DELEGATED REPORT

Recommendation Made: 8 December 2008

Reference:- 08/00982/OUT **Parish:- Barlestone Parish Council**

Applicant:- Rellum Estates LLP
The Point
Crewe Road
Alsager
Cheshire

Location:- Hosiery Factory Barton Road Barlestone Nuneaton Leicestershire

Proposal:- CONSTRUCTION OF SEVEN DWELLINGS (AMENDED SCHEME INCLUDING ALTERATIONS TO SECOND FLOOR LAYOUT)

Introduction:-

This application is in outline and proposes the erection of seven, four bedroomed dwellings which are split into two blocks, one being 4 dwellings and the other being 3 dwellings. The 3 dwelling block is located to the rear of the site and is at right angles to the 4 dwelling block which fronts onto the access road. The site is formerly an EMP1 b site, which the issue of residential development was dealt with at outline, and a further full application. The site is accessed by a single track and is located inside the Barlestone settlement boundary adjacent to a cemetery and former St Giles Football Club.

The landscaping and materials are the only matters to be reserved on this application.

Amended plans have been received which reduce the number of dormers on the second floor which improves the design

History:

06/00827/OUT	Erection of four dwellings	Approved 22.01.08
07/00485/FUL	Erection of seven dwellings	Approved 19.06.07

Consultations:-

No objection subject to conditions have been received from:

Environment Agency
Severn Trent Water Limited
Director of Community Services (Ecology)
Director of Highways Transportation and Waste Management
Head of Community Services (Land Drainage)
Head of Community Services (Pollution).
Barlestone Parish Council but comments on poor access to site.

Two neighbour objections on grounds of:
access
overlooking
Windows will face into property
will be overlooked
loss of light due to three storey
landscaping not addressed

NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.

2. If the applicant is aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within **six months (see para 2a below)** of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Room 305(K), Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or by telephoning 0117 372 6372). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that the permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him.

2a. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 5th September 2003 must be made within **six months** of the date of this notice.

3. If permission to develop land is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

4. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

5. This permission covers only consent under the Town and Country Planning Acts and does not give permission to demolish a Listed Building, for which separate consent is required. Amongst other things the consent of the Council of the district in which the land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.

SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED : ACCESS AND PROVISION FOR THE DISABLED PERSONS

1 The Local Planning Authority is required to bring to your attention the requirements of the Disabled Persons 1981, Building Regulations 1991 "Access and facilities for Disabled People" document M and the Chronically Sick & Disabled Act 1970 (as amended 1976) (Sections 4.7.8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice B.S 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, B.S. 5810 : 1979, "Access for the Disabled to buildings" available from the British Standards Institution, 2 Park Street, London W1A 2BS. (Tel 071-629-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings."

2 The buildings to which these requirements apply are :-

a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick & Disabled Act 1970 (as amended 1976) applies.

b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the Act.

c) Factories as defined by Section 175 of the Factories Act 1961.

d) Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

Development Plan Policies:-

RES5 relates to residential proposals on unallocated sites. It is stated that on those sites, which are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if: the site lies within the settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

Policy BE1 of the adopted Hinckley and Bosworth Local Plan seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Of particular relevance, is the importance of ensuring development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features, as well as the need to ensure the occupiers of neighbouring properties are not adversely affected.

Policy T5 refers to highway standards and parking requirements.

Policy REC3 requires all new residential development to provide outdoor play space for children. A financial contribution may be sought towards the provision of new recreational facilities or towards the improvement of existing facilities in the area

Policy IMP1 requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Appraisal:-

The main issues for consideration are the principle, impact on amenity, access and parking.

The Principle

The site lies within the settlement boundary for Barlestone and therefore there is a presumption in favour of development subject to all other planning matters being addressed. The principle of using the site for residential development has already been established by the granting of outline permission in January 2007 and full planning permission in June 2007.

Changes to the approved scheme

The maximum height of both blocks have been increased by 0.1m to 9 metres to the ridge.

In terms of the changes to the elevations of Block 1, the eastern side dormer in the second floor has been removed and replaced with a rooflight. A gable in place of the hipped roof has been added to the dwelling on the western end of this block (plot 7) with an enlarged single storey element. This dwelling also has dormers at the second floor added to the front and rear elevations. The size of the proposed dormers is the same as previously approved.

