DELEGATED REPORT

Recommendation Made: 31 August 2011

Reference:- 11/00301/OUT **Parish:- Shackerstone Parish Council**

Applicant:- Mr r wyatt
c/o agent

Location:- 45 Main Street Barton In The Beans Nuneaton Leicestershire CV13 0DJ

Proposal:- ERECTION OF DWELLING (OUTLINE - SITING ONLY)

Introduction:-

This application seeks outline planning permission for 1 no. dwelling with siting the only matter for consideration at this stage, with all other matters being reserved for approval at a later date.

Whilst not formally seeking approval for scale at this stage, the application sets out the approximate scale parameters of for a detached residential dwelling of height between 5-8 metres, a width and length of between 7 -12 metres.

Whilst not formally seeking approval for access at this stage, the vehicular access to the new dwelling is proposed to be shared with the existing access to Poplars Farm House, Main Street which also serves farm buildings to the rear of the site.

The application site lies within the curtilage of Poplars Farm House which is a detached two storey dwelling with a single detached garage to south of the site. Although No.'s 45 and 47 are numbered separately, it is one dwelling with an annexe known as Poplars Farm and are in the same ownership but are occupied separately by mother and son. Both the existing garage and extension to No.45 is set to be demolished.

Alternative access to the farm buildings to the rear of the site is already via Congerstone Lane.

The existing use of the application site is described by the applicant within his submission as being garden.

The application is accompanied by a Design and Access statement which states that the scale of the building would be in keeping with adjoining properties.

Planning History:-

An application for the erection of a dormer style property of an approximate height of 4.5 – 5 metres was refused earlier this year for the following reason:- " In the opinion of the Local Planning Authority, the proposal by virtue of the siting and scale, constitutes an overdevelopment of the site. The proposal fails to respect the character of the host dwelling and the pattern of development in the locality and would therefore not complement or enhance the surrounding area. The development would therefore be contrary to Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan, the Council's Supplementary Planning Guidance on New Residential Development and the guidance contained within Planning Policy Statement 3: Housing."

10/00890/OUT	Erection of one dwelling (outline)	Refused	07/04/11
06/00216/FUL	Extensions and alterations to dwelling	Returned	09/05/06

Consultations:-

No objections from:-

Head of Community Services (Pollution)
Head of Community Services (Land Drainage)

No objection subject to conditions has been received from:-

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

Development Plan Policies:-

Central Government Guidance

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

Planning Policy Statement 3: (PPS3): 'Housing'

Planning Policy Statement 7: (PPS7): 'Sustainable Development in Rural Areas'

The Community Infrastructure Levy Regulations 2010.

Government Circular 05/2005: 'Planning Obligations'

Local Development Framework Core Strategy

Policy 13: 'Rural Hamlets'

Policy 19: 'Green Space and Play Provision'

Policy 24: 'Sustainable Design and Technology'

Hinckley & Bosworth Local Plan (2001)

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 NE5: 'Development in the Countryside'

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

Appraisal:-

This is an outline application for siting only; therefore appearance, landscaping, scale and access do not form part of the application and will be considered at the reserved matters stage. The main considerations with regards to this application are the principle of development, character and siting, residential amenity, access and highway issues and other matters. The acceptability of the conversion of the land to the rear of the site from agricultural to residential curtilage is also considered within this application.

Principle of Development

The part of the site showing the siting of the dwelling is located within the settlement boundary of Barton in the Beans, as 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.

It should be noted, however that the rear amenity space proposed to the south is located outside of the settlement boundary and within the countryside. Notwithstanding the content of the design and access statement, the land to the rear appears to be agricultural and used in conjunction with Poplars Farm House and the associated farm buildings to the rear. Given that part of the land which the garage fell within has previously been used in conjunction with Poplars Farm House, it is not considered that the relatively small amount of land which appears to be agricultural in nature would result in any material impacts if it were to be used for residential purposes. It is considered that the built development will be restricted to the area inside the settlement boundary, and whilst the garden area would fall outside development limits, it is not sufficient to sustain a reason for refusal in this case.

The vast majority of 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 compliments 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 development proposed in this application is for a single dwelling and for the reasons discussed further in this report is considered to be in accordance with central government guidance and local development plan policy.

Impact Upon Character; Siting and Design

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 surrounding area is largely characterised by two storey dwellings with front and rear amenity spaces, with some located close to the road frontage and some set back from the roadside. There are a mixture of dwellings types and styles within the area of detached, semi detached and conversions and courtyard style development.

The proposed dwelling is sited in a similar location to the neighbouring dwelling, that 'Poplars Farmhouse', which ensures the siting of the new dwelling reflects that of the host dwelling which in turn ensures that the dwelling looks in character with the immediate streetscene. It is also considered that the footprint is of a similar, if not smaller size to that of the surrounding dwellings.

