Item: **06**

Reference: **11/00797/FUL**

Applicant: **Mr & Mrs David Hughes**

Location: **Land Rear Of 69 Butt Lane Hinckley**

Proposal: **ERECTION OF DWELLING AND DETACHED GARAGE**

Target Date: **28 November 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the applicant is a member of staff at Hinckley and Bosworth Borough Council.

Application Proposal

This application seeks full planning permission for the erection of a new detached dwelling and detached garage with associated parking and access. Full planning permission for one dwelling has previously been approved under delegated powers in 2010 (reference 10/00534/FUL) but has not been implemented. This application seeks to alter the design of the previously approved scheme. The proposed dwelling is a two-bedroom dormer bungalow with low eaves and high pitched roof design, with the ridge height being 7 metres. The design includes a number of features including two dormer windows to the front roof slope, cills and headers to doors and windows and a fully glazed lobby to the front. The detached garage is located to the front of the dwelling, set back from, but parallel to, the private access road. A private amenity area measuring 71 square metres is provided to the rear and 40 square metres to the front, parking for three cars, including the garage, is provided within the curtilage to the front. Access to the site is proposed from Eastwoods Road.

The Site and Surrounding Area

The site comprises a vacant plot of land measuring 348 square metres located within an established residential area of Hinckley and is surrounded by residential gardens to three sides. Whilst the site is located to the rear of 69 Butt Lane, Hinckley it is accessed off a private road (which forms the fourth boundary) linking Eastwoods Road and Trafford Road. The access is approximately 2.5 metres wide and surfaced with tarmacadam from Eastwoods Road to the application site. The site is enclosed by various boundary treatments including 2 metre high concrete post and close boarded timber panel fencing to the rear (south east) and left hand (north east) boundaries and a 2 metre high hedgerow to the right hand (south west) boundary. The area is characterised by dwellings of various scale, designs and styles including single storey and two storey dwellings and dormer window and gable roof design features. There are other infill developments in the immediate vicinity.

Technical Document submitted with application

The planning application is accompanied by a design and access statement which sets out the site constraints and states that the parking and access layout has been

designed to complement the proposed bungalow and allows parking adjacent to the main entrance to the dwelling with a detached garage providing further parking. The design and access statement includes a number of photographs illustrating the various designs and scales of dwellings within close proximity of the site.

History:-

10/00534/FUL	Erection of one dwelling and detached garage with associated parking and access	Approved	07.10.10
07/00011/FUL	Erection of one dwelling & detached garage with associated parking & access	Approved	26.02.07
06/01068/FUL	Erection of one dwelling & detached garage with associated parking & access	Withdrawn	03.01.07
03/01432/OUT	Renewal of planning consent 99/00883/OUT for the erection of one dwelling	Approved	11.11.04
99/00883/OUT	Erection of one dwelling	Approved	02.02.00



© Crown copyright. All rights reserved Hinckley & Bosworth Borough Council LA00018489 Published 2006

Consultations:-

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

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

No objection subject to notes to applicant has been received from:-

Head of Community Services (Land Drainage)
Head of Business Development and Street Scene Services (Waste Minimisation).

Site notice and Press notice were displayed and neighbours notified.

At the time of writing the report comments have not been received from Neighbours.

The consultation period remains open at the time of writing this report and expires on 9 November 2011. Any representations received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy Guidance

The draft National Planning Policy Framework was published for consultation on 25 July 2011. The inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report. Officers will continue to advise on the progress of this consultation and update members on that progress.

Planning Policy Statement 1 - Delivering Sustainable Development sets out the Government's objectives for the planning system. The document states that high quality and inclusive design should be the aim of all those involved in the development process.

Planning Policy Statement 3 (PPS3): 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives. This document states at paragraph 12 that good design is fundamental to the development of high quality new housing. Paragraph 13 reflecting policy in PPS1 states that good design should contribute positively towards making places better for people. Design which is inappropriate in its context, or which fails to improve the character and quality of an area and the way it functions, should not be accepted. Paragraph 16 lists matters to be considered when assessing design quality; this includes assessing the extent to which the proposed development is well integrated with and compliments, the neighbouring buildings and the local area more generally in terms of scale, density layout and access.

Planning Policy Statement 9 - Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Planning Policy Guidance 13 – Transport sets out national transport planning policy. With regards to parking provision this states that Local Authorities should 'not require developers to provide more spaces than they themselves wish' and that 'reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices'.

Planning Policy Statement 23 – Planning and Pollution Control sets out national planning guidance on pollution of land, air and water.

