Item: **05**

Reference: **11/00597/FUL**

Applicant: **Mr And Mrs Rennocks**

Location: **Land Adj To 2 Croft Close Barwell**

Proposal: **ERECTION OF ONE NEW DWELLING**

Target Date: **1 November 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is anticipated that five or more objections will be generated before the expiration of the consultation period and the site is currently the subject of an enforcement notice.

Application Proposal

Full planning permission is sought for the erection of one 2-storey, two-bed detached dwelling on land adjacent to No. 2 Croft Close at the junction with Dovecote Way. The dwelling is proposed to be served by a new access off Dovecote Way and there are two car parking spaces proposed.

The site history includes a planning permission (ref. 07/01238/FUL) for a similar detached two storey dwelling which was granted on 16 January 2008. This decision was based on a dwelling which measured approximately a maximum of 11.3 metres in length by a maximum of 6 metres in width and was considered to project from the rear wall of the neighbouring dwelling by approximately 2.6 metres, with a 1 metre separation distance between the application and neighbouring dwelling. Notwithstanding this permission, the accompanying block plan failed to accurately depict this projection, showing just a 1 metre rearward project from the rear wall of No.2. Since that permission was granted building works have been undertaken on the site that have resulted in a floor slab and external brick walls being constructed to damp proof course level. However, as a result of planning enforcement investigations, it is clear that the works undertaken are not in accordance with the previously approved plans for a dwelling in respect of the siting and scale of the footprint of the dwelling.

Members may recall that in March 2011, an application for the erection of a dwelling (ref: 11/00090/FUL) was submitted to obtain separate planning permission that addressed these above mentioned issues and regularised the position of the dwelling, but was refused on the following grounds:-

a) In the opinion of the Local Planning Authority, the siting and layout proposed would result in a dwelling that does not relate well to neighbouring development, as such it is considered that the scheme is harmful to the character and appearance of the surrounding area. It is therefore considered contrary to Planning Policy Statement 3, Housing as revised June 2010; and Saved Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan, supported by Supplementary Planning Guidance on New Residential Development.

b) In the opinion of the Local Planning Authority, the proposed scheme is considered to result in a development that would have a significant adverse impact on the amenities of the occupiers of neighbouring properties in terms of overshadowing, loss of light and overbearing impact resulting from the siting and layout of the proposed dwelling. It is therefore considered contrary to Planning Policy Statement 3: Housing as revised in June 2010, and Saved Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan, supported by Supplementary Planning Guidance on New Residential Development.

c) In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the proposed development would be built to Code Level 3 of the Code for Sustainable Homes. It is therefore considered contrary to Planning Policy 1, Delivering Sustainable Development, Policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy, supported by Supplementary Planning Document on Sustainable Design.

d) In the opinion of the Local Planning Authority, the lack of any definitive measures to address the increase in pressure placed on play and open space facilities of the local area by the proposed development would not accord with Circular 5/05, Policies 3 and 19 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy, saved policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Document on Play and Open Space.

As such the applicant has attempted to address these issues within this application by re-siting and re-sizing the footprint of the proposed dwelling, and providing a Unilateral Undertaking to secure monies against a local area of play. Due to the history of the site and a number of inconsistencies found within previous applications, this application now seeks consent for a dwelling that measures a maximum of 10 metres in length and 5 metres in width. The dwelling will be sited 4.85 metres from the neighbouring No. 2 Croft Close.

The existing on site floor slab and external brick walls are currently subject to enforcement action (ref: 09/00468/UNUSE). This application, however, seeks permission to erect a dwelling on a revised footprint and not the unauthorised floorslab.

The Site and Surrounding Area

The adjacent dwellings on Croft Close to the west are built in two terraces of four dwellings and are staggered in siting and height as the ground rises from east to west. To the north lie the rear gardens to dwellings accessed off The Common, to the north east there is a public car park and to the south Barwell Common recreation ground.

The site is located within the settlement boundary of Barwell, as defined by the adopted Hinckley and Bosworth Local Plan (2001).

