DELEGATED REPORT

Reference:- 11/00680/FUL **Parish:- Hinckley**

Applicant:- Mr Scott Halborg
1 The Crescent
King Street
Leicester
LE1 6RX

Location:- 7 Butt Lane Close Hinckley Leicestershire LE10 1LF

Proposal:- ERECTION OF 2 NO. DWELLINGS

Introduction:-

This application seeks full planning permission for the erection of two semi--detached houses on garden land to the south east of a dwelling known as Moorbeck, 7 Butt Lane Close, Hinckley. The application is a resubmission of a previously approved scheme (reference no. 07/00470/FUL) for which an extension of time application has also been previously approved (reference 10/00066/EXT). The proposed new dwellings will reflect the appearance of the existing dwelling being constructed with a similar red brick with painted rendered wall elements. Two off-street car parking spaces will be provided for each of the new dwellings. A private garden is provided to the rear of each of the new plots.

The site measures approximately 355 square metres and is located on the north east side of Butt Lane Close, an unmade private unadopted road, within an established residential area that is characterised by dwellings of different scales and a mix of designs and styles. Ground levels fall gently from the north west to south east. The site is currently enclosed by mature hedgerows and trees.

A Design and Access Statement has been submitted to support the application and suggests that the scale and design of the proposals reflect architectural features of the existing dwelling and surrounding dwellings, using matching materials and having road frontage to reflect the existing pattern of built form and to unify the street scene. A Protected Species Survey has also been submitted and found no evidence of such species within the site.

The applicant has submitted a separate application for extensions and alterations to the existing dwelling and the erection of two additional semi-detached new dwellings on a plot of garden land between the existing dwelling and the site that is the subject of this application (reference no. 11/00681/FUL) which is also currently being considered.

Relevant Planning History:-

10/00066/EXT	Extension of Time of Planning Permission 07/00470/FUL for Erection of Two Semi-Detached Dwellings	Approved	24.03.10
07/00471/FUL	Erection of Two Semi-Detached 4 Bed Dwellings in the Grounds of an Existing Dwelling	Refused	01.08.07
07/00470/FUL	Erection of Two Semi-Detached Dwellings One 3 Bed and One 4 Bed In the Grounds of an Existing Dwelling	Approved	04.07.07
03/00434/FUL	Substitution of House Type and Additional Dwelling to Provide Three New Houses	Refused	16.07.03
02/00027/FUL	Erection of Two Detached Dwellings and Alterations to Existing Dwelling	Approved	28.02.02
01/00550/FUL	Erection of Two Detached Dwelling Houses and Extensions and Alterations to Existing Dwelling House	Approved	13.09.01

Consultations:-

No objection has been received from:-

Environment Agency
Directorate of Chief Executive (Ecology)
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)

No objection subject to conditions has been received from:-

Director of Environment and Transport (Highways)
Severn Trent Water Limited

Neighbours notified, three letters of objection have been received raising the following issues and concerns:-

a) overbearing/too high density/out of character with the area
b) loss of garden/green space/mature trees
c) unadopted road inadequate to cater for increase in vehicles
d) increase in congestion and on-street parking and turning to detriment of highway safety
e) loss of privacy
f) land ownership/rights of way issues

Development Plan Policies:-

National Planning Guidance

Planning Policy Statement 1 (PPS1): Sustainable Development and Climate Change
Planning Policy Statement 3 (PPS3): Housing

Local Policy

Local Development Framework: Core Strategy 2009

Policy 1: Development in Hinckley
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

The site is located within the settlement boundary of Hinckley as defined in the adopted Hinckley and Bosworth Local Plan

Policy BE1: Design and Siting of Development
Policy RES5: Residential Development on Unallocated Sites
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards
Policy IMP1: Contributions Towards Infrastructure and Facilities
Policy REC3: New Residential Development: Outdoor Play Space for Children

Supplementary Planning Guidance on New Residential Development
Supplementary Planning Document on Sustainable Design
Supplementary Planning Document on Play and Open Space

Appraisal:-

The main considerations in respect of this application are the principle of development, the design and siting of the dwellings and their impact on the character and appearance of the street scene, amenities of neighbouring properties, highway safety, public play and open space, sustainable design and technology considerations and

other issues.