Planning Policy Guidance 24 – Planning and Noise guides Local Authorities on the use of planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. The Regulation does not replace Circular 05/2005 but gives it a statutory foothold in planning legislation.

Government Circular 05/2005: Sets out the Secretary of State's policy on Planning Obligations, and should be given significant weight in decision making and developer contributions.

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that it is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

Policy 1 seeks to secure the delivery of sustainable development.

Policy 2 promotes better design including highway and parking design that improves community safety.

Policy 3 directs development towards urban areas with Hinckley being defined as a Sub-Regional Centre and the main focus for development at the local level. Policy 3 also states that in assessing the suitability of sites for development priority should be given to making the best use of previously developed land in urban or other sustainable locations.

Policy 43 seeks to improve highway safety across the region and reduce congestion.

Local Development Framework Core Strategy 2009

Policy 1: 'Development in Hinckley' sets out the development intentions for Hinckley, which includes the allocation of land for the development of a minimum of 1120 new residential dwellings and to address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Hinckley as detailed in the Council's most up to date strategy and the play strategy, particularly in the south

west and north east of Hinckley. New green space and play provision will be provided where necessary to meet to meet the standards set out in Policy 19.

Policy 16: 'Housing Density, Mix and Design' seeks to ensure that all new residential development provides a mix of types and tenures appropriate to the applicable household type projections. A minimum of 40 dwellings
per hectare is required within and adjoining Hinckley.

Policy 19: 'Green Space and Play Provision' seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.

Policy 24: 'Sustainable Design and Technology' seeks to ensure that all new homes in Hinckley will be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes.

Hinckley and Bosworth Local Plan 2001

The site is situated within the settlement boundary of Hinckley. Policy RES5: 'Residential Proposals on Unallocated Sites' states that on sites that are 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.

Policy BE1: 'Design and Siting of Development' of the adopted Local Plan states that the Borough Council will seek to ensure a high standard of design in order to safeguard and enhance the existing environment and that planning permission will be granted where the development complements or enhances the character of the surrounding area with regard to design, materials and architectural features, and is not prejudicial to the comprehensive development of a larger area and does not adversely affect the occupiers of neighbouring properties.

Policy REC3: 'New Residential Development - Outdoor Play Space for Children' requires the appropriate level of open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

Policy T5: 'Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design and parking provision for new development.

Policy T9: 'Facilities for Cyclists and Pedestrians' encourages walking and cycling including facilities for cycle parking.

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance (SPG): 'New Residential Development' provides a series of standards that new residential development should achieve in respect of density, design, layout, space between buildings and highways and parking. It specifically states that the appropriate density of the development will be determined by the general character of the surrounding area.

The Council's Supplementary Planning Document (SPD): 'Sustainable Design' aims to support and encourage developers and applicants in delivering homes in line with

national best practice guidance primarily the Code for Sustainable Homes for housing and delivery of sustainable development through the planning system.

The Council's Supplementary Planning Document (SPD): 'Play and Open Space' provides a framework for the provision of play and open space and financial contributions to support the requirements of Policies REC2 and REC3.

Appraisal:-

The main considerations with regards to this application are the principle of development and its impact on the character of the area; design and layout; impact on the amenity of the occupiers of neighbouring properties; highway safety issues; and other issues.

Principle of Development

The principle of residential development of the site for a detached dwelling and detached garage of similar design, layout, footprint and orientation has been established by the previous planning permission issued in 2010. The site is located within the settlement boundary for Hinckley, where there is a presumption in favour of development. PPS3 was revised in June 2010 to exclude private residential gardens from the definition of 'previously developed land'. The previous planning permission issued in October 2010 was granted taking account of these changes to PPS 3 and that the interpretation of this policy change was not to prevent infill development within settlement boundaries but to ensure that new development respects and does not harm the character of the area in which it is located.
In this case there are a number of similar infill developments in the immediate vicinity of the site to the north east, on similar building lines and orientation and with access off the private road. It is therefore considered that the proposed development will not harm the character of the area in this case.

