DELEGATED REPORT

Recommendation Made: 6 April 2011

Reference:- 11/00088/FUL **Parish:- Hinckley**

Applicant:- Mr I McSeveney
Meadow View Cottage
Chapel Lane
Akeley
Buckinghamshire

Location:- Land Rear Of 34 Butt Lane Hinckley Leicestershire

Proposal:- ERECTION OF BUNGALOW

Introduction:-

Full planning permission is sought for the erection of a bungalow to the land rear of No.34 Butt Lane, Hinckley.

34 Butt Lane is a detached two storey traditional dwelling located on the corner of Butt Lane and Woodlands Road. The property has an access on Woodlands Road and Butt Lane. To the rear of the site is a detached bungalow. The area is predominantly residential in character with a mix of architectural styles.

The application as amended proposes to create a detached bungalow with fully hipped roof and chimney detail of two bed configuration. The proposed dwelling will be sited within the rear garden area of No. 34 Butt Lane. The new dwelling will take access from Woodlands Road whilst the existing dwelling will utilise the existing access and off street parking provision off Butt Lane. Two parking spaces are proposed to serve the new dwelling and are located the south eastern side of the site.

The application is accompanied by a Design and Access Statement which states that the site is currently garden/parking to 34 Butt Lane. The layout of the dwelling has been designed mindful of the potential impacts on neighbouring properties. It concludes that a single storey dwelling is an appropriate height in this location and the proposed roof has been designed to minimise any impact on neighbouring properties. The proposed bungalow does not therefore dominate or overshadow the existing neighbouring bungalow.

Following concerns raised by officers amended plans have been received which remove the proposed garage, amend the scale and siting and configure the internal arrangements to provide an acceptable relationship with the neighbouring dwelling.

A streetscene drawing has been submitted with the application.

No planning history.

Consultations:-

No objections received from:

The Head of Community Services (Pollution)

No objection subject to condition received from:

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

No objection subject to note to applicant received from:

Central Networks
The Head of Community Services (Land Drainage)

One letter of objection received to the original plans on the grounds of:

a) will protrude forward of the building line
b) proximity to side windows of neighbour
c) suggests moving footprint nearer to No 34 Butt Lane

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development'
Planning Policy Statement 3: (PPS3): 'Housing'
The Community Infrastructure Levy Regulations 2010.
Government Circular 05/2005: Planning Obligations.

Local Development Framework Core Strategy

Policy 1: Development in Hinckley
Policy 19: 'Green Space and Play Provision'
Policy 24: 'Sustainable Design and Technology'

Adopted Hinckley and 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 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:-

The main considerations with regards to this application are the principle of development, siting and design, residential amenity, highway considerations and other matters.

Principle of Development

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

The recently revised version of PPS3 now confirms that garden land is no longer defined as Brownfield land. Whilst this new definition is a material consideration in the determination of this application, the fact remains that the careful use of garden land helps to meet housing figures. The application site remains within the defined settlement boundary of Hinckley, where development is considered favourably subject to all other matters being adequately addressed in strict conformity with the requirements of Policies RES5 and BE1 of the Adopted Local Plan.

The consideration of the impact on character has always been a material consideration in the determination of applications even before the revised version of PPS3 came into force, through consideration of the requirements of Policy BE1. The arrival of PPS3 further strengthens the issue of impact on character and the pattern of development, and does not give rise to a material change in the issues already considered to be acceptable.

The development proposed in this application is for one dwelling and for the reasons discussed further in this report is not considered to be in conflict with adopted local policy or PPS3.

Siting and Design

The site provides access to the highway for both the proposed and the existing dwelling and provides private amenity space for both dwellings. The site has a frontage onto Woodlands Road. The area is mainly characterised by two storey dwellings, however, a small dwelling has been approved to the rear of 32 Butt Lane and the existing dwelling to the south eastern side of the side is a bungalow (102 Woodlands Road). The design of the proposed dwelling is fully hipped with a chimney feature on the north western elevation, the design is considered to be appropriate within the area.

Amended plans have reduced the scale of the proposal from a three to a two bedroomed property with an increased distance to 2 metres between the north eastern boundary of the site and the north eastern elevation. The proposed garage has also been removed from the scheme providing a reduced mass and increasing the gap between the side elevation and the neighbouring dwelling. The siting has been amended to provide a better relationship with the surrounding dwellings. The scale and siting of the proposal is now considered acceptable for the size of the plot.

As such, the scheme is considered to be in accordance with Policy BE1 of the Local Plan and with the principles outlined in the Councils SPG on New Residential Development.