Given the proximity, it is considered that the proposed dwelling would be read in conjunction with the existing host dwelling 'Poplars Farmhouse' which is a two storey detached dwelling. Following the demolition of part of the farmhouse, combined with the revised indicative scale parameters, which suggest a dwelling of two storey proportions it is considered that the proposed and host dwelling would now share a more visually assimilating relationship and as such has overcome the previous reason for refusal.

In summary, it is considered that the proposed dwelling would be read in conjunction with the host dwelling and by virtue of the siting and scale it is considered the development would be in keeping with the scale and character of existing dwellings. As such it is considered that the proposal would be in accordance with Policy BE1 of the Local Plan and would by virtue of its position within the settlement boundary would not be in conflict with Policy RES5 of the overarching guidance in PPS3.

Impact upon Residential Amenity

The application is in outline and as such scale, access, landscaping and appearance are still to be considered. The dwelling most immediately impacted upon as result of the proposal would be Fabis Barn located to the east of the site.

The proposed dwelling is intended to be sited further back than Fabis Barn and at the closest point would be located approximately 6 metres away. Given the physical relationship with the proposed dwelling and neighbouring Fabis and the open element to the south of the neighbouring dwelling it is not considered that there would be any significant material impacts as a result of the proposal. It is considered following the considerations of scale and appearance that a suitably designed dwelling can be achieved on this site that would not give rise to any significant overlooking upon the neighbouring Fabis Barn nor give rise to any detrimental impacts upon surrounding residential dwellings.

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

The indicative access point would be via the existing access, which is not intended to be altered. The proposed dwelling is intending to share the access which serves Poplars Farm House. The Director of Environment and Transport (Highways) has referred to 'Standing Advice' in respect of the scheme. In summary, it is therefore considered that the scheme would be in accordance with Saved Policy T5 of the adopted Hinckley and Bosworth Local Plan supported by the SPG on New Residential Development.

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

Other Matters

Sustainability

Inline with Policy 24 of the Adopted Core Strategy, the residential units to be constructed on this site will need to be constructed in accordance with the Building a Greener Future. This standard is current inline with Code Level 3 of the Code for Sustainable Homes and as such a condition is suggested to secure this.

Play and Open Space Contributions

The erection of a dwelling requires a financial contribution towards play and open space as set out in Policy REC3 of the Local Plan. In this instance, there is no existing open space within 400 metres of the site and as such a contribution cannot be requested under the terms of the current policy.

Conclusion

In conclusion, the proposed dwelling would be located within the settlement boundary of Barton in the Beans where development would be acceptable in principle, providing all planning related matters can be adequately

addressed. Following the revisions to Planning Policy Statement 3 (PPS3) 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.It is considered that the proposal is characteristic with the surrounding area and does not result in overdevelopment. It is considered that there are no identified significant material harm to neighbouring dwellings or highway safety and as such the development is in conformity with the relevant plan policies. Accordingly the application is recommended for outline approval subject to the imposition of planning 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 by virtue of the acceptability of the principle of development of this site and it is considered that a dwelling can be accommodated without harm to the character of the area, amenities of neighbouring residents or highway safety, and as such the proposal would be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, T5, NE5, REC3, RES5, IMP1

Hinckley & Bosworth Borough Council Core Strategy (2009):- Policies 13, 19, 24.

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 scale of the building proposed in relation to its surroundings.
ii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
iii) The access arrangements to and within the site for vehicles, cycles and pedestrians.
iv) 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 The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.

i) The external building materials
ii) Details of boundary treatments
iii) Details of finished floor levels of the proposed dwelling in relation to the existing ground level and the finished levels of the site
iv) Details of the turning facilities, access widths, gradients, surfacing materials and visibility splays.
v) The provision to be made for vehicle parking on the site
vi) The provision for waste and recycling containers

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.

4 The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended submitted application details, as follows: Site Location Plan 1:1250 and Block Plan 1:500 received by the Local Planning Authority on 8 July 2011.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) the building hereby approved shall not be extended or altered without the grant of planning permission for such extensions by the Local Planning Authority.

6 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.

7 No development shall take place until a scheme that makes provision for waste and recycling storage across the site has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary.

8 No part of the development hereby approved shall be occupied until visibility splays of 2.4 metres by 20 metres shall be provided at the junction of the access with Main Street. These shall be in accordance with the standards contained in Places, Streets and Movement and the current Local Highway Authority design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays

9 Any shared private drives serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary and have 4 metres control radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times.

10 Before first occupation of any dwelling hereby approved, car parking provision shall be made within the curtilage of the dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. 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.

Reasons :-

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

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

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

4 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

5 For the avoidance of doubt and in the interests of proper planning.

6 To ensure that existing standards or privacy and visual amenity are maintained in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

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

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

9 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway in accordance with Policy T5 of the of the adopted Hinckley and Bosworth Local Plan.

10 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area in accordance with Policy T5 of the adopted Hinckley and 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).

Contact Officer:- Ebbony Mattley Ext 5691