Design and Layout

The area is residential in nature. Previously this part of Hinckley was characterised by detached dwellings set back from the highway with large private gardens to the rear. The development pattern has subsequently changed over recent years with the construction and approval of a number of detached bungalows and dwellings located either side of the access track that runs between Eastwoods Road and Trafford Road. Therefore the potential introduction of a further dwelling along this access track is not considered to be out of keeping with the pattern of development that has been established over recent years in this area of Hinckley. The proposed design differs from the scheme approved in 2010 but it is still considered to respect the scale and character of existing development in the area and incorporates similar design features such as gabled roof and dormer windows found within the vicinity. A number of architectural features are included within the design including dormer windows set either side of a gable projection, feature cills and headers to doors and windows to add interest, and the inclusion of a fully glazed lobby projection to the front elevation. Whilst the design does not include a feature chimney which is characteristic of older dwellings within the area, the adjacent infill plot and the bungalow opposite do not have such features and neither did the previously approved design, as such, whilst desirable, this is not considered to be critical in this case, particularly given its less than prominent location.

The existing street scene along this unadopted section of Eastwoods Road is characterised by large detached modern dwellings set back from the edge of the

highway with garage blocks and parking located to the front and sizeable rear gardens. These properties are of differing scales, designs and heights thereby creating a mixed style of housing within the street scene. Therefore the introduction of a modern detached dwelling set back from the unadopted highway with a rear garden of 71 square metres and parking and a detached garage to the front is considered to be characteristic of the layout of residential development along this section of Eastwoods Road.

The setting back of the proposed dwelling allows sufficient space in which to provide a detached garage (providing one off-street parking space), an area of landscaping, a driveway for the parking of 2 vehicles and a front garden of 40 square metres. The provision of 111 square metres of private garden complies with the Supplementary Planning Guidance for New Residential Development for 2-bedroom properties which is set at 60 square metres.

The ridge height of the proposed dormer bungalow will be 7 metres and the height to eaves will be 2.6 metres. The ridge height of the dwelling will be lower than the existing modern dwellings that have been constructed along Eastwoods Road, particularly where the cul-de-sac terminates and the unmade road commences. In terms of its height the proposed development is considered to assimilate with the character and visual amenity of the established vernacular along Eastwoods Road. The ridge height of the proposed dormer bungalow is 0.2 metres higher than the previously approved scheme in 2010 and the height to eaves remains the same.

Overall, the proposed development is considered to have a well proportioned, high quality design and be in keeping with surrounding development in terms of design, scale, height and layout. Policy 24 of the adopted Core Strategy requires new residential units within Hinckley to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. No details of the scheme's compliance with this standard have been submitted with the application; therefore, such details will be subject to a condition requiring them to be submitted prior to commencement on site.

Impact on Neighbours

The design and layout of the proposed dwelling and garage have previously been considered to be acceptable in relation to neighbouring properties. Given the scale and siting of the proposed dwelling and the separation distances and orientation to existing dwellings, it is considered that the proposals will not have an adverse effect on neighbouring properties in terms of being overbearing. The setting back of the dwelling 8.4 metres from the edge of the unadopted access road provides separation distances of 24 metres to both 40 Eastwoods Road to the north west and to the rear elevation of 69 Butt Lane to the south east. The separation distance to these neighbouring properties is 1 metre less than the minimum separation distance of 25 metres stated in the Supplementary Planning Guidance for New Residential Development, however it is only guidance. The presence of boundary treatment between the proposed dwelling and No 69 Butt Lane will mitigate this slightly reduced distance and provide some privacy for both dwellings. No 40 Eastwoods Road is opposite the site across the private access track and has a front boundary wall with railings, it is considered that this existing boundary treatment will provide some privacy to this neighbouring dwelling.

The proposed dwelling has been designed to incorporate 2 dormer windows to the front elevation, each serving a bedroom. The dormer windows position set 0.7metres into the roof slope takes the first floor window further away from No 40 Eastwoods Road resulting in a front to front window distance of 27 metres and 26 metres

respectively. This distance across the private access road is considered acceptable to ensure there is no impact of neighbours amenity or privacy. The rear elevation has been designed with 2 velux roof lights serving a bedroom and stairs and a window at first floor level serving an en-suite. The velux rooflights are designed with a cill height of approximately 1.6 metres which is the accepted cill height to minimise overlooking. The distance between the first floor window and windows in 69 Butt Lane is 24 metres, a similar distance to that already accepted in the 2010 application. Whilst below the guidance distance the window is to serve an en-suite and will therefore be obscure glazed thereby protecting neighbouring amenity.

In order to control and prevent any potential overlooking from additional windows within the rear roof slope and wall of the proposed dwelling in the future, a condition removing permitted development rights for such development is recommended in this case. The same condition will also remove permitted development rights for the erection of extensions as the applicant could extend from the rear wall of the proposed dwelling to a maximum depth of 4 metres across the entire width of the dwelling. This would result in a garden measuring only 0.8 metres in depth, thereby resulting in a significant loss of private amenity space.

