COMMITTEE EXTRACT

Committee Date: 11 March 2008

Reference:- 07/01486/FUL **Parish:-** Hinckley

Applicant:- Matthew Homes (West Midlands) Ltd
Eden Wood
Roman Road
Little Aston Park
Sutton Coldfield

Location:- 84 Leicester Road Hinckley Leicestershire LE10 1LT

Proposal:- DEMOLITION OF TWO DWELLINGS (No. 84 and No. 86 LEICESTER ROAD) AND ERECTION OF TEN DWELLINGS WITH ASSOCIATED GARAGES AND ACCESS

Introduction:-

This is a full application for the erection of 10 dwellings on the site of 84 and 86 Leicester Road, Hinckley. The site extends to 0.43 hectares and is currently occupied by two, two-storey dwellings which are to be demolished. The site is bounded by residential properties. To the north west, the properties on Island Close are mainly single storey or dormer bungalows, and predominantly two storey dwellings around the remainder of the site. The properties on Island Close sit lower than the site due to ground level differences. There is a Tree Preservation Order protecting three mature trees to the rear of the site.

The plans received indicate a new access off Leicester Road with the formation of a "T" shaped cul-de-sac. Seven four bedroomed, two storey detached dwellings are arranged around the new road and a pair of four bedroomed semi-detached properties and a detached property are proposed fronting onto Leicester Road. The design of the dwellings include a mix of six house types with associated garages.

Amendments have been received indicating changes to the orientation and access to plot 8 (fronting onto Leicester Road), and the access drives to plots 9 and 10, providing a shared access point for the two properties. Futher amendments to plot 7 are anticipated and will be reported to committee as a late item.

The design and access statement submitted as part of the application states that the proposal has been designed in response to the site opportunities and constraints as well as taking into account the existing topography, surrounding properties and existing road layout. A Transport Statement , Arboricultural Report and bat survey have been conducted and submitted with the application. Landscaping proposals have also been received.

History:-

No relevant history

Consultations:-

No objections have been received from

Director of Community services (Archaeology)
The Leicestershire Constabulary Crime Prevention Officer

No objections subject to conditions have been received from

Director of Community Services (Ecology)

Director of Highways, Transportation and Waste Management (Highways)

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84 LEICESTER ROAD, HINCKLEY.

To be viewed by Mr Noon

Friday 25th April PM.

Please return to planning.

Thanks

Philip Metcalfe.

Head of Community Services (Land Drainage) has commented that nearby properties in Island Close suffer both foul and surface water flooding from the public sewer systems. It is vital therefore that there is no discharge of surface water to the combined sewer system from this development and only minimal discharge, if any, to the surface water system.

Severn Trent Water Ltd have commented that they are concerned that the sewers surrounding the site do not have any additional foul and surface water capacity, as there have been internal foul and surface water floodings both at Leicester Road and Island Close. Severn Trent are therefore considering feasible options for draining the site which will not excerbate the problems currently experienced by neighbouring properties. Further details have been requested from the developer and Severn Trent cannot comment further until these details have been received.

Thirteen letters of objection have been received (four letters from the same addresses) raising the following concerns:-

