

Planning Committee 13 September 2016
Report of the Chief Planning and Development Officer



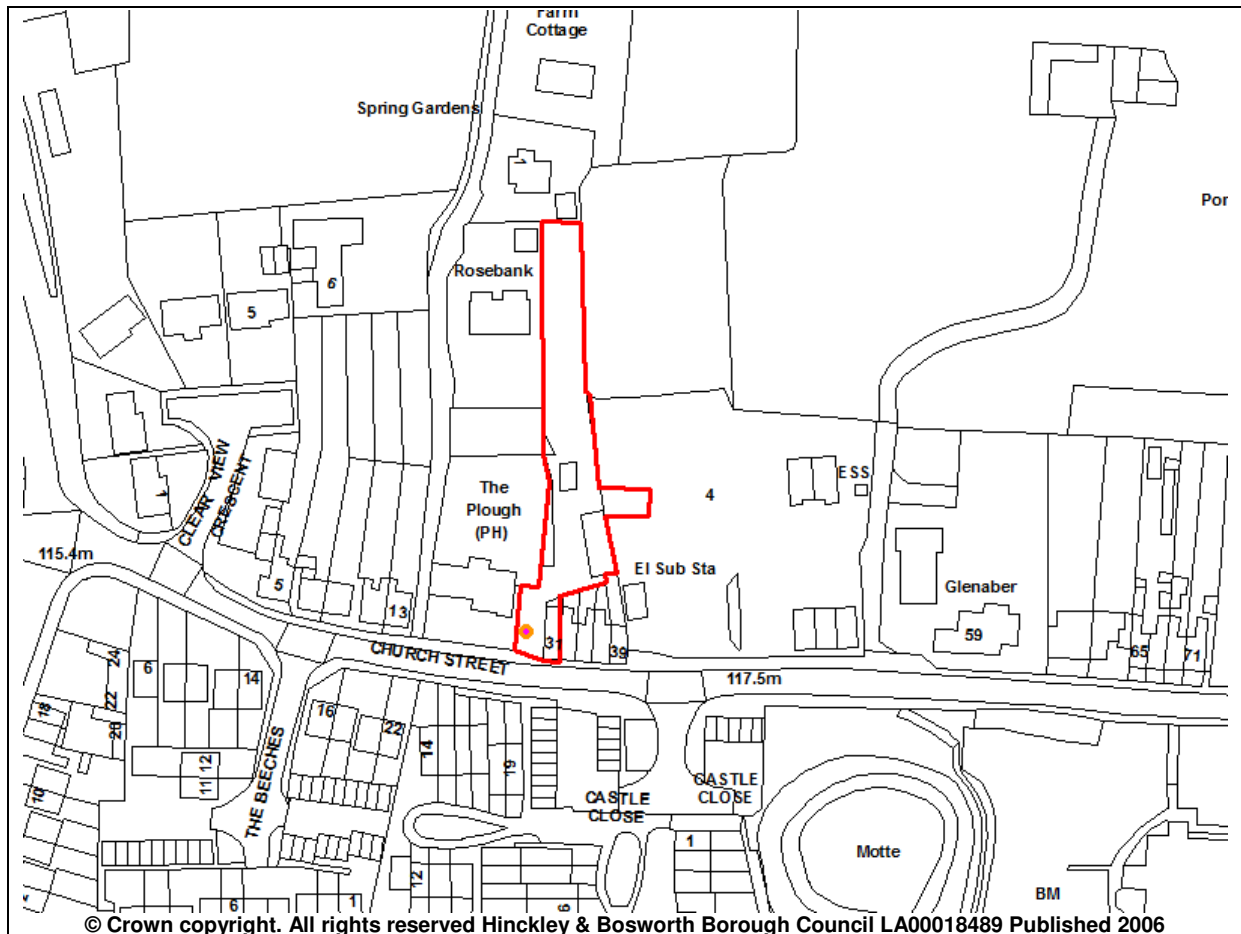
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 16/00600/FUL
Applicant: Mr Jon Coulthurst
Ward: Earl Shilton

Site: 31 Church Street Earl Shilton

Proposal: Erection of three dwellings and associated parking



1. Recommendations

- 1.1. Grant planning permission subject to:
- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This application seeks full planning permission for the erection of three new dwellings and formation of associated parking. The proposal includes 2 x split-level semi-detached three storey houses (1 x 3 bedroom and 1 x 2 bedroom) and a 1 bedroom maisonette and double car port. Access to the site would be via Grewcock Place, a recently completed residential cul-de-sac.

