DELEGATED REPORT

Recommendation Made: 16 August 2011

Reference:- 11/00562/EXT **Parish:- Witherley Parish Council**

Applicant:- Mr John Watson
36 Old Forge Road
Fenny Drayton
Nuneaton
Leicestershire

Location:- 36 Old Forge Road Fenny Drayton Nuneaton Leicestershire CV13 6BD

Proposal:- EXTENSION OF TIME FOR EXTANT PLANNING PERMISSION 08/00502/FUL FOR ERECTION OF ONE DWELLING WITH ASSOCIATED PARKING AND SHARED ACCESS.

Introduction:-

This planning application is seeking an extension to the time limit to extant planning permission 08/00502/FUL for the erection of a dwelling with parking and access.

This is a full application for the erection of a two storey dwelling on the side garden of an existing dwelling, within a residential area and within the settlement boundary of Fenny Drayton. The existing property is a large detached bungalow set at an angle, to the back of a large plot. The site is currently garden area to the existing bungalow, it will be subdivided from front to back which will result in the proposal plot of roughly 11 metres wide, the levels of this plot undulates. The existing dwellings on Fox Covert to the rear are higher than the proposed plot. The property to the southern side of the plot has a garage and drive close to the boundary, it has one side window at first floor. The existing bungalow on site is angled towards the proposed plot and has windows to the front and side.

The submitted plans proposed a shared access arrangement with the existing dwelling.

There are a variety of styles, designs and house types in this part of the village.

Relevant Planning History:-

08/00502/FUL Erection of one dwelling with associated parking and shared access Approved 14/07/08
08/00263/FUL Erection of one dwelling Withdrawn
90/00203/OUTResidential Development Refused on insufficient information in relation to highway grounds

Consultations:-

No objection subject to conditions has been received from The Director of Environment and Transport (Highways).

No objection subject to notes to applicant has been received from the Head of Community Services (Land Drainage).

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

Witherley Parish Council do not object to the proposed development but raise the following concerns:-

a) an archaeological survey of the site should be undertaken
b) access is close to bend in the highway
c) garden land development
d) proposed dwelling is out of keeping with the area

Neighbouring properties have been notified. One letter of objection has been received raising the following concerns:-

e) the refusal of this planning application should be upheld
f) loss of view
g) overlooking into objector's property
h) existing hedges reduce light and view for the objector
i) the village cannot sustain further residential development
j) application doesn't take into account the undulating ground level

Development Plan Policies:-

Adopted Core Strategy (2009):-

Policy 13- Rural Hamlets

Adopted Local Plan (2001):-

RES5- Residential Proposals on Unallocated Sites
BE1- Design and Siting of Development
T5- Highway Design and Vehicle Parking Standards
IMP1-Contribution towards the Provision of Infrastructure and Facilities
REC3-New Residential Development- Outdoor Space for Children

Supplementary Planning Guidance

New Residential Development
Play and Open Space SPD

Appraisal:-

The main issues in this case are whether there have been any material changes in planning policy since the previous application that would affect the determination of the application and if the originally imposed conditions or additional conditions are required.

Changes in Policy/Principle

The site is located within the settlement boundary for Fenny Drayton where there is a presumption in favour of development subject to relevant design criteria being met. The principle of residential development on the site has been established with the granting of planning permission for a detached dwelling under planning application 08/00502/FUL, for which this application is seeking an extension to the time limit for implementation.

In terms of changes in planning policy 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 proposed dwelling has been sited in line with the main building line established along Old Forge Road, the site layout plan shows that the site can easily accommodate a detached dwelling with sufficient space for vehicle parking and turning and private amenity space, there are a number of two-storey detached dwellings within close proximity of the site and the design incorporates design features consistent with properties along Old Forge Road. It is considered that the proposed development complies with the criteria set out in PPS3 (set out in greater detail in subsequent sections of this report) and the principle of development is considered acceptable.

Policy 13 of the Core Strategy seeks to enable development of new residential development within existing settlement boundaries inline with Policies 15, 16 and 17 of the Core Strategy. Whilst the proposal does not comply with the requirements of CS15, the Policy included the word “and” and is therefore not restrictive in that all requirements must be met. Therefore, given that the site lies within the defined settlement boundary there is no direct conflict here and the policy supports the proposal.

Policy 24 requires development to be built to arising sustainable standards however there is no direct requirement for developments within Fenny Drayton to meet this sustainability standard.

Relevance of conditions

It is considered that the imposition of those conditions on planning permission 08/00502 are still relevant and reasonable with the exception of the removal of the condition relating to financial contributions towards public open space in Fenny Drayton which will now be secured through a legal agreement. The imposition of a condition relating to the proposed development being carried out in accordance with the approved drawings is considered reasonable as this condition will allow the applicant to make non-material or material amendments to the scheme should they decide to alter aspects of the approved scheme.

Design and appearance

The design of the dwelling is simple and in keeping with the other properties in the area. The proposal is set back from the highway boundary by 14 metres so is not considered to be prominent or to have a significant detrimental impact on the street scene. The dwelling will have private amenity space to the rear. The main windows are sited on the front and rear. The design features include eye-brow window detailing and a chimney along the gable which are reflective of the modern dwellings on the adjacent site to the north.

In terms of its scale and height the proposed dwelling will be smaller in its built foot print and lower in its ridge height than 38 Old Forge Road located immediately to the south.

Impact on the street scene

It should be noted that this part of Old Forge Road, with the exception of the applicant's bungalow is characterised by two-storey detached dwellings set back from the highway footpath. Therefore in terms of its siting and height the proposed dwelling is considered to reflect the character and appearance of the Old Forge Road streetscene. By setting the dwelling back from the highway footpath this allows for the parking of vehicles in the front driveway area of the dwelling, this is a common feature of dwellings along the Old Forge Road street scene.