Principle of Development

The site is located within the settlement boundary of Hinckley where Policy RES5 provides a presumption in favour of new residential development subject to siting, design, layout and accordance with other plan policies. Whilst Planning Policy Statement 3 has been revised since the scheme was approved in 2007 to remove residential curtilage from the definition of brownfield land, this is to primarily prevent overdevelopment within residential areas that is out of character. As the proposed site has street frontage with Butt Lane Close and the plot sizes are generally consistent with existing dwellings on this side of Butt Lane Close (notably Midway and The Haven), it is considered that the proposals respect the character and density in the area and are in accordance with the revised PPS3 and therefore acceptable in principle. In addition, there is an extant planning permission approved in 2010 for an extension of time to the 2007 planning permission which, subject to the discharge of conditions, could be implemented.

Design and Siting

The siting, layout and design of the proposed new dwellings are as previously approved, generally respects the front elevation building line within the street scene and provides a consistent street frontage. The proposed new dwellings, whilst being 2½ storey and 2 storey in height, respect the scale of the surrounding development, are designed with a conventional ridge and gable roof form and will be constructed of similar external materials to create a unified appearance. The plot closest to the bungalow to the south east that faces the site (15 Butt Lane Close) has been designed with a lower roof ridge to provide a step in the ridge line that relates better to the topography and to 15 Butt Lane Close. The proposed new four and three bedroom dwellings are provided with approximately 67 and 55 square metres respectively of private amenity space and two off-street car parking spaces each. Whilst this provision is slightly below the guidance contained in the Council’s adopted SPG on New Residential Development, given the provisions of surrounding development and the sustainable location close to the centre of Hinckley and its facilities, the provision is considered to be acceptable to serve the development.

Impact on Amenities of Neighbouring Dwellings

The proposals are as previously approved and have been specifically designed to minimise any potential adverse impact upon the amenities of neighbouring dwellings. The plot closest to the bungalow to the south east that faces the site (15 Butt Lane Close) has been designed with a lower roof ridge to reduce the height and width of the blank gable end that faces this dwelling and to minimise any impact on the outlook from the neighbouring property. Whilst the front elevation of the bungalow is approximately 11 metres from the side elevation of the proposed dwelling, which is below the 14 metres separation distance in the Council’s SPG on New Residential Development, and the bungalow occupies a slightly lower ground level, there is a line of tall mature conifer trees along the south east boundary of the site which are to be retained and which currently compromise the outlook from 15 Butt Lane Close. Accordingly, in this case, the development will not result in any adverse impact on the amenity of the neighbouring property from either overbearing impact or loss of privacy from overlooking.

31 Trevor Road is a bungalow that lies to the north east of the application site. There are additional first and second floor windows that will face towards the front garden area of this dwelling. However, the separation distance of approximately 14 metres between the rear elevation of the proposed dwellings and the side elevation of 31 Trevor Road meets the guidance in the Council's adopted SPG on New Residential Development. The mature hedgerow and existing mature trees along the north east boundary of the site provide additional screening.

As a result of design, siting, separation distances, existing boundary treatments and landscaping the proposals will not adversely affect the privacy or amenity of the occupiers of existing neighbouring dwellings in respect of overlooking or overbearing impact.

Highway Issues

The scheme provides two off-street car parking spaces each for the proposed new four and three bedroom dwellings. The Director of Environment and Transport has repeated previous recommendations for a condition

that requires three car parking spaces to be provided for each of the proposed dwellings. However, the proposals have previously been approved and given the sustainable location of the site relatively close to the town centre and within walking distance of local services and public transport links, this minimal departure from the standard in terms of the number and size of the spaces to be provided is not considered to be of sufficient detriment to sustain a reason for refusal of permission in this case. In addition, Butt Lane Close is not a through road and the increase in traffic as a result of the proposed development, together with any necessary turning and manoeuvring of vehicles into and out of the site is not considered likely to result in any adverse impact on highway safety. The Director of Environment and Transport has since confirmed that as the road is a private unadopted road, a recommendation for refusal could not be defended as it could not be demonstrated that the development will have an adverse impact on the highway network.

Public Play and Open Space

Since the previous application was approved the Community Infrastructure Levy Regulations (CIL) 2010 has become a statutory requirement and this requires the Borough Council to ensure that requested contributions are necessary, directly related and fairly and reasonably related in scale and kind the development proposed. The site is located within 400 metres of public open space at Queens Park (Neighbourhood Park). Due to the two additional residential units the proposal triggers a requirement for a contribution towards the provision and maintenance of public play and open space in accordance with Policy REC3 of the adopted Local Plan and the Council's SPD on Play and Open Space.

