DELEGATED REPORT

Recommendation Made: 28 April 2011

Reference:- 11/00182/FUL **Parish:- Hinckley**

Applicant:- Mr J White
68 The Common
Barwell
Hinckley
Leicestershire

Location:- Land Rear Of 1A Bowling Green Road Hinckley Leicestershire

Proposal:- ERECTION OF ONE DWELLING

Introduction:-

Full planning permission is sought for the erection of a one and a half storey dwelling (with accommodation within the roof space) of four bed configuration. A total of 3 no. on site car parking spaces are set to be proposed including an integral garage. The site is a former garden area, accessed from Spa Close.

Spa Close in an unmade and un-adopted highway that serves a number of dwellings. The site is located within the settlement boundary of Hinckley, as defined by the adopted Hinckley and Bosworth Local Plan.

Planning permission has been granted for a three bed detached dwelling with detached garage in 2010 under application ref 09/00947/FUL, however this scheme proposed a dwelling which increases the overall footprint, but the dwellings are of a similar overall height.

The application is accompanied by a Design and Access Statement states that the four bed family house is located within a well established residential area comprising of a small group of houses of differing styles and sizes.

Following concerns raised by officers, amended plans have been received showing the re-positioning of all of the roof lights higher within the roof slope. Given the relatively minor nature or the changes to the design, re-consultation has not been undertaken.

Planning History

09/00947/FUL	Erection of one new dwelling	Approved	11.02.10
06/00253/FUL	Erection of dwelling and detached garage	Approved	25.05.06

Consultations:-

No objections from:-

Head of Community Services (Pollution)
Head of Community Services (Land Drainage)

No objection subject to conditions from:-

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

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 (2009)

Policy 1: Development in Hinckley

Policy 19: Green Space and Play Provision

Policy 24: Sustainable Design and Technology

Hinckley & Bosworth Local Plan (2001)

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

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, impact upon character, impact upon 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 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. It is considered that where development is proposed on garden land within the defined settlement boundary the character, density, mass, layout and design should be fundamental to the determination of the application alongside the development being carried out in accordance with relevant plan policies.

The relevant plan policies include PPS3 which states that the extent to which the proposed development is well integrated with and complements the neighbouring buildings and the local area more generally in terms of scale, density layout and access should be considered.

This approach is supported by Policy RES5 of the Adopted Local Plan that states that on sites 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.

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, 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 principle of residential development has already been established through the earlier grant of planning permission (refs: 06/00253/FUL and 09/00947/FUL). The 2009 application remains extant and is therefore a significant material consideration in the determination of this application.

The development proposed in this application is for 1 dwelling and for the reasons discussed further in this report are not considered to be in conflict with adopted development plan policy.

Impact Upon Character; Siting and Design

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 proposed dwelling is immediately adjoined by No. 2 Spa Close a two storey detached dwelling and by Goleen a detached bungalow, both of which front the road.

Whilst the neighbouring dwelling Goleen is of single storey proportions, the proposal is also set to be approximately 0.4 metres lower than the neighbouring two story dwelling. The immediate area is characterised by two storey dwellings and as such one and a half storey proportions within accommodation within the roof space is considered acceptable. The proposal is similar in scale and appearance to the adjacent dwelling no.2.

The proposed dwelling is sited close to the boundary fronting Spa Close in a position similar to the other dwellings in the Close as such the proposed siting of the proposed dwelling to the road frontage is considered characteristic of the area. This forward position allows for ample separation between the rear elevation of the proposal and the existing dwellings to the rear on Bowling Green Road.

The footprint of the proposed dwelling would be similar to surrounding residential dwellings that of both neighbouring dwellings and dwellings within the immediate area.

Whilst the dwelling does not propose a rear garden length of 12.5 metres, as set out within the standards set down in the Borough Council's SPG, the overall rear amenity space is approximately 100 square metres, and as such the scheme proposes an appropriately rear sized garden.

There is not a common or unified design approach within the streetscene and therefore the design features of dormer windows and canopy porch does not appear out of character within this unconventional street scene.

