within the area, the immediate area is predominantly characterised by two storey semi detached dwellings. Whilst the dwelling proposes two and half storeys, the immediate area is characterised by two storey dwellings and as such one and a half storey proportions within accommodation within the roof space is considered acceptable.

The area is characterised by dwellings with hipped roof designs. Neighbouring dwellings immediately adjoining the site and dwellings within the wider area predominantly characterised with dwellings with hipped roofs. The proposed dwelling incorporates a gable roof, as such this is considered fails to respect the common design approach within the area, which is to the detriment of the streetscene and wider area. The introduction of a non-hipped roof dwelling in the locality will introduce an alien roof design that by virtue of the sites prominent corner position and the convergence of the Cowper Road, Lucas Road and the Rugby Road link road, will result in incongruous visual detriment.

The Burbage Village Design Statement states that houses should be matched in terms of design and scale with neighbouring properties and that the siting of new building should be examined from all directions. It is considered that the design of the proposed dwelling does not match that of the neighbouring dwellings and therefore would be contrary to the requirements set out with the Statement.

The design and scale of the proposed detached garage is considered acceptable.

In summary, the proposed development accords with the general siting and scale of existing dwellings within the vicinity, however the scheme's roof design fails to respect the character and appearance of the neighbouring and surrounding dwelling's within the area. As such, the scheme does not relate well to neighbouring development and compromises the character and appearance of the development in the surrounding area. It is therefore considered contrary to PPS3, as revised June 2010; and Saved Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan supported by SPG on New Residential Development and Guidance Note 2 of the Adopted Burbage Village Design Statement.

Impact upon Residential Amenity

The residential dwellings most immediately impacted upon as a result of the proposal would be No. 1 Cowper Road located due north given the proximity of the two dwellings.

The proposed dwelling would be sited along the boundary with No. 1 Cowper Road with a distance of 2.4 metres between the side walls. It is not considered that there would be any significant impacts upon residential amenity, over and above that expected with residential areas.

There is a distance of some 20 metres between the proposed dwelling and surrounding neighbouring dwelling to the west and some 20 metres together with an over the road relationship with No. 2A Cowper Road and 2A Lucas Road.

In response to a neighbouring letters of objection there is a distance of approximately 20 metres between the rear wall of the proposed dwelling and the dwellings to the west along Rugby Road. Given this distance, combined with the presence of boundary treatments, it is not considered that there would be any significant overlooking, overshadowing or overbearing impacts.

In summary, the proposal is considered to have minimal impacts upon amenity of neighbouring residents. As such the scheme is considered to be in accordance with Saved Policy BE1 of the Local Plan.

Highway Considerations

There is already an existing access from Lucas Road which currently serves No. 1 Cowper Road and the scheme proposes parking for two vehicles and a detached garage. A new access is proposed for No. 1 Cowper Road. In response to neighbouring letters Transport (Highways) who has no objection, subject to the imposition of planning condition. of objection the scheme has been considered by the Director of Environment and

In summary, it is not considered that there would not be any significant impacts upon highways safety. Accordingly the development accords with Saved Policy T5 of the Local Plan.

Other Matters

Sustainability

In line with Policy 24 of the Adopted Core Strategy, the residential units to be constructed on this site will need to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. No sustainable design or energy efficiency measures have been submitted as part of the proposals and no justification has been submitted that indicates a lack of viability should such measures be incorporated.

In summary, it is considered that there is no information submitted with the application which has demonstrated that the dwelling would be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. It is therefore considered contrary to PPS1, Policy 24 of the adopted Core Strategy and SPD on Sustainable Design.

Play and Open Space Contributions

The site is located within 400 metres of open space at Featherstone Drive a neighbourhood park. Due to the residential element of the development 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 Play and Open Space SPD.

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, Burbage was found to have a deficiency of equipped play space (-1.11) and deficiency of outdoor sports (-3.60) for its population when compared with the National Playing Fields Standard.

The Quality and Accessibility Audit of 2005 categorised Featherstone Drive as an existing green space provision for children and young people and outdoor sports and awarded the park a quality score of 41.7%

The document also makes recommendations to what works are required to improve the quality and provides a cost. It states that in order to improve the provision for children and young people, the amount required to improve the quality of equipped children play and open space would costs approximately £350,000.

The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. In this instance a contribution of £1,250.80 would re required.

It is considered that Burbage has both a deficiency of both equipped play space and outdoor sports and Featherstone Drive is considered to be of poor quality. The size of dwelling proposed would appeal to families and given the proximity of the application site to these open spaces it is considered that the future occupiers would use the facility, increasing ware and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance.

In summary, the application as submitted makes no reference to addressing this deficiency and there is no planning obligation submitted to secure and deliver any contribution. It is therefore considered that the proposal would be contrary to Policies 3 and 19 of the adopted Core Strategy and Saved Policies IMP1 and REC3 of the adopted Local Plan, the SPD on Play and Open Space.

Conclusion

In conclusion, as the site is within the settlement boundary of Burbage where the erection of a dwelling on this plot would be acceptable in principle, providing all planning related matters are adequately addressed.

Since the previous planning approvals, Planning Policy Statement 3 (PPS3) was revised on 9th June 2010 and the changes were considered to primarily prevent over development within residential areas that are considered out of character. In addition, this judgement is supported locally by Saved Policies RES5 and BE1.

Whilst the siting and scale of the dwelling is in keeping with adjacent development, it is considered that the scheme would be in conflict with the relevant plan policies given the identified impact upon the character and appearance of the streetscene and surrounding locality.

In addition, no contribution has been provided towards the provision and maintenance of public play and open space to mitigate the additional use of such facilities and no sustainable design or energy efficiency measures have been included within the proposals to mitigate against climate change.

Given the identified harm to the streetscene and character of the area, the 1 dwelling proposed provides no overriding justification in favour of the development on a 5 year land supply basis.

Accordingly, it is considered that the proposal conflicts with guidance contained within; PPS3, SPG on New Residential Development, Guidance Note 2 of the Burbage Village Design Statement and Policy BE1 of the adopted Local Plan, which would consequentially make the scheme contrary to Policy RES5 of the adopted Local Plan. In addition the proposal conflicts with guidance contained adopted Core Strategy Policies 3 and 19 of the adopted Core Strategy and Saved Policies IMP1 and REC3 of the adopted Local Plan, the Supplementary Planning Document on Play and Open Space and also PPS1, Policy 24 of the adopted Core Strategy and Supplementary Planning Document on Sustainable Design.

RECOMMENDATION:- REFUSE, for the following reasons:-

Reasons :-

1 In the opinion of the Local Planning Authority, the roof design of the proposed dwelling would result in a built form that does not relate well to neighbouring development, and as such it is considered that the scheme is harmful to the character and appearance of the streetscene and surrounding area. It is therefore considered contrary to Planning Policy Statement 3, Housing as revised June 2010; and Saved Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan, supported by Supplementary Planning Guidance on New Residential Development and Guidance Note 2 of the Adopted Burbage Village Design Statement.

2 In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the proposed development would be built to Code Level 3 of the Code for Sustainable Homes. It is therefore considered contrary to the requirements of Planning Policy 1, Delivering Sustainable Development, Policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy, supported by Adopted Supplementary Planning Document on Sustainable Design.

3 In the opinion of the Local Planning Authority, the lack of any definitive measures to address the increase in pressure placed on play and open space facilities of the local area by the proposed development would not accord with Circular 5/05, Policies 3 and 19 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy, saved policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Document on Play and Open Space.

Notes to Applicant:-

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