The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. Within the Green Space Strategy 2005-2010, Hinckley was found to have a deficiency of both equipped open space (-1.20) and outdoor sports (-12.50) for its population when compared with the National Playing Fields Standard. The quality of play spaces has been considered within the Quality and Accessibility Audit of 2005 which awarded Queens Park a low quality score of 32.4%. As the scheme results in a net gain of two dwellings a total figure of £2501.60 (i.e. £1250.80 x 2) (£1635.60 towards provision and £866.00 towards maintenance) is required to improve the quantity and quality of children's play facilities. Whilst considerable improvements have been made to Queens Park play space since 2005, the Manager Green Spaces has identified further improvements being required in the form of additional safety surfacing to the existing play equipment in Queens Park at a cost of £5827. The size of the new dwellings proposed would appeal to families and given the proximity of the application site to this open space 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.

The previous planning permission secured this sum through the imposition of a planning condition (no.3) however no such sum was received. These monies are no longer requested by condition and as such a draft legal agreement in the form of a Unilateral Undertaking is currently under negotiation to secure the play and open space contributions. The previous condition (3) will not therefore be required.

Sustainable Design and Technology

Policy 24 of the adopted Core Strategy (2009) requires all new residential development within Hinckley to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. As no details of the schemes compliance with this standard have been submitted, the development will be subject to an additional condition requiring such details to be assessed by a qualified code assessor and to demonstrate compliance with the code.

Other Issues

The development will result in the loss of a mature tree and mature boundary hedgerows to the front of the site where new accesses will be formed. A condition requiring details of replacement landscaping to be submitted, agreed and implemented is considered to be reasonable in this case in order to mitigate the impact of this loss.

Severn Trent Water Limited does not object to the application but in view of the location of the site have requested a condition requiring the submission of surface water and foul water drainage plans for prior

approval. A similar condition was imposed on the previous planning permissions.

Whilst concerns have been raised by neighbouring residents in respect of the additional use of the un-adopted road and its ongoing maintenance, land ownership/rights of way issues, these are not matters that are considered to be significant material planning considerations that should affect the determination of the application.

Conclusion

The proposed two new dwellings are considered to reflect the character of the wider street scene and are considered acceptable in principle in light of the changes to PPS3. The siting and layout of the dwellings reflects neighbouring properties and minimises any impact on the amenities of the occupiers of neighbouring dwellings. The provision of parking and private amenity space is considered acceptable. The development will contribute to public play and open space facilities and incorporate sustainable design and technology construction methods. The proposal is therefore recommended for approval subject to conditions and the completion of a legal agreement to secure the contributions.

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 is within the settlement boundary of Hinckley, would not have an adverse impact on the character or appearance of the surrounding area, the amenities of the occupiers of adjacent properties or highway safety and would contribute to public play and open space facilities and use sustainable design and technology to reduce carbon emissions.

Local Development Framework: Core Strategy: Policies 1 and 24

Hinckley & Bosworth Borough Council Local Plan (2001):- BE1, RES5, NE12, NE14, IMP1, REC3 and T5

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: Site Location Plan Drawing No. 00-301 at 1:1250 scale; Block Plan at 1:500 scale; Site Layout Plan Drawing No. 00-102 Revision A; Proposed Plans and Elevations Drawing No. 01-101 Revision A; Street Scene Drawing No. 02-101 Revision A received by the local planning authority on 19 September 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 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.

4 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.

5 No development shall take place until a drainage scheme for the disposal of surface water and foul sewage has been 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.

6 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) means of enclosure
(ii) hard surfacing materials
(iii) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
(iv) planting plans
(v) written specifications
(vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(vii) implementation programme.

7 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.

8 Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the dwelling hereby approved can be constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority. In addition, prior to the first occupation of the dwelling hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.

9 The use of the garages shall remain at all times for the purpose of parking a motor vehicle and shall not be converted to additional living accommodation 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 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 visual amenity and to safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

5 To ensure satisfactory provisions are made for the drainage of the site to accord with policy NE14 of the adopted Hinckley & Bosworth Local Plan.

6 To enhance the appearance of the development to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.

7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.

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

9 To ensure that adequate off-street parking facilities are available to accord with policy T5 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. A watching brief (maintained by the applicant and all workers on site) for all protected species should be maintained throughout the development. In the event of any protected species being discovered, works should cease whilst expert advice is sought.

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 Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid the necessity of discharging some surface water off-site, flow attenuation methods should be employed, either alone o, if practicable, in combination with infiltration systems and/or rainwater harvesting systems.

5 Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending upon ground strata permeability. On low-permeability sites, water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet. (See Environment Agency guidance on the permeable surfacing of front gardens). In this proposal a suitable outlet may be the surface water sewer in Butt Lane Close, subject to the approval of the Water Utility.

6 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

Contact Officer:- Richard Wright Ext 5894