**Item:** **07**

**Reference:** **09/00455/OUT**

**Applicant:** **Mr David Hancock**

**Location:** **69 Main Street Carlton Nuneaton CV13 0BZ**

**Proposal:** **ERECTION OF TWO DWELLINGS WITH CREATION OF ACCESS AND PARKING, EXTENSION AND ALTERATIONS TO EXISTING DWELLING AND GARAGE**

**Introduction:-**

This application seeks outline planning permission for two dwellings to the front of no.69 Main Street Carlton, the demolition and rebuilding of the garage to no.69 to facilitate this development, the removal of a number of trees (subject to a tree preservation order) and revised vehicular access arrangements to Main Street. The application seeks approval of the layout, access and scale with appearance and landscaping reserved for approval at a later date.

The application site comprises the front garden of this large detached dwelling that stands some 30 metres back from Main Street. The property is currently accessed from a single vehicular access to Main Street. The property's frontage is bound by a brick wall of approximately 1.5 metres in height, beyond which are a number of young trees. There is a 1974, Leicestershire County Council Tree Preservation Order which relates to an area across the property frontage of approximately 6 metres deep. However, there appears to be only two trees remaining which are likely to be of an age to be subject to the order.

This application is a resubmission following an earlier scheme for a similar development that was withdrawn due to highway and design concerns.

The application is accompanied by a design and access statement. Which states that, the site can accommodate two dwellings and will improve the appearance of the site. It considers the use, amount, layout, scale and landscaping of the site. A protected species survey was also submitted which demonstrated that a walkover survey and intrusive survey of all areas of building had been undertaken. It concluded that there is some nesting opportunity for birds but no active nests were present; areas to the north and west of the site are used for foraging by bats but no evidence of bat roosts on site was found; a single Great Crested Newt was present therefore there is a need to enhance the species habitat, the creation of a pond on or close by the site is suggested prior to commencement of development.

**History:-**

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|---|---|---|---|
| 08/00466/OUT | Proposed erection of two dwellings and extensions and alterations to existing dwelling house | Withdrawn | 12.08.08 |




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**Consultations:-**

No objections received from Severn Trent Water Limited.

No objection subject to conditions from
Head of Community Services (Land Drainage).

The Head of Business Development and Streetscene Services (Waste Minimisation) suggests that as the drive is shared between 2 properties the developer should be aware of collection services, number of containers and quantity of containers each property will be putting at boundary. A wider area at entrance is suggested to provide room for containers etc.

Director of Community Services (Ecology) requires a practical mitigation strategy to ensure the Great Crested Newt present on the site is not adversely affected.

Carlton Parish Council raise no objection to the development. They state that the TPO related to mature Elm trees that were killed by Dutch Elm disease. The replacements are inappropriate and therefore to compensate for the loss at least 2 deciduous trees should be provided at the front of the plot. They agree with the Design and Access Statement in that the dwelling should be of a similar character to No 69 and of a size and character to neighbouring properties. They request that the access drive is surfaced in a bound material.

The Environment Agency have no comment to make.

One neighbour, whilst not objecting, has commented regarding loss of privacy to the front and rear of his property and suggests no windows should face his property.

Further screening and opaque windows will ensure that privacy should be maintained.

At the time of writing the report no responses have been received from:

Director of Highways, Transportation and Waste Management (Highways)

Site notice was displayed and neighbours notified.

**Policy:-**

Central Government Guidance

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Statement 3: Housing (PPS3) encourages the use of previously developed (brown field land) for residential development.

Local Plan Policy

The site lies within the settlement boundary of Carlton as identified in the adopted Hinckley and Bosworth Local Plan.

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 RES5 allows residential development on unallocated sites within the settlement boundary providing it is in line with other plan policies.

Policy T5 seeks to ensure that all developments accord with Leicestershire County Council's current highway guidance, to ensure a satisfactory arrangement is achieved in terms of highway safety.

Policy NE12 seeks to ensure that all new development takes account of its surrounding landscape and makes provision for further landscaping where appropriate.

Policy NE14 seeks to ensure that all new development takes account of foul sewage and surface water.

Policy IMP1 requires improvements to infrastructure and services commensurate with the scale of development proposed.

Policy REC3 seeks to ensure that all new developments make satisfactory provision for outdoor play space for children, either through on or off site provision of a commuted sum toward the development and maintenance of existing facilities.

Supplementary Planning Guidance / Documents

Further guidance is provided within the Borough Council's Supplementary Planning Guidance for New Residential Development and the Supplementary Planning Documents concerning Play and Open Space and Sustainable Design.

**Appraisal:-**

The main considerations with regards to this application are the principle of development, the layout and scale, impact on neighbours, highway issues and whether the proposal will have an impact on the trees to the sites frontage.

The Principle of Development

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

The application proposes an infill development but is unusual in so far as the site for development is forward of the existing dwelling. This is only possible because of the width of the site and the fact that the existing dwelling stands approximately 30 metres back from Main Street, resulting in a large area of land adjacent to the Main Street frontage. The principle of developing forward of the existing dwelling is considered acceptable subject to the appropriate siting and design of the dwellings proposed.

The proposed demolition and rebuilding of the applicants garage is considered acceptable.

Layout and Scale

The position of No.69 set some 30 metres back from Main Street is at odds with the general character of the area. Most dwellings are set much closer to the road. The proposal to site two additional dwellings fronting Main Street continues the characteristic pattern of the street without unduly harming the setting of amenities experienced by the occupiers of no.69.