Block 2 is exactly the same footprint as previously approved. The design of block 2 has been amended to remove the second storey side dormers and replace them with rooflights. The second floor windows in the gables to the rear has been split into two separate windows.

Impact on Amenity

The site is surrounded largely by new residential development to the north and west as well as existing residential development to the south. The design is similar to that approved in the full application submitted in June 2007 and in that respect, the impact is very similar. The proposed additional dormers do not cause any further overlooking than the approved scheme, the window to window distance for plot 7 to the nearest dwelling is 23 metres.

The main difference with approved scheme is introduction of a gable to the west of the site, the gable will have no windows and is to be located 13 metres away from the nearest dwelling. Due to the orientation of the site to the east in relation to the two, two storey dwellings on Little Mill Close, coupled

with the potential to provide good screening by way of the reserved landscaping along this boundary, it is considered that the gable will not significantly harm the amenities of those dwellings.

Access and Parking

County Highways has not raised any objections to any of the applications for the use of the access or the single track.

The previous full application approved was for 7 three bedroomed dwellings and two parking spaces were shown for each dwelling. The current application is for 7 four bedroomed dwellings but the parking spaces for each dwelling are still two spaces each. The agent has confirmed that additional spaces could be provided in front of each dwelling if required, however, County Highways have not objected to the proposal on the basis of the current plans and has stated that standards are now maximum requirements and that they do not consider that to refuse the application on this issue would be defendable at appeal.

It is considered that a condition requiring the garages to remain for parking should be imposed as previously approved.

Landscaping

This will need to be submitted on the reserved matters.

Other issues

The previous application did not remove permitted development rights, however, particularly with the more onerous rights being conferred since October this year, and the relatively small gardens areas of these plots, it is considered that permitted development rights in relation to extensions and graden buildings should be removed.

Conclusion

The scheme is considered to be acceptable in terms of design and layout and whilst there is concerns regarding the access and parking standards, without a highway objection, it is considered that the application would not warrant a refusal. The conditions imposed on the previous applications need to be included on this decision notice in order to ensure a satisfactory form of development.

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 would be in accordance with the development plan as it would not materially affect the character of the area, or be significant in terms of affecting the amenities of neighbouring dwellings or in terms of highway safety.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, RES5, REC3 and T5

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 This permission relates to the application as revised by amended plan 909-120 REV B, 909-211 REV C, and 909-210 Rev C received by the Local Planning Authority on 3rd December 2008.

3 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:

1) 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 details shall include;

(i) the existing and proposed finished levels or contours
(ii) means of enclosure
(iii) hard surfacing materials
(iv) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
(v) planting plans
(vi) written specifications
(vii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(viii) implementation programme.

2) Representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings

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 commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space SPD has been secured in such a manner as is approved in writing by the Local Planning Authority.

5 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.

6 Before first occupation of the dwellings hereby permitted turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

7 Before first occupation of any dwelling hereby approved, car parking provision shall be made within the curtilage of each dwelling as shown on the approved plan. 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.

8 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.

9 Before the first occupation of the dwellings hereby permitted, the access drive,parking and any turning space shall be surfaced with a hard bound porous material (not loose aggregate) and shall be so maintained at all times.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order l995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A-E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

11 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

12 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

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

4 To ensure the provision of play and open space to accord with policy REC3 of the adopted Hinckley and Bosworth Local Plan.

5 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.

6 To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.

7 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, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'..

8 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.

9 To reduce the possibility of deleterious material being deposited on the highway (loose stones etc) to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'..

10 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring properties.

11-12 ensure the site is safe and suitable for residential development to accord with policy NE17 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 6th 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 The applicant is encouraged to deal with surface water run off through SUDS principles.

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 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 (01530 262380)

7 With regard to the public open space contribution. In accordance with the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space SPD, public open space should be provided either on site, or a contribution made towards off-site provision. In this instance a contribution of £1, 250.80 per dwelling is required towards the provision of off-site public open space. This can be provided by a one off payment or secured by the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

8 List of plans used in the determination of this application:-

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Contact Officer:- Louise Forman Ext 5682