DELEGATED REPORT

Recommendation Made: 15 July 2011

Reference:- 11/00409/FUL **Parish:- Stoke Golding Parish Council**

Applicant:- Mr A. K. J. Wakefield
117 Hinckley Road
Stoke Golding
Nuneaton
Warwickshire

Location:- Land Rear Of 30 To 42 Hinckley Road Stoke Golding Leicestershire

Proposal:- ERECTION OF 3NO. DWELLINGS

Introduction:-

This application seeks full planning permission for the erection of 3 dwellings on land to the rear of 30 to 42 Hinckley Road Stoke Golding.

The proposal comprises three brick built dormer bungalows. The dwellings are three bed and each have a single garage. The principle elevations of the dwellings will face the recently constructed dwellings to the south of the site (40b and 40c Hinckley Road). The dwellings will be accessed via an existing access road leading from Hinckley Road.

This scheme is a re-submission of application 07/00433/FUL. The details have not changed. The scheme was approved. The application has been re-applied for as the time period for the application has lapsed.

Relevant Planning History: -

07/00433/FUL	Erection of three bungalows	Approved	11.06.07
06/00911/FUL	Erection of three bungalows	Refused	21.12.06
02/00635/FUL	Erection of one detached dwelling And garage (revised scheme)	Approved	09.08.02
02/00347/FUL	Erection of dwelling and Garage (Amended House Type)	Approved	09.08.02
01/00453/FUL	Erection of detached dwelling and Garage	Approved	29.06.01

Consultations:-

No objections have been received from: -

Head of Community Services (Pollution)

No objections subject to conditions have been received from:-

The Director of Environment and Transport (Highways)
Head of Community Services (Land Drainage)
Severn Trent

Stoke Golding Parish Council have stated that they would not want the dwellings to overlook the adjacent play area

At the time of writing the report no comments have been received from: -
Ward Members
Neighbours

Development Plan Policies:-

Adopted Core Strategy

Policy 7 - Key Rural Centres

Policy 11 – Key Rural Centres Stand Alone

Policy 24 – Sustainable Development

Adopted Local Plan

The site lies within the settlement boundary of Stoke Golding as defined in the adopted Hinckley and Bosworth Local Plan.

BE1 - Design and Siting of the Development

IMP1 – Developer Contributions

REC3 – Play and Open Space

RES5 – Residential proposals on Unallocated Sites

T5 – Highways and Parking

Supplementary Planning Guidance: New Residential Development

Appraisal:-

The main considerations in respect of this application are the principle of development, design and layout, visual amenity and character of the street scene, residential amenity and highway safety.

The Principle of Development

The site is located within the settlement boundary of Stoke Golding, as defined in the Adopted Hinckley and Bosworth Local Plan Proposals Map; therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed. This said on the 9th June 2010 Planning Policy Statement 3 (PPS3) was revised. One of the revisions removed private residential gardens from the definition of previously developed land. Thus giving such land a 'Greenfield' classification. This revision was made to prevent over development and to enable Local Planning Authorities to determine for themselves the best locations and types of development. It is also interpreted that the changes were to primarily prevent over development within residential areas that are considered out of character.

In respect of the above issue, it is not clear whether or not the application site comprised part of the rear garden of one of the adjacent properties, or formed part of the land owned by the Liberal Club. However this said, and for the reasons discussed later in this report, the acceptability of the character, density, mass, layout and design of the proposal will be fundamental to the determination of the application alongside the relevant plan policies.

As such, as the site is within the settlement boundary of Stoke Golding, the principle of development is considered acceptable.

Design and Layout

The application proposes three dwellings situated adjacent to one another on a staggered building line. The

dwellings have been designed in such a way to ensure that there will be no side facing windows overlooking the adjacent property. Principle windows will overlook the rear gardens and driveway to the front of the properties. Each property has been provided with two off road parking spaces and there is adequate room on site for vehicles to turn. The rear gardens are in line with the SPG requirements, in that the smallest has an area of 140m2, when the minimum requirement for a three bed property is 80m2. The separation distances between the application properties and the surrounding dwellings are slightly lower that those advised within the SPG, (21m – 23m as oppose to the recommended 25m) however these distances are for guidance only, and it is not considered that the shortfall would result in a material level of overlooking or impacts upon the privacy of surrounding properties, to warrant refusal of the application. The proposed dwellings are very close to one another, however there are no principle windows proposed on the side elevations of the properties and thus there will be no adverse impacts in the residential amenity of these properties.

The proposed properties are gable fronted with header and footer fenestration detail to the bay windows on the principle elevation. Plots one and two are part brick part render and plot three is solely brick. Surrounding properties are of various style and design and comprise both bungalows and houses. The development has incorporated architectural features of the surrounding area and thus is not considered out of character with the area. Further the scale and form proposed is not considered to be over development of the plot.

The character of the area is mixed, comprising both bungalows and houses of varying style and age. In addition, opposite the plot, to the west, there is existing backland development in the form of two dwellings. Accordingly, the bungalows proposed are considered in keeping with the existing character of the area and thus comply with the requirements of Policy BE1 of the adopted Local Plan.