Technical Documents submitted with application

The application is accompanied by a Design and Access Statement which states that the scale and design and materials of the proposed dwelling intends to fit in with the adjacent and surrounding residential properties.

History:-

11/00090/FUL	Erection of One Dwelling	Refused	30.03.11
10/00447/FUL	Erection of One Dwelling	Withdrawn	25.10.10
07/01238/FUL	Erection of One Dwelling	Approved	16.01.08
07/00624/OUT	Erection of One Dwelling (Outline)	Withdrawn	06.07.07

Enforcement History

09/00468/UNUSE	Construction of unauthorised floorslab	Notice Served	14.07.11



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Consultations:-

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

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

Site notice displayed and neighbours notified.

At the time of writing the report comments have not been received from:-

Barwell Parish Council

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

The consultation period remains open at the time of writing and closes on 11 October 2011. Any consultation responses received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy Guidance

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

Planning Policy Statement 3 (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 to 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.

PPS3 has very recently been updated to specifically refer to garden land not being Brownfield land and Paragraph 47 has been amended and 30 dwellings per hectare is no longer a national indicative minimum density to allow local planning authorities to develop their own range of policies whilst having regard to the continued need to develop land in the most efficient manner.

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

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

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:-

Policy 1 seeks to secure the delivery of sustainable development.

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

Local Development Framework Core Strategy 2009

Policy 3: 'Development in Barwell' seeks to deliver a minimum of 45 new residential dwellings within the settlement boundary of Barwell and address the existing deficiencies in the quality of green space and play provision in Barwell in accordance with the most up to date relevant strategy, Play strategy and standards set out in Policy 19.

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

Policy IMP1: 'Contributions Towards the Provision of Infrastructure and Facilities' requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy BE1: 'Design and Siting of Development' seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties.

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

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

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): 'Play and Open Space' provides a framework for the provision of play and open space and financial contributions to support the requirements of Policy REC3.

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.

Appraisal:-

The main considerations in the determination of this application relate to the principle of development, impact upon character, impact upon residential amenity, highway considerations and other matters.

Principle of Development

The site is located within the settlement boundary of Barwell, 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.

Planning Policy Statement 3 (PPS3) was revised on 9th June 2010 and removed private residential gardens from the definition of previously developed land and removed the national indicative minimum density of 30 dwellings per hectare. The subsequent letter from the Chief Planning Officer on 15th June 2010 makes clear these amendments provide Local Authorities the opportunity to prevent over development and to determine for themselves the best locations and types of development. It is also interpreted that the changes are to primarily prevent over development within residential areas that are considered out of character.

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. The Council has considered that where development falls within this classification, but is within a defined settlement boundary, that character density, mass, layout and design should be fundamental to the consideration and determination of the application alongside the development being carried out in accordance with relevant plan policies.

This judgement is supported by Policy RES5 of the Adopted Local Plan that states that on sites not specifically allocated in the Local 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, 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 Council currently does not have a five year housing supply and as such this is a material consideration that should be given weight in the determination of this application. This must however, as stated in Paragraph 69 of PPS3 be balanced carefully and consideration should be given to the number of dwellings proposed and the impact this will have on the housing supply and the design policy requirements discussed above.

The principle of residential development has already been established through the previous grant of planning permission (ref: 07/01238/FUL) and work has already commenced. Notwithstanding this, the permission cannot be implemented because the work that has been carried out on site is not in accordance with the approved plans, nor have a number of pre-commencement conditions been complied. As such the permission lapsed on 16 January 2011.

In summary, the site lies within the settlement boundary of Barwell where the erection of a new dwelling on this plot would normally be acceptable in principle, subject to satisfactory siting, design and layout, as established by the previous planning permission granted on the site. As such the main issues in respect of this application are the siting and layout of the development and its impact on the character and appearance of the street scene and the impact upon the amenities of neighbouring properties. 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 previous application (ref: 11/00090/FUL) was refused for a number of reasons, one including:- 'In the opinion of the Local Planning Authority, the siting and layout proposed would result in a dwelling that does not relate well to neighbouring development, as such it is considered that the scheme is harmful to the character and appearance of the surrounding area. It is therefore considered contrary to Planning Policy Statement 3, Housing as revised June 2010; and Saved Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan, supported by Supplementary Planning Guidance on New Residential Development.'