2.2. Amended plans have been submitted to address concerns raised in respect of the design of Plot 3 and the car port and overlooking issues.

3. Description of the Site and Surrounding Area

3.1. The application site measures approximately 0.06 hectares and is located within the settlement boundary of Earl Shilton to the rear (north) of 31 – 39 Church Street and immediately to the west of 1 Grewcock Place. It comprises a derelict abandoned building and an area of overgrown scrub.

3.2. There are two storey terraced houses fronting Church Street to the south of the site, a new development of predominantly 2½ storey houses to the east on Grewcock Place, a converted (residential) two storey public house with a large garden to the west and a paddock and two detached dwellings on a lower ground level to the north. Ground levels fall fairly steeply to the north and the application site is lower than the adjacent development on Grewcock Place.

4. Relevant Planning History

13/01064/FUL	Part demolition of existing building (retrospective) and erection of 14 dwellings with associated vehicle parking and landscaping.	Permitted	30.06.2014
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5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2. Responses from five separate addresses have been received objecting to the proposal on the following grounds:-

- 1) Loss of light/overshadowing due to height and proximity of development
- 2) Overlooking/loss of privacy
- 3) Surface water drainage and flood risk
- 4) Noise and disturbance
- 5) Right of way.

6. Consultation

6.1. No objections, some subject to conditions, have been received from:-

Leicestershire County Council (Highways)
Environmental Health (Pollution)
Environmental Health (Drainage)
Street Scene Services (Waste)

6.2. No response has been received from Earl Shilton Town Council.

7. Policy

7.1. Earl Shilton and Barwell Area Action Plan (AAP) DPD (2014)

- Policy 23: Existing Employment Sites

- 7.2. Core Strategy (2009)
- Policy 2: Development in Earl Shilton
- 7.3. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM19: Existing Employment Sites
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)
 - Community Infrastructure Levy (CIL) Regulations (2010)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Other issues
- Equality

Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraphs 12 and 13 of the NPPF state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications.
- 8.3. The development plan in this instance consists of the adopted Core Strategy (2009), the Earl Shilton and Barwell Area Action Plan Development Plan Document (2014) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. The southern section of the site is designated as a Category C employment allocation within the Earl Shilton and Barwell AAP. However, this is merely a remnant of the main site that has already been developed for housing (Grewcock Place) and there is no employment use on the site remaining. Therefore, the development would not result in a loss of an employment use that would be contrary to Policy 23 of the Earl Shilton and Barwell AAP or Policy DM19 of the SADMP.
- 8.5. Policy 2 of the adopted Core Strategy supports development within the settlement boundary to deliver a minimum of 10 new dwellings in addition to a mixed use

sustainable urban extension (SUE) including 2000 new homes to the south of Earl Shilton. Notwithstanding that this minimum allocation of 10 new dwellings has been exceeded, the location is considered to be sustainable with access to facilities, services and sustainable modes of transport and Policy DM1 of the adopted SADMP and the NPPF in paragraph 14 provide a presumption in favour of sustainable development. Paragraph 7 of the NPPF states that sustainable development has three interacting dimensions: - the social, economic and environmental roles.

- 8.6. The site is located within a sustainable urban location within the settlement boundary of Earl Shilton and within a reasonable distance of its services and facilities. The proposal would contribute in a limited way to the social role of sustainable development by providing three additional dwellings towards the housing supply within the Borough. The construction of the development and its future ongoing occupation would contribute in a limited way to the economic role of sustainable development by supporting the local economy both during construction and by the use of local facilities by future residents. The proposal would also contribute to the environmental role through the visual enhancement of this derelict overgrown site that currently detracts from the visual amenity of the surrounding area.
- 8.7. Residential development of the site would therefore be sustainable and acceptable in terms of strategic planning policies subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.8. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.9. Amendments to the scheme have been submitted to address minor design concerns. By virtue of the proposed siting, scale, design and external materials, the proposed dwellings would complement the character and appearance of the adjacent residential development on Grewcock Place to the east of the site and form a visual end stop to that development to enhance its overall appearance. The split level/three storey nature of the scheme and the inclusion of 'basement' style accommodation into two of the units would not create any adverse visual impacts on the character or appearance of the area by virtue of the existing lower ground levels of the site in relation to Grewcock Place.
- 8.10. The west elevation of the scheme also has limited window openings to avoid any potential overlooking issues. The proposal is also not overly prominent in any street scene.
- 8.11. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP regarding design and impact on the character of the area and the overarching design principle of the NPPF.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and

occupiers of adjacent buildings. The NPPF in paragraph 17 seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