Impact on neighbour amenity

The separation distance from the rear elevation of 51 Foxs Covert to the rear of the proposed dwelling is in excess of 30m. This separation distance complies with the SPG for new residential development which sets the distance at 25m. This separation distance is considered sufficient the potential for overlooking and loss of light to the objector's property (51 Foxs Covert) to the rear.

The main concern is the levels which undulate within the site and whilst cutting in the proposal may result in the loss of an existing tree on site, it is considered that the finished floor levels will need to be agreed and that they should be lower than the existing dwelling and that of the neighbour to give a graduation in ridge heights. The nearest windows in the existing dwelling to the rear corner of the proposal are 10 metres away. The nearest side window in the existing dwelling to the proposed garden boundary is sited 9 metres away. A suitable boundary treatment between the existing bungalow and the proposed dwelling will provide privacy to each dwelling from over-looking.

The comments made in respect of the boundary hedges and trees and potential for loss of light and view relate to existing features and are therefore not considered to be relevant to this case.

Loss of view is not a material planning consideration and will not be appraised in this report.

Impact on highway amenity

The proposals involve the blocking up of an existing vehicular access and a new shared access being formed further to the north east onto Old Forge Road, thereby meaning that the new access will be created further away from the bend in the highway. The Director of Environment and Transport (Highways) has raised no objections to the a new shared access being formed to serve the proposed dwelling.

Other issues

Archaeology

An archaeological survey was submitted for consideration for the extant planning permission 08/00502/FUL. This was previously assessed by the Director of Community Services (Archaeology) and a condition imposed in relation to the deposition of the archive of works to the Leicestershire Museums Service and that no further fieldwork is required. Therefore the archaeological significance of the site has been appropriately assessed and a condition relating to the deposition of the archive will be also imposed.

Open Space

The site is located within 600 metres of open space Drayton Close (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 Council's SPD on Play and Open Space.

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.

The quality of the space has been considered within the Quality and Accessibility Audit of 2005 which awarded Drayton Close a medium quality score of 46.3%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. As the scheme results in a net gain of 1 dwellings a total figure of £1250.80 is sought for the provision and maintenance.

Drayton Close has provision for equipped and informal play which are of a reasonable quality but could be improved but there is no formal provision for outdoor sports in Fenny Drayton. Recommendations and costings are given to improve the quality of facilities and imporve the quality and access to outdoor sports provision. The size of the 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 wear 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.

Conclusion

The principle of residential development on this site has been established with the granting of planning permission on planning application 08/00502/FUL. The proposed dwelling constitutes an infill plot within the settlement boundary of Fenny Drayton. The proposed dwelling by virtue of its scale, height, siting and design is not considered to be out of keeping with the street scene along Old Forge Road and is not considered to result in demonstrable loss of residential amenity or highway safety. Therefore the proposed development is 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, by virtue of its siting, scale, height and design the proposed development is not considered

to be out of keeping with the character and appearance of the street scene or detrimental to the amenity of neighbouring properties or to highway safety. The principle of residential development on the site has been previously established with the granting of planning permission on planning application 08/00502/FUL.

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

Hinckley and Bosworth Adopted Core Strategy (2009):- Policy 13

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: 02A, 03A received on 21 May 2008 and Site Location Plan received on 11 July 2008.

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 The applicant must secure the implementation of a programme of archaeological work, comprising the production of an appropriate report and deposition of the project archive. This report shall be completed in accordance with the agreed scheme of work as included in ULAS Report No 2008/0066 submitted in accordance with planning application 08/00502/FUL.

5 No development shall commence on site until such time as the existing and proposed ground levels of the site and the finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details

6 Notwithstanding the submitted details, before development commences a scheme shall be submitted to and approved in writing by the Local Planning Authority in relation to the following.

i) relocation of the existing access drive towards the north easternmost point of the site's frontage onto Old Forge Road,
ii) 2 metre controlled radii on both sides of the proposed access
iii) provision of a footway for pedestrian across the whole frontage of the site
iv)revised parking and turning arrangements within the site,
v) details of closure of the existing access and proposal for reinstatement of the vehicular crossing

The approved access drive, parking, footway and turning facilities shall be provided before the development is brought into use, to the satisfaction of the Local Planning Authority. The access with a minimum effective width of 4.25 metres, shall be hardsurfaced for at least 5 metres from the highway boundary. The access, turning and parking facilities once provided shall be so maintained. The existing access shall be permanently closed within one week of the new access being brought into use.

7 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.

8 No development shall take place until full details of both hard and soft landscaping 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 include:

(i) means of enclosure including any retaining details
(ii) hard surfacing materials
(iii) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
(iv) planting plans

(v) written specifications
(vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(vii) implementation programme.

9 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.

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 allow the opportunity for adequate exploration of the site to accord with policy BE14 of the Hinckley & Bosworth Local Plan.

5 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property in accordance with policy BE1 of the adopted Local Plan.

6 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and the interests of general highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

7 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

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

9 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.

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 6 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 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 Authority.

6 It will be necessary to apply to the Leicestershire County Council Divisional Engineers Office Coventry Road Croft Leics LE9 6GP (Tel No 01455 283341) for permission to construct a vehicular crossing. The vehicular crossing over the footway and/or verge in the highway shall be constructed to the Highway Authority's standard requirements and specifications.

7 Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.

8 The applicant should be aware that the finished floor levels for the proposed dwelling will need to be significantly lower that the existing bungalow floor levels in order to ensure a satisfactory form of development.

Contact Officer:- Scott Jackson Ext 5929