a) development is not in keeping with Leicester Road and will devalue existing properties
b) intrusive layout - loss of amenity, privacy and overlooking
c) consider bungalows on the rear and north eastern side of the site would be more appropriate and provide better mix which would appeal to different age groups
d) consider planting strip to side and rear of site to screen properties
e) loss of scrubland and trees
f) concern regarding traffic speeds on Leicester Road in conflict with the new access
g) loss of sunlight/solar gain to properties on Island Close, particularly during the winter months
h) loss of wildlife habitat
i) increased noise and light pollution
j) the two storey dwellings do not reflect the pattern of development on Leicester Road and Island Close which is a mixture of two storey, bungalows and dormer bungalows
k) additional noise and disturbance particularly during construction
l) development will attract families but no play area within site
m) plot 1 is too close to existing dwelling and will not allow for safe and proper maintenance
n) suggests acoustic barrier to protect existing properties
o) proposed tree planting will not compensate for the environmental damage to wildlife and natural drainage of the land by the mature trees
p) separate private accesses of plot 8,9 and 10 onto Leicester Road causing additional highway hazards (original scheme). No turning facilities included on these plots
q) concern regarding the additional surface water run off which will add to existing flooding problems on Island Close.
r) difference in land levels from front to rear of site, properties on Island Close are lower than proposed dwellings
s) problem with foul sewers due to changes in land level and the need to pump sewerage up to Leicester Road
t) existing flooding problems are a frequent and serious occurance - water table is high in this area
u) local area is predominantly clay soil so soakaways unlikely to work
v) presence of a well and underground stream running across the site which should be retained for residents use
w) density/proximity is excessive

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) 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: Housing (PPS3) advises local planning authorities to promote developments that contain a mix of land uses and makes the most efficient use of land, particularly redeveloped land. It advises that local planning authorities should reject poor design and that

applicants for housing development should be able to demonstrate how they have taken account of the need for good layout and design guidance set out in the Planning Policy Statements.

The Structure Plan

The Leicestershire, Leicester and Rutland Structure Plan 1996-2016 (adopted 7th March 2005) states in Strategy Policy 10 'Good Design' that good design will be promoted by ensuring that development provides for an efficient use of land in a manner which satisfactorily acknowledges environmental and amenity interests and protects or enhances the form, character and distinctiveness of the built environment.

The Local Plan

The application site is within the settlement boundary of Hinckley.

Policy RES5 of the Local Plan states that planning permission will only be granted for new residential development on sites not specifically allocated in the Local Plan for housing provided that they lie within an urban area and their siting, design and layout does not conflict with the relevant plan policies.

Policy BE1 of the 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.

Policy T5 of the adopted Local Plan refers to the application of highway design and vehicle parking standards.

Policy REC3 of the adopted Local Plan requires all new residential development to provide outdoor play space for children.

The Borough Council's Supplementary Planning Guidance on New Residential Development (revised July 1997) and on Play and Open Space (adopted October 2002) provide further guidance on development proposals including the provision of open space within development proposals or of financial contributions towards off site provision. In this case the developer is required to provide a contribution of £9,928.

ppraisal:-

The main considerations with regard to this application are the layout and design of the proposal and potential drainage issues.

Principle

The site is located within the settlement boundary of Hinckley in a predominantly residential area and therefore the principle of this development is considered acceptable.

Density

The site covers approximately 0.43 hectares which equates to a density of 23 dwellings per hectare (dph) and is below the indicative minimum density of 30 dph set out in Planning Policy Statement 3. However, given the surrounding built form, which is generally characterised by large detached dwellings in large plots, this figure is deemed to be acceptable.

Layout and Design

A key consideration of the scheme is the likely effect the development will have on the existing street scene and neighbouring properties in Island Close, to the rear of the site. The design of the frontage properties are influenced by the character of individual properties in Leicester Road. The majority of the development will be largely concealed from view when travelling past the site. Residents of Island

Close have identified concerns regarding the two storey dwellings proposed to the rear of the site. These properties all exceed the required minimum distances identified in the Supplementary Planning Guidance for new residential development. Due to the land level differences between Island Close and the site, a condition is imposed to control the floor levels of the proposed dwellings and additional planting is proposed to the north western boundary of the site.

Landscaping and Wildlife

The site is surrounding by residential properties. Three preserved trees are a feature of the rear of the site and the developer has indicated his intention to strengthen the planting to the rear boundary with further tree planting and hedging to the side boundaries. To this end a condition is imposed to ensure that the proposed planting is incorporated into the development.