- 8.13. Objections have been received on the grounds of loss of light/overshadowing impacts on neighbouring properties due to height and proximity, loss of privacy from overlooking and noise and disturbance.
- 8.14. 1 Grewcock Place is a 2½ storey end terraced house located immediately to the east of the proposed dwellings, of which the ground level of the rear garden falls to the north. The proposed dwellings would project a total of approximately 5.5 metres beyond the rear elevation of No. 1 (and at a separation of 2 metres) but only 2 metres above the ground floor level, the remaining depth of rear projection being a flat roof single storey section, set on a lower ground level than the adjacent property. Therefore, the proposal would not result in any significant adverse overbearing/overshadowing impacts on the occupiers of No. 1. By virtue of the amended plans, that have removed the originally proposed balconies, the proposal would not result in any significant adverse impacts on the occupiers of No. 1 from any loss of privacy from overlooking.
- 8.15. Rosebank is a detached bungalow located on a much lower ground level and located approximately 22 metres to the north west of the proposed dwellings. Notwithstanding the differences in relative ground levels, by virtue of the separation distance and offset position of the scheme, the proposal would not result in any significant overbearing/overshadowing impacts on Rosebank. Amended plans have removed the proposed rear elevation balconies that would have overlooked the windows and rear garden of Rosebank. The rear elevation windows of the proposal would have a separation distance of approximately 26 metres to those of Rosebank and approximately 10 metres to the rear garden boundary. The boundary contains a 3 metre high, mature hedgerow owned by Rosebank. By virtue of the offset position, separation distances and amended plans, the proposal would not result in any significant adverse impacts on the amenities of the occupiers of Rosebank from loss of privacy from overlooking.
- 8.16. 31 – 37 Church Street are two storey terraced houses with subordinate two storey rear extensions. The nearest principal habitable room windows facing the site would be approximately 15 metres from the maisonette which has a ridge height of 7.3 metres. By virtue of the separation distance the proposal would not result in any significant adverse overbearing or overshadowing impacts on the amenities of the occupiers of these properties. There are no windows in the south elevation of the proposed scheme that would result in any loss of privacy from overlooking due to separation distances and boundary treatments.
- 8.17. 23 Church Street lies approximately 10 metres to the south west of the proposed dwellings and is a detached two storey former public house converted to residential use. It has an extensive rear garden that is currently well screened from the site by tall trees and hedgerow along the boundary. Notwithstanding that the built form of the proposed dwellings would extend along a majority of the rear garden, by virtue of the separation distance and existing screening, the majority of which would be retained, the proposal would not result in any significant adverse overbearing/overshadowing impacts on the amenity of the occupiers of No. 23. Although the existing tree screen would provide protection from potential overlooking, the windows on the west elevation of the scheme would be obscurely glazed to provide additional mitigation from any impact on privacy from overlooking.

- 8.18. By virtue of separation distances to any other dwellings, the proposed scheme would not have any significant adverse impacts on the privacy or amenity of any other properties.
- 8.19. The proposed use of the site for residential purposes would not give rise to any significant adverse impacts on the amenities of neighbouring properties from noise or disturbance. Noise and disturbance during construction would be temporary in nature and would not result in any long term significant adverse impacts on the amenities of neighbouring properties.
- 8.20. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP in relation to impacts on neighbouring residential amenities.

Impact upon highway safety

- 8.21. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision. Paragraph 32 of the NPPF states that a safe and suitable access to sites should be achieved and that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.22. Adequate access is available to the site from Grewcock Place. The proposed scheme includes two parking spaces for each of Plots 1 and 2 (2 bed and 3 bed respectively) and a single space for Plot 3 (1 bed). This level of provision would be in accordance with adopted highway design standards and would therefore be acceptable. The proposed scheme would not result in any significant adverse impacts on highway safety and would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP. No objection in respect of highway safety has been received from Leicestershire County Council (Highways).