In summary, the proposed development accords with the general siting and scale of existing dwellings within the vicinity, ensuring that the development appears in keeping with the scale and character of existing dwellings and the design approach is considered acceptable. As such, the scheme is considered to be in accordance with guidance contained with PPS3, Saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan and with the principles outlined in the Council's SPG on New Residential Development.

Impact upon Residential Amenity

The residential dwellings most immediately impacted upon as a result of the proposal would be No. 2 Spa

Close located 1 metre from the south west elevation and Goleen, Spa Close located approximately 6 metres from the north east elevation of the proposed dwelling.

No. 1A Bowling Green Road is sited to the south of the site. There is a distance of approximately 18 metres from the rear wall of the proposed dwelling and the neighbouring dwelling. It is considered that this is a sufficient distance away not to create any significant impacts over and above that expected within built up areas. Following the re-positioning and the angle of the roof pitch it is considered that this should mitigate against any potential overlooking to the rear elevation of the properties in Bowling Green Road.

The proposed dwelling is principally a single storey structure with accommodation within the roof space. The roof lights are all positioned within the roof space and following the submission of amended plans these are now positioned 1.7 metres above finished floor level.

There is 1 no. window at first floor level in the north west (front) elevation which will be sited towards Spa Close and 1 no. window proposed within the south east elevation (rear) elevation which will be fitted with obscure glass (secured by the imposition of a planning condition) and as such no overlooking should arise to the rear.

The separation distance between the facing rear elevations is 18 metres and therefore exceeds the requirements for a single storey building.

Given the limited separation distance to the rear any modifications to the roof would give rise to unacceptable overlooking to the existing dwellings to the rear and therefore it is necessary to withdraw permitted development rights (secured by the imposition of a planning condition) to prevent such works taking place.

In summary, 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 Saved Policy BE1 of the Local Plan.

Highway Considerations

The proposal provides two off street car parking spaces and an integral garage for vehicle parking. The scheme has been considered by the Director of Environment and Transport (Highways) who has no objection to the scheme.

In summary, it is not considered that there would be any significant impacts upon highways safety. Accordingly, the development accords with Saved Policy T5 of the Local Plan.

Other Matters

Sustainability

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 a condition.

The Head of Business Development and Street Scene Services (Waste Minimisation) recommends a condition to secure a scheme for the provision for waste and recycling storage across the site.

Play and Open Space Contributions

The site is located within 400 metres of open space Queens Park (local open space). 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 Council's SPD on Play and Open Space.

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, 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 the space has been considered within the Quality and Accessibility Audit of 2005 which awarded Queens Park a low quality score of 32.4%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. As the scheme results in a net gain of 1 dwellings a total figure of £1250.80 is sought for the provision and maintenance.

It is considered that Hinckley has a deficit of both equipped and outdoor sports areas and Queens Park has been shown to have a quality deficit relating to facilities. 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.

As such it is considered necessary to attach a condition to secure this developer contribution.

Conclusion

In conclusion, it is considered the scheme is characteristic within this residential setting. The proposed access arrangements are considered acceptable and there is no significant 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 is considered characteristic of the surrounding area and would not be detrimental to visual or residential amenity or highway safety.

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

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policy 1, Policy 19, Policy 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 amended details: OS Sitemap (Scale 1:1250); OS Sitemap (Scale 1:500) received by the Local Planning Authority on 10 March 2011 and Drawing No B10/14/P01C received by the Local Planning Authority on 5 May 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 Notwithstanding the submitted plans no development shall take place 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.

5 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.

6 Before first occupation of any 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.

7 No development shall take place until a scheme that makes provision for waste and recycling storage across the site has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary.

8 The window serving bedroom 1 within the south east elevation shall be of a fixed design (no openers) and be fitted with obscure glass and shall be retained this way thereafter.

9 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 Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.

10 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, B, C shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

11 Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment demonstrating that the apartments 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 apartments 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.

12 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.

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, to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

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

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

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

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

9 To ensure the provision of adequate play and open space within the vicinity of the site in accordance with Policy REC 3 of the adopted Hinckley and Bosworth Local Plan.

10 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property, to accord with Policy BE1 of the Local Plan.

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

12 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 & 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 Condition 9 of the application refers to play and open space contribution. In this instance a contribution of £1250.80 in total, is required towards the provision and maintenance of off-site play and open space

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