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 site is located within a prominent location to the corner of Croft Close and Dovecote Way. The surrounding area is largely characterised by two storey

dwellings with rear amenity spaces, with some located close to the road frontage and some set back from the roadside. Croft Close is characterised by a development of 16 two storey dwellings. The dwellings to the northern side of Croft Close are sited in two blocks of four dwellings and are staggered in siting such that both the front and rear walls step back further in to the development.

The dwelling is proposed to be set back from the road frontage of Croft Close such that the single storey front enclosed entrance porch is set back by approximately 1.6 metres and the footprint of the dwelling is similar, if not smaller in size to that of the surrounding dwellings. In respect of design, whilst the dwelling does not incorporate an integral garage in keeping with the remainder of the dwellings on this part of Croft Close, the design, which incorporates a flat roof forward projecting front porch, is considered of a similar design to the existing dwellings on Croft Close, thus seeking to maintain the character of the surrounding area.

The proposed dwelling is set back from the road frontage of Croft Close, which is contrary to the pattern and grain of development of dwellings along Croft Close, which are sited closer to the road frontage running west to east. As such, ideally the dwelling would need to be sited closer to the road frontage to be in strict conformity with this pattern. However, the proposed dwelling has been re-angled and designed to orientate in the same parallel manner to that of the dwellings along Croft Close. This combined with the scale and design of the footprint of the dwelling reflects that of the adjacent dwelling, which in turn ensures that the dwelling appears in character with the immediate streetscene. It is considered that the siting of the dwelling now respects the orientation of existing development and shares a more assimilated relationship with the adjacent and surrounding development, and as such it is considered has overcome the previous reason for refusal.

The Council's SPG on 'New Residential Development' seeks that rear gardens should be a minimum of 12.5 metes in depth and create 60 square metres of amenity space for two bedroomed dwellings. As a result of the irregular shaped nature of the plot, it is not possible to achieve a minimum rear garden depth of 12.5 metres, however the SPG also states that in applying these standards the Local Planning Authority will also consider the amount of space provided as front and side gardens. As such, the side, rear and front amenity spaces accumulatively are in excess of the minimum 60 square metres.

In summary, it is considered that the proposed dwelling would be read in conjunction with the adjacent and surrounding dwellings and by virtue of the parallel siting, scale and design it is considered the development would be in keeping with the scale and character of the surrounding area. As such it is considered that the proposal would be in accordance with guidance contained with PPS3, and Saved Policies BE1, RES5 of the adopted Hinckley and Bosworth Local Plan supported by SPG on New Residential Development.

Impact upon Residential Amenity

The previous application (ref: 11/00090/FUL) was also refused for the following reason:- 'In the opinion of the Local Planning Authority, the proposed scheme is considered to result in a development that would have a significant adverse impact on the amenities of the occupiers of neighbouring properties in terms of overshadowing, loss of light and overbearing impact resulting from the siting and layout of the proposed dwelling. It is therefore considered contrary to Planning Policy Statement 3: Housing as revised in June 2010, and Saved Policies BE1 and RES5 of

the adopted Hinckley and Bosworth Local Plan, supported by Supplementary Planning Guidance on New Residential Development.'

The residential dwelling most immediately impacted upon as a result of the proposal would be No. 2 Croft Close located to the west of the application site.

The previous application (ref: 11/00090/FUL) sought consent for a dwelling sited between 2.15 and 2.83 metres from the side wall of No. 2, which measured a maximum of 11.5 metres in length, which projected some 6.7 metres from the rear wall of No. 2.