Highway Issues

The Director of Environment and Transport (Highways) raises no objection to the proposals subject to conditions in respect of the provision of adequate off-street parking to serve the dwelling along with the surfacing of the proposed vehicular access. The detached garage will provide off-street parking for one car and the driveway is of sufficient width and depth to provide an additional two spaces to enable adequate additional parking to be provided within the site. This can be secured by condition to ensure that the spaces remain available at all times to reduce the possibility of the development leading to parking on the private road.

The Director of Environment and Transport also recommended a condition in respect of the hard standing of the first 5 metres of the access and drive. Vehicular access is taken off an unadopted private road, located well in excess of 5 metres from the highway boundary on Eastwoods Road. The recommended condition only requires the first 5 metres from the back edge of highway to be surfaced, however this is already surfaced and therefore such a condition is not required. Whilst no turning provision is available within the curtilage, this situation is no different from that of other infill development plots in the vicinity accessed off the private road and will not form a sustainable reason to refuse the application. There is an existing turning facility available on the unmade road immediately to the west of the proposed vehicular access which could be utilised. In conclusion, given the scale of the development and the nature of the access and its likely level of use, it is considered unlikely that the proposals will have an adverse impact on highway or pedestrian safety.

Other issues

Developer contributions

Core Strategy Policy 19 and Saved Local Plan Policy REC3 seek to deliver open space as part of residential schemes. Policy REC3 is accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update). In time it is intended that Policy REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport & Recreation Facilities Study once the Green Spaces Delivery Plan has been completed.

To date only the Open Space, Sport & Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19. Accordingly, this application is determined in accordance with the requirements of Policy REC3, SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

As the development relates to a single dwelling, there is no requirement for developer contributions towards infrastructure services other than towards informal public play and open space as required by policy REC3 of the adopted Local Plan. However, in this case the application site is in excess of 400m away from any existing informal public open space and therefore does not meet the criteria for the requirement of financial contributions towards the provision or maintenance of public informal children's play space as laid out in the Council's adopted Play and Open Space Supplementary Planning Guidance.

Ecology

There are no trees or vegetation of any significance within or adjacent to the site and no indication of the presence of any protected species.

Refuse/Recycling Storage

Whilst this is a material consideration in the determination of applications for new dwellings, given that this application proposes a dwelling with substantial residential curtilage there is adequate space within the curtilage for the storage of waste and recycling containers, therefore further control is not considered to be necessary. A note to applicant will advise that the collection of refuse and recycling containers will be from the highway boundary.

Conclusion

The principle of residential development on the site for a single detached dwelling and garage of similar scale, layout, height and orientation has been established by the previous planning permissions in 2007 and 2010 and is supported by current planning policy. The proposed dwelling and garage are considered to be a high quality design in keeping with surrounding development. The current proposals are not considered to harm the character of the area or the amenities of neighbouring properties or highway safety. The application is, therefore, recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to no new significant material objections being received prior to the expiry of the consultation period on 9 November 2011 and 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 as it is within the settlement boundary of Hinckley, would have a satisfactory design and layout and would not have an adverse effect on the character of the area, the amenities of neighbouring properties or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies BE1, RES5 and T5.

Hinckley and Bosworth Local Development Framework Core Strategy (2009):- Policies 1, 19 and 24.

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: 11/68 02C, 11/68 03a, 11/68/04 received on 3 October 2011.

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 and garage 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 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.

5 Before first occupation of the dwelling hereby approved, two car parking spaces shall be provided within the curtilage of the dwelling. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking unless otherwise agreed in writing by the local planning authority.

6 No gates shall be erected to the vehicular access.

7 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 2, Classes A, B and C shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

8 Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the dwelling hereby approved can be constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority. In addition, prior to the first occupation of the dwelling hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.

9 The en-suite window to be inserted in the rear elevation shall be obscure glazed and retained as such at all times thereafter.

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 ensure that the development does not have an adverse impact on the visual amenity or character of the area to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan

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

6 In the interests of road and pedestrian safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

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

8 In the interests of sustainable development to accord with policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.

9 To safeguard the privacy and amenities of neighbouring properties 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 In the interests of road and pedestrian safety all construction traffic should enter and leave the site via Eastwoods Road.

7 The applicant is advised that the private track to the front of the site does not form part of the public highway and that the Borough Council's domestic waste and recycling collection service is from the kerbside highway boundary (Eastwoods Road). Further refuse and recycling service information is available on the Council's website.

Contact Officer:- Scott Jackson Ext 5929