The ecology consultation response identified bats and water vole in the vicinity but not on the site. The bat survey conducted did not identify any bat roosts on site. It is noted that a pond exists in the garden of number 86 Leicester Road, a further ecology consultation is being carried out and will be reported to Committee as a late item.

Access and Parking

Initial comments received from the Highway Authority suggest that the proposed development is not contrary to the Highway Authority's access to road network policy contained in the Leicestershire County Council developer guidance document, "Highways, Transportation & Development" and the Highway Authority would not be in a position to object to the proposal based on the standard of vehicular accesses proposed. Amended plans have been received which removed two of the single accesses, originally proposed for Leicester Road. Further comments on the application and Highways report will be reported at the meeting.

The parking proposals for each plot meet the requirements of the local plan policy for four bedroomed properties.

Contributions

The application has a net gain of eight dwellings therefore no contributions are payable for LCC services or Primary Care Trust. A contribution towards open space improvements is required and would amount to £9,928. The contributions made towards informal open space will go towards improvements detailed in the Green Space Strategy for Kirfield Drive.

Other Material Considerations

Recent weather events have highlighted the need for new developments to incorporate sustainable methods of drainage provision within schemes to deal with the issue of flooding. Drainage concerns have been considered by Severn Trent and the Borough Council's Land Drainage Engineer. Both raise concerns until details of a suitable drainage scheme can be agreed and this will be reported to Committee as a late item.

Conclusion

In terms of National and Local Plan policy, the development meets all of the necessary criteria and the design is such that the scheme would not be harmful to the character and appearance of the area. On this basis, the application is recommended for approval, subject to additional drainage information.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, T5 and RES5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

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

2 This permission relates to the application as revised by amended plan received by the Local Planning Authority on ****.

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

4 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

5 Notwithstanding the submitted details no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

(i) proposed finished levels or contours
(ii) means of enclosure / boundary treatments
(iii) hard surfacing materials
(iv) planting plans
(v) written specifications
(vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(vii) implementation programme.

6 The hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be carried out during the first planting and seeding season following the initial occupation of the first residential unit. All planted material shall be suitably maintained, and any which die, are removed or become diseased within a period of five years from the completion of the scheme, shall be replaced in the next planting season with others of such size and species as agreed with the Local Planning Authority by the applicant or owner of the land at the time, unless the Local Planning Authority gives written consent to any variation.

7 The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

8 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

9 For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway

10 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

11 The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided before the dwelling is occupied and shall thereafter permanently remain available for such use.

12 Before first use of the development hereby permitted the access drives and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) and shall be so maintained at all times.

13 Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of the accesses with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity

14 The proposed access shall have an effective width of a minimum of 4.8 metres for a distance of at least 10 metres behind the Highway boundary. The access drive once provided shall be so maintained at all times.

15 The use of the garages shall remain at all times for the purposes of parking a motor vehicle and shall not be converted to additional living accommodation, unless otherwise agreed in writing with the Local Planning Authority.

16 Before any development is commenced on the site, including site works of any description, each of the trees (indicated by number on the attached plan) shall be securely fenced off by protective fencing on a scaffolding framework in accordance with B. S. 5837 erected in a circle round each tree at a radius from the bole of 3 metres or to coincide with the extremity of the canopy of the tree, whichever is the greater. Within the areas so fenced off, the existing ground level shall be neither raised or lowered, (except as may be approved by the Local Planning Authority as part of the development) and no materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reasons :-

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

2 For the avoidance of doubt.

3 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property.

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

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

6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

7 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

8 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

9 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

10 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

11 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.

12 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

13 In the interests of pedestrian safety, in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan..

14 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 adopted Hinckley and Bosworth Local Plan.

15 To ensure that adequate off-street parking facilities are available to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

16 The trees on this site are subject to a Tree Preservation Order and this condition is necessary to ensure that proper steps are taken to safeguard the trees during the course of development.

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.

Contact Officer:- Mrs L Forman Ext 5682