This application proposes a dwelling sited approximately 4.85 metres away from the neighbouring dwelling, measuring a maximum of 10 metres in length and would project from the rear wall of No. 2 by approximately 3.3 metres. The Council's SPG on House Extensions only permits the extension of a two storey dwelling by 2 metres from the rear wall, when adjoining a common boundary. As this scheme proposes a separation distance of approximately 4.85 metres, it is not considered that the proposed dwelling would constitute adjoining a common boundary and therefore it is considered that an extension of more than 2 metres would be acceptable in principle, providing there were no significant impacts identified.

It is considered that due to the decrease in depth and increase in separation distance, that there is unlikely to be any significant loss of light, overshadowing or overbearing impacts upon the occupiers of No. 2 Croft Close. As such it is considered that the application has overcome one of the previous reasons for refusal.

There is one side window proposed within the western elevation which could result in an element of overlooking across the rear gardens of adjacent dwellings, however it is considered that given the window is set to serve a landing then an appropriately worded condition requiring this window to be fitted with obscure glazing could be used to address this issue. As such, it is not considered that the scheme would result in any overlooking or loss of privacy.

There are no other surrounding residential dwellings that would be impacted upon as a result of the proposal.

In summary, as a result of the increased separation distance and reduction in the overall footprint of the dwelling and reduction in the projection from the rear wall of the neighbouring dwelling, the proposal is considered to have minimal impacts upon the amenity of neighbouring residents. As such, the scheme is considered to be in accordance with guidance contained within PSS3, Saved Policies, BE1 of the Local Plan and RES5 of the adopted Hinckley and Bosworth Local Plan and SPG on New Residential Development.

Highway Considerations

The proposals include a new access off Dovecote Way providing two car parking spaces within the site. The Director of Environment and Transport (Highways) has no objection to the proposals subject to a number of conditions to ensure that the access is provided with adequate pedestrian visibility splays and the parking to remain as shown on the submitted plans.

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.

Other Matters

Play and Open Space Contributions

The previous application (ref: 11/00090/FUL) was also refused for the following reason:- 'In the opinion of the Local Planning Authority, the lack of any definitive measures to address the increase in pressure placed on play and open space facilities of the local area by the proposed development would not accord with Circular 5/05, Policies 3 and 19 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy, saved policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Document on Play and Open Space.'

The site is located within 400 metres of open space at Barwell Common (Neighbourhood Park) on Dovecote Way. 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 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, Barwell was found to have a deficiency of outdoor sports of -6.70 for its population when compared with the National Playing Fields Standard. The quality of the spaces has been considered within the Quality and Accessibility Audit of 2005 which categorised Barwell Common as serving the provision of children and young people and outdoor sports facilities and awarded a quality score of 31%. It is considered that the space requires improvements and a recent submission for the creation of sports pitches and new changing room facilities at Barwell Common Recreation Ground has been submitted to the Local Planning Authority and is pending determination.

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 per dwelling is required, towards the provision and maintenance of this site.

It is considered that Barwell has a deficit of outdoor sports facilities and Barwell Common has been shown to have a quality deficit. 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.

A Unilateral Undertaking is under negotiation to secure the play and open space contributions, which subject to an agreement would be able to overcome the original reason for refusal.

Sustainability

The previous application (ref: 11/00090/FUL) was also refused for the following reason:- 'In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the proposed development would be built to Code Level 3 of the Code for Sustainable Homes. It is therefore considered contrary to Planning Policy 1, Delivering Sustainable Development, Policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy, supported by Supplementary Planning Document on Sustainable Design.'

Notwithstanding this, the previous committee report stated that if the application were to be approved, this issue could be addressed by a suitably worded condition requiring details to be submitted for prior approval by the Local Planning Authority.

As such, in line with Policy 24 of the Adopted Core Strategy, the residential units to be constructed on this site will need to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. The details of the schemes compliance with this standard will be subject to a condition and is considered to overcome a previous reason for refusal.

Conclusion

In conclusion, the site is within the settlement boundary of Barwell, where development is acceptable, providing all planning related matters are adequately addressed.

