

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



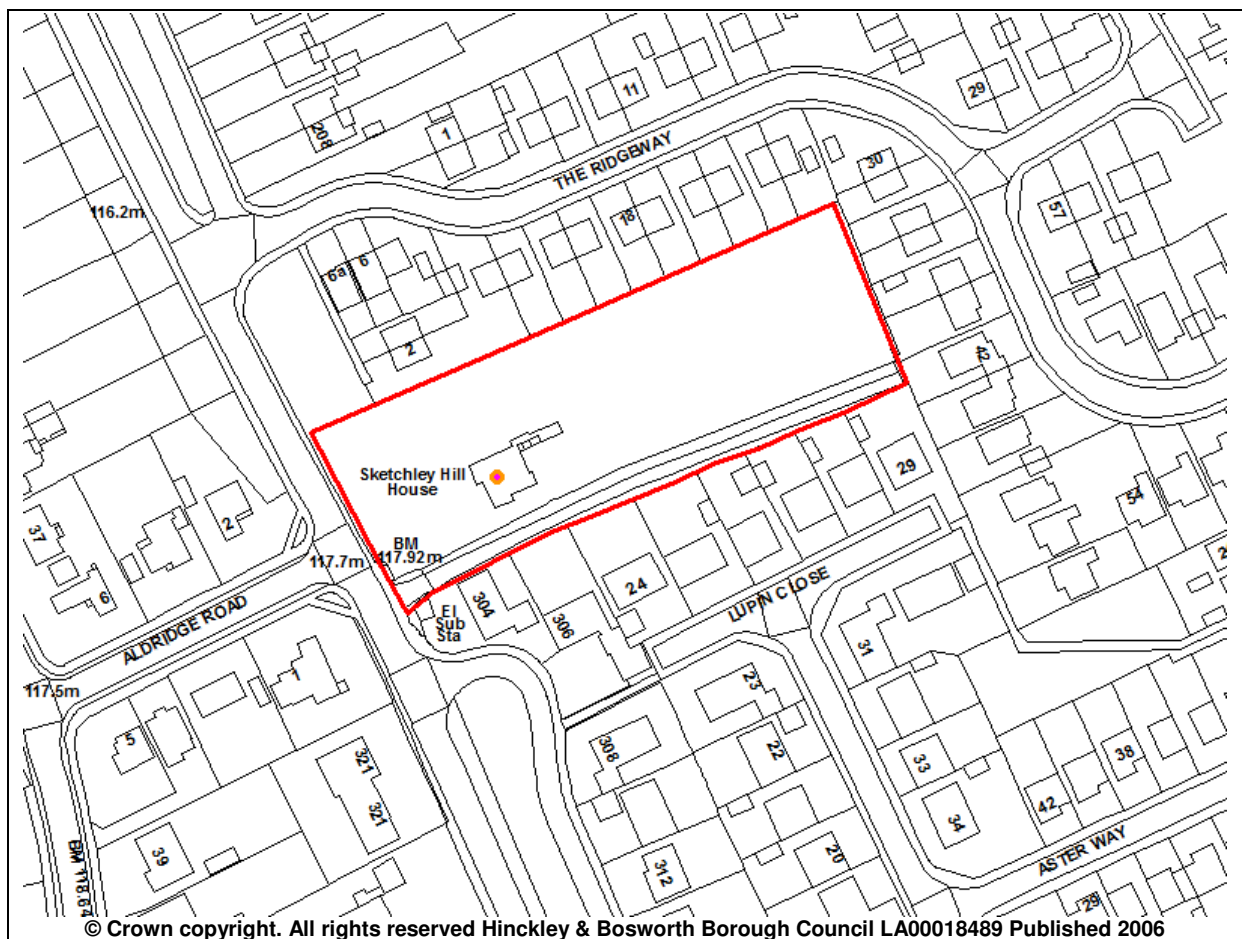
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 14/01189/OUT
Applicant: Mr Derek Fox
Ward: Burbage Sketchley & Stretton

Site: Sketchley Hill House Rugby Road Burbage

Proposal: Erection of 9 dwellings and associated roads and car parking,
following demolition of existing property (outline - access, layout and
siting)



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 outline planning permission for access, layout and siting only for the proposed development. The scheme comprises the demolition of the existing dwelling Sketchley Hill House, and erection of 9 detached dwellings with associated road and parking provision.