Drainage

- 8.23. Policy DM7 of the adopted SADMP requires that any adverse impacts from flooding as a result of development would be prevented.
- 8.24. Objections have been received that the proposal may result in additional surface water run-off from the site, particularly given the higher ground levels and the tendency for surface water springs in the area to the north.
- 8.25. The application proposes the use of soakaways to dispose of surface water. Environmental Health (Drainage) has assessed the scheme and points out that the use of soakaways may not be feasible in this case. A note to applicant is recommended that suitability for the use of soakaways should be tested and the results approved by Building Control prior to development commencing. Irrespective of the results of such tests, the scheme would still require building regulations approval for a suitable technical solution for surface water drainage and therefore no condition to require the submission of additional details is considered necessary at this stage, particularly given the small scale of development.

Other issues

- 8.26. Objections have been received in respect of a private right of way that runs through the site. Land ownership/rights of way are civil matters that would need to be resolved between the respective parties.

- 8.27. As the former uses of the site and now derelict building are not known, there is a potential for previous land contamination from past use. Therefore Environmental Health (Pollution) recommends a condition to require that any land contamination encountered during development of the site is satisfactorily investigated and mitigated to ensure safe development and protect the health of future occupiers.
- 8.28. Following amendments to national planning guidance, infrastructure contributions can no longer be sought on schemes of less than 10 dwellings, therefore notwithstanding Policy DM3 of the adopted SADMP, no contribution has been pursued in this case.

9.0. Equality Implications

- 9.1. Objections Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-
(1) A public authority must, in the exercise of its functions, have due regard to the need to:
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development

10. Conclusion

- 10.1. The site is within a sustainable urban location and the proposed scheme would contribute in a positive way to the social, environmental and economic roles of sustainable development. The layout, scale, design and appearance of the scheme would complement the character and appearance of the surrounding area. By virtue of the amendments to the scheme, the proposal would not result in any significant adverse impacts on the amenities of any neighbouring properties or highway safety. Satisfactory surface water drainage would be subject to building regulations approval. The amended scheme would therefore be in accordance with Policy 2 of the adopted Core Strategy, Policies DM1, DM7, DM10, DM17 and DM18 of the adopted SADMP and the overarching principles of the NPPF and is therefore recommended for approval subject to conditions.

11. Recommendation

- 11.1. **Grant planning permission** subject to:

Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

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

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

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. CJ-101 Revision A received by the local planning authority on 8 August 2016 and Site Layout as Proposed Drawing No. CJ-107 Revision B, Proposed Floor Plans Drawing No. CJ-110 Revision B, Proposed Elevations Drawing No. CJ-109 Revision C and Proposed Section Drawing No. CJ-108 Revision A received by the Local Planning Authority on 18 August 2016.

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Notwithstanding the submitted details, the materials to be used on the external elevations of the dwellings hereby permitted shall be: Walls - Wienerberger/Terca Bellbrook 65 mm facing bricks and K-Rend (Buttermilk) render; Roof - Forna Especial Spanish Natural Slates; Doors and Windows - uPVC (White).

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The development hereby permitted shall be constructed in accordance with the approved proposed ground levels of the site and approved proposed finished floor levels as submitted on the approved plans.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The flat roof areas above the kitchen/dining rooms to Plot 1 and Plot 2 shall only be accessed and used for purposes associated with the repair and maintenance of the building and for no other purposes whatsoever.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from loss of privacy from overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Prior to the first occupation of Plots 2 or Plot 3 hereby permitted, all windows in the west side elevation of the scheme (facing 23 Church Street) shall be fitted with obscure glazing and once so provided shall be permanently retained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from loss of privacy from overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. 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.

Reason: To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. Prior to the first occupation of any of the dwellings hereby permitted, the access and vehicle parking spaces to serve each dwelling shall be constructed, hard surfaced in block paving and marked out in accordance with the approved Site Layout as Proposed Drawing No. CJ-107 Revision B received by the local planning authority on 18 August 2016 and once provided shall be permanently so maintained and retained for such use at all times thereafter.

Reason: To ensure that adequate access and off-street parking and turning provision is made in the interests of highway safety to accord with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. 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. Any soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor. If soakaway drainage proves impractical, alternative sustainable options should be considered.
3. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk
4. In relation to condition 7 advice from Health and Environment Services can be viewed via the following web address: - <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.