The separation distance between the existing dwelling and the rear of the proposed 67A is 18.5 metres, however, the proposed dwelling incorporates a design that is single storey in part to the rear and adequate rear boundary screening to ensure that the siting will not cause undue privacy issues or an overbearing effect on the dwelling. It is therefore considered that the proposal complies with policy BE1 and the Council's Supplementary Planning Guidance.

The scale of the development proposed, in this case, is directly relevant to the success of the scheme due to the sites constraints. The two dwellings proposed are sited at either side of the site. The dwellings proposed are of an unusual design, featuring a conventional two-storey elevation to the Main Street frontage and a single storey elevation to the rear. This arrangement is proposed to remove the need for any first floor windows to the rear. The resultant effect of this arrangement is that the dwellings proposed maintain the two-storey character of Main Street but also provide dwellings that are of a suitable scale for the site.

The proposed dwellings have private rear garden sizes exceeding 80 square metres and are therefore considered acceptable in terms of private amenity space.

Impact on Neighbours

Through careful design that respects the sites physical constraints, the need for any first floor windows to the rear elevation of either dwelling has been avoided and

therefore any impact on the amenities of the existing occupiers of no.69 has been designed out.

The siting of the dwellings is unlikely to result in any impact on the adjacent dwellings in Main Street due to the position alongside and marginally forward of these existing dwellings. As this is only an outline scheme, with appearance reserved for approval at a later time, no details are known of the side elevations, however careful consideration will need to be given to the detailing of the elevations, particularly in terms of window positions to successfully avoid any impact on neighbouring amenity. The comments raised by the neighbour with regard to potential for loss of privacy will be fully considered at the reserved matters stage. However, any approval can through condition tie the design of dwellings at the reserved matters stage to the principles within the Design and Access Statement.

Highway Issues

Both of the proposed dwellings provide at least 3 off street car parking spaces and the host dwelling no.69, retains ample parking both on its frontage and within the replacement garage.

The Highway Authority has been consulted on the application but have not responded at the time of writing the report. However, the application was subject to extensive pre-application discussion with the Highway Authority and there is unlikely to be adverse highway issues associated with the development. Their comments will be reported as a late item.

Trees

At the time of writing this report, the formal response of the Director of Community Services (Landscape) in respect of the works to the trees subject to the Leicestershire County Tree Preservation Order has not been received. Detailed discussions have taken place with the Landscape Officer who advises that the trees subject to the order have poor amenity value and there would be greater merit in seeking appropriate replacements to compliment the development of the site. The formal response will be reported as a late item. Furthemore the Parish Council comment that the original trees subject to the TPO have died and subsequently been replaced.

Other Matters

The protected species survey identifies the presence of one Great Crested Newt at the site, and suggests that due regard is given to additional habitat for protected species, such as consideration of native plant species within the landscaping scheme which will help to enhance the foraging opportunities by promoting biodiversity of invertibrates to the benefit of birds and bats higher up the food chain.

In line with Policy IMP1 and REC3 of the adopted Local Plan the site is located within 400 metres of St Andrews Churchyard, Carlton Burial Ground and the two village green areas at the corner of Main Street and Shackerstone Walk, developer contributions are sought in respect of the ongoing maintenance of these facilities, inline with the guidance of the Supplementary Planning Document on Play and Open Space and the requirements of policy REC3. This figure totals £2501.60. The quality scores contained within the Green Space Strategy Audit with regard to the two areas of village green are 54.8 % and 40.5%, it is therefore anticipated that the monies would be spent to improve these particular areas.

**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 and would not be to the detriment of the character of the area, neighbouring residential amenity and highway safety.**

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, RES5, T5, NE14, IMP1, REC3; SPG on New Residential Development and SPD on Play and Open Space

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 appearance of the development including the aspects of a building or place that determine the visual impression it makes.
ii) 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 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 The landscaping details required by Condition 2 of this permission, to be submitted as part of the reserved matters application, shall include:

(i) proposed finished levels (including finished floor levels)
(ii) means of enclosure and boundary treatments
(iii) hard surfacing materials
(iv) planting plans, including replacement trees for those proposed to be removed
(v) written specifications
(vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
(viii) 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 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 policies IMP1 and 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.

7 With regard to Condition 2 above, the application for reserved matters shall accord in terms of design and scale with the proposals indicated within the design and access statement dated 17th June 2009.

8 The application for reserved matters shall include details which accord with the conclusions and recommendations contained within the Ecological Survey submitted with this application. Any enhancement of species habitat and mitigation measures identified shall be carried out in a manner to be agreed in writing with the Local Planning Authority prior to works on site being commenced.

**Reasons:-**

1 & 2 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

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

5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

6 To ensure the adequate provision of public play and open space within the vicinity of the site to accord with policies IMP1 and REC3 of the adopted Hinckley and Bosworth Local Plan and the Adopted Supplementary Planning Document on Play and Open Space.

7 For the avoidance of doubt and to ensure that the development is carried out in accordance proposals contained with the design and access statement submitted. To ensure a satisfactory form of development, to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

8 For the avoidance of doubt and to secure proper steps to safeguard and enhance the protected species on the site. To ensure that the development is

carried out in accordance proposals contained with the ecological survey submitted.

**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:- 3769/01 Rev A, 3769/02 and 3769/03 Rev C.

6 Due to the forward position of the plot approved adjacent to the sites eastern boundary (shown on plan as no.69a), there shall be no windows to habitable rooms in the east elevation of this dwelling.

7 The current play and open space contribution required by condition no.6 is £1250.80p per dwelling, therefore totalling £2501.60.

8 With regard to condition 7, the design of the proposed two dwellings shall not include rear windows at first floor level.

**Contact Officer:-** James Hicks Ext 5762