Residential Amenity

The residential dwellings located on Butt Lane including the host property, are not immediately affected as a result of the proposal, given the single storey nature of the proposal and the distance between the proposed and existing neighbouring dwellings. The amended plans provide window to window distance between the proposal and the host property of 22.5 metres. Whilst the window to window distance does not achieve a minimum of 25 metres in accordance with the standards set down in the Borough Council's SPG, it is considered that the boundary treatments to safeguard the privacy and amenity can be secured by the imposition of a planning condition.

102 Woodlands Road has a side window serving a bedroom facing the site. The boundary treatment along this boundary is a 1.3 metre close boarded fence although the submitted plan proposes a 2 metre fence along this boundary. The amended plans also remove the garage and alter the siting of the proposal to provide a 3 metre gap from the boundary with the neighbour at 102 and set the proposal back from the north eastern boundary by an additional metre. Two high level obscurely glazed windows are proposed in the south western elevation serving a bathroom and en suite, subject to the windows being top hung and being obscurely glazed, the relationship with the neighbours property at 102 is now considered acceptable. Whilst the proposed boundary treatment will help with privacy, more details are required by condition because the boundary treatment will need to provide visibility from the access.

Due to the modest size of the site and the proximity of neighbouring dwellings, it is considered that permitted development rights should be removed in terms of extensions and alterations to the dwelling and outbuildings within the curtilage as works that are permitted development may prove to be overdevelopment of the site and it is necessary to control such future proposals in the interests of neighbours amenity.

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 Policy BE1 of the Local Plan.

Parking and Highway Issues

The proposals include an access off Woodlands Road and the provision of two tandem car parking spaces within the site. The Director of Environment and Transport (Highways) has no objections to the proposal subject to conditions in relation to parking provision, drive width and surfacing. In addition, No. 34 Butt Lane retains sufficient off street car parking provision within the curtilage.

Other Issues

Sustainability

The site is located within Hinckley and therefore benefits from a good degree of public transport links and services.

Inline 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 the imposition of a planning condition.

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 policy.

Ecology

The site is not known to have any ecological interest and thus no further consideration of this matter is required.

Waste Minimalisation

The Head of Business Development and Street Scene Services (Waste Minimisation) has requested a condition regarding the submission of details on the provision of bin storage etc. however, there is adequate private amenity space provided with the proposal to ensure that bin storage can be accommodated within the site it is considered unreasonable to impose such a condition in planning terms.

Central Networks have requested a note to applicant to advise on apparatus within the area.

The Head of Community Services (Land Drainage) has requested notes to applicant on the surfacing of access drives and drainage.

Conclusion

In conclusion, it is considered that the proposals are characteristic within this residential setting. The proposed access arrangements are considered acceptable and there is no material harm to neighbouring dwellings or highway safety. Accordingly the application is recommended for planning permission, 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 would be in accordance with the development plan as it considered characteristic of the surrounding dwelling and would not be detrimental to visual or residential amenity or highway safety.
Hinckley & Bosworth Borough Council Local Plan (2001):- BE1, T5 and RES5
Hinckley & Bosworth Borough Council Core Strategy (2009):- Policies 1, 19, 24.

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

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Block plan, Amended plans BDS.0510-AMD -01 and BDS.0510-AMD -02 received on 12 April 2011.

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

4 Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment demonstrating that the dwelling hereby approved can be constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority. The dwelling constructed pursuant to this permission shall not be occupied until a final certificate demonstrating that it has been constructed to a minimum of Code Level 3 has been provided to the Local Planning Authority.

5 Notwithstanding the submitted plans no development shall take place until full details of proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to first occupation of the dwelling hereby approved.

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 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 Classes A to E inclusive shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

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

9 Before first occupation of the dwelling hereby approved, two car parking spaces shall be made within the curtilage. 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 No gates shall be erected to the vehicular access.

11 The windows to be inserted in the south western elevation shall be top hung and obscure glazed and retained as such at all times unless otherwise agreed in writing with 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 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

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

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

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

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

8 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with Policy T5 of the adopted Hinckley and 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 To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

11 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 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).

5 Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet

6 The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively, assembled from units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

7 Central Networks has Network within close proximity to the proposed site. For advice and support on locating our equipment and safe working around the network, contact CableSafe on 0800 015 0927 or see http://eon-uk.com/distribution/safety.aspx for more information.

The alteration, building or ground works proposed in the vicinity of our network that may or may not directly affect our cables, must be notified in detail to Central Networks. For further information please contact me at Central Networks, Pegasus Business Park, Castle Donington, Derbyshire DE74 2TU or email customerworks@central-networks.co.uk

Contact Officer:- Louise Forman Ext 5682