The outstanding Enforcement Notice in respect of this site relates to an unauthorised floorslab that was built in an attempt to implement the original planning permission (07/01238/FUL) but was constructed without compliance with the pre-commencement conditions and in the wrong position. As Member will be aware a subsequent retrospective planning application to retain the floorslab in its altered position was refused in March 2011 (11/00090/FUL). In July 2011, an Enforcement Notice was issued that seeks the removal of the unauthorised floorslab. The earliest compliance date is 17 November 2011. This application, however, seeks permission to erect a dwelling on a revised footprint and not the unauthorised floorslab. Should Members be minded to approve this application, the requirements of the Enforcement Notice would still stand in respect of the unauthorised floorslab.

As previously outlined an application (ref. 07/01238/FUL) was considered acceptable in 2007 as there was considered not to be any significant material impact upon the character and appearance of the streetscene or residential amenity. Since that time, works have been undertaken to implement this permission but such works are not in accordance with the approved plans in respect of the footprint, siting of the dwelling and the layout of the site. As a result it is considered that given the applicant has undertaken works that have not been carried out in accordance with the approved plans, the permission subsequently lapsed on 16 January 2011. A previous application this year (ref: 11/00090/FUL) was not considered acceptable due to the scheme having a detrimental impact upon the character and appearance of the street scene and the amenities of neighbouring properties in terms of loss of light, overshadowing and overbearing impacts, a lack of financial contribution towards the provision and maintenance of public play and open space and a lack of sustainable design or energy efficiency measures.

However, it is considered that the applicant has sought to address these issues by proposing a smaller footprint, re-alignment and re-positioning of the proposed

dwelling within the site, as well as submitting a Unilateral Undertaking with the application, all to overcome the original reasons for refusal.

There is nothing to indicate that the scheme does not comply with the development plan policies; the scheme does not give rise to any significant material harm to residential amenity or highway safety and no material impacts have been identified. Accordingly, the application is recommended for approval, subject to the imposition of planning conditions.

RECOMMENDATION:- That subject to no new significant material observations being received prior to the expiry of the consultation period on 11 October 2011, and subject to the receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide off-site financial contributions towards play and open space, the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant planning permission subject to the conditions below. Failure to complete the said agreement by the 1 November 2011 may result in the application being refused:-

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 an acceptable dwelling within an existing residential setting that would not give rise to any significant materials impacts upon residential amenity or highway safety.

Hinckley and Bosworth Local Development Framework: Core Strategy (2009):- Policies 3, 19, 24.

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

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 details: Site Plan (Scale 1:1250); Survey and Layout (Scale 1:50); Plans and Elevations (Scale 1:100) received by the Local Planning Authority on 6 September 2011.

3 No development shall commence until 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.

4 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the dwelling, hereby approved 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.

5 No development shall take commence until full details of both hard and soft landscape works, including defined residential curtilage, 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:-

a) Means of enclosure and boundary treatments
b) Hard surfacing materials
c) Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate.
d) Implementation programme.

6 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.

7 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.

8 The window to be inserted in at first floor in west elevation shall be fitted with obscure glass and shall be retained this way thereafter.

9 Before the first occupation of the dwelling hereby approved, car parking provision shall be made within the curtilage in accordance with the approved plans. 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.

10 Before the first occupation of the dwelling hereby approved, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of all accesses with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway. These shall be in accordance with the standards contained in the Highways Transportation and Development design guide and shall be so maintained this way thereafter.

11 Before first occupation of the dwelling, hereby approved driveway shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) and shall be so maintained at all times.

12 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 1 Class A shall not be carried out unless planning permission for such development has first been granted 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 In the interests of sustainable development to accord with Policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.

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

5&6 In the interests of visual amenity, to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

7 To ensure the development is compatible with the character and appearance of the existing streetscene, in accordance with the requirements of Policy BE1 of the Adopted Hinckley and Bosworth Local Plan.

8 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property, to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

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

10 In the interests of pedestrian safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

11 In the general interests of Highway Safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

12 To safeguard 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).

Contact Officer:- Ebbony Mattley Ext 5691