Visual Amenity and Character of Street Scene

The only views of the development gained from Hinckley Road will be of the garage to plot three. This will not however be viewed in the context of the street scene and thus will not have any adverse impacts on the visual amenity of the street scene. The side (east facing) elevation of plot three and the rear elevation of its garage will be visible from the public open space to the east of the site. However this said, this dwelling is only 6m in height and thus only its roof will be visible. This dwelling will be viewed against the backdrop of existing residential development and thus will not have adverse impacts in terms of visual amenity.

Residential Amenity

The rear elevations of the proposed dwellings will face the dwellings on Hall Drive. There are principle window in the rear elevations of both sets of dwellings. The separation distances are just under those recommended within the SPG (25m), with the shortest distance of 21m between plot 1 and number 8 Hall Drive. However, this said there are no first floor windows in the rear elevation of plot 1, and the ground floor windows will be screened by the close boarded fence along the northern boundary.

The principle elevation of plot 3, in which there is a first floor bedroom window will face the principle evaluation of 40b Hinckley Road. The separation distance between these properties will be 23m. Again this is 2m less that that recommended within the SPG. However, despite this shortfall, in this case, there is considered to be no overlooking as the first floor window in plot three will be a dormer window and thus due to its height will have no direct views into the rooms of the property opposite.

Accordingly based on the above, there will be no material impacts on the privacy of surrounding residential properties.

By virtue of the single storey nature of the dwellings, there are no impacts in terms of overshadowing or over-dominance.

Highway Safety

Two off road parking spaces have been provided with each dwelling, which is in accordance with the guidance for three bed properties. Further, adequate space has been provided to the front of the proposed dwelling for vehicles to turn and exit the site in a forward direction. The Director of Environment and Transport (Highways) has no objections to the application subject to standard conditions. Accordingly the proposal is considered to be in accordance with Policy T5 of the Local Plan.

Play and Open Space Contributions

The site is located within 400 metres of open space at Hall Drive. As the application is for residential development, it 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, Stoke Golding was identified as having a deficiency of equipped play space and outdoor sports for its population when compared with the National Playing Fields Standard.

The Quality and Accessibility Audit of 2007 categorised Hall Drive as an existing green space provision for local open space and neighbourhood open space and awarded the park a quality score of 27.6%.

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 for the 3 new dwellings would be required. This would result in a total contribution of £3752.40.

It is considered that Stoke Golding has a deficiency of both equipped play space and outdoor sports and Hall 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.

A Unilateral Undertaking has been submitted to secure the play and open space contribution.

Drainage

The Head of Community Services (Drainage) has requested a condition requiring the submission of drainage details. Historically the development control process has sought to control the design of drainage systems, however in more recent years further control is now delivered through the Building Regulations and by Severn Trent Water (as the service provider) and the drainage scheme that has been approved by the planning authority is usually subject to change. In line with recent appeal decisions and Planning Inspector opinion, it has been agreed locally that drainage details will no longer be required to be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Accordingly, in this case no drainage conditions are considered necessary.

Conclusion

By virtue of its siting, design and scale the proposal is considered in keeping with its setting and does not result in over development of the site. Resultant of the layout and the design of the elevations, there will be no adverse impacts on the privacy of surrounding properties in terms of overlooking and adequate off road parking and turning provision has been made. Accordingly the development, subject to conditions and the legal agreement is in accordance with planning policy and is therefore recommended for approval.

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 by virtue of its siting, scale, mass and design has no material impacts on either visual or residential amenity, on the character of the street scene or highway safety. Therefore the development is considered acceptable.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, T5, RES5, REC3
Core Strategy (2009) :- Policy 7, Policy 11

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

2 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.

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

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) hard surfacing materials
(ii) planting plans
(iii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
(v) implementation programme.

5 The approved landscaping scheme shall be carried out during the first appropriate planting season following the date when the proposed dwelling is ready for occupation. The scheme shall be maintained for a period of five years from the date of planting. During this period and trees or shrubs that die or are damaged or seriously diseased shall be replaced by trees or shrubs of a similar size or species to those originally planted.

6 The car parking and turning facilities shown within the curtilage of the dwellings shall be provided before the dwellings are occupied and shall thereafter permanently remain available for such use.

7 The use of the garage(s) shall remain at all times for the purpose of parking a motor vehicle and shall not be converted to additional living accommodation, unless otherwise agreed in writing with the Local Planning Authority.

8 No development shall take place until details and an implementation schedule of boundary treatments have been submitted to and approved in writing by the Local Planning Authority.

9 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Refs: 06 02 02C, 06 02 03B, 06 02 04A received by the Local Planning Authority on the 23/06/11

Reasons :-

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

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

3 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

4 In the interests of visual amenity to accord with Policy BE1 of the adopted 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 that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

7 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

8 In the interests of visual amenity to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

9 For the avoidance of doubt and in the interests of proper planning

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).

Contact Officer:- Eleanor Shaw Ext 5680