- 2.2. The layout indicates that the development will comprise 9 dwellings (including one bungalow on Plot 6). With the exception of Plot 6, all the dwellings proposed would include a garage. All plots would have car parking provision for a minimum of two cars. Plot 9 is the only dwelling with a proposed detached double garage, which is sited at the end of the proposed access road. All dwellings would be sited south of the proposed road, and the proposed rear gardens would back onto the rear gardens of the existing bungalows along Lupin Close and Rugby Road.
- 2.3. The access point to the site would be located to the north-west edge of the site frontage on Rugby Road. The proposed road would run more or less parallel to the north boundary of the site, and includes a manoeuvring area for vehicles to turn in the site. The site is only accessible from Rugby Road.
- 2.4. The proposed layout would include the retention of a number of existing trees on the site, including those protected by an existing Tree Preservation Order sited along the northern boundary of the site. Notwithstanding this, the proposed development would also result in the removal of 24 trees, and some groups of trees and hedges on site, as stated within the submitted revised arboricultural report.
- 2.5. During the course of the application, a number of revised plans have been received for the proposed layout. Following the most recent comments received from the Council's Tree Officer, the layout plan was amended to the version appraised in this report (Drg no. 4642/J received in March 2016). Further, revised plans for the proposed house types for the development have been received. However, these are for indicative purposes only as access, layout and siting are the only detailed matters to be determined at this stage.
- 2.6. An ecology report has also been submitted with this application for consideration.

3. Description of the Site and Surrounding Area

- 3.1. Sketchley Hill House is a detached two storey dwelling, with a parking area, driveway and extensive gardens, within an approximate site area of 0.52 hectares.
- 3.2. The site is within the settlement boundary of Burbage, sited within close proximity to shops and services within Burbage and Hinckley.
- 3.3. The site is surrounded by residential development and gardens. Rugby Road is characterised by a range of dwellings of a variety of size, type and style. The designs are predominantly traditional. To the immediate south of the site are bungalows, and to the north of the site are semi-detached, two storey dwellings.
- 3.4. The current site is accessible directly off Rugby Road.
- 3.5. There are 4 trees on the site protected by an existing Tree Preservation Order, located to the north-west corner of the site. There are also a large number of unprotected trees and hedges within the site.

4. Relevant Planning History

06/00183/TPO	Works to tree	Permitted	25.04.2006
88/01159/4	Replacement bay window to front of property	Permitted	21.10.1988
79/00554/4M	Erection of car port	Permitted	18.05.1979

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. Representations have been received from 15 members of the public. 25 objections and seven comments neither objecting nor supporting the application have been submitted. The concerns raised are summarised below:-

- 1) The siting of the proposed access would be dangerous for road users and pedestrians
- 2) Rugby Road is already very congested, and development would increase this existing issue
- 3) There is an existing problem with vehicles speeding along Rugby Road
- 4) The existing infrastructure within the area, including schools and the doctor's surgery are already at maximum capacity and would not be able to cope with an increase in population resulting from the development
- 5) Concern for existing wildlife on the site
- 6) The development would result in a loss of light to surrounding residential properties
- 7) The proposed dwellings would overlook into neighbouring properties
- 8) The development is unnecessary as there are other residential sites being developed within the area
- 9) There are discrepancies with the submitted plans
- 10) The development would ruin the existing peaceful area
- 11) The scales of the houses proposed are too large, and would have an overbearing impact on neighbouring residential properties
- 12) Loss of privacy
- 13) Overwhelming, and would be overdevelopment of the plot
- 14) Adverse impact on the property values within the area
- 15) The trees indicated on the plans would need to be retained and protected
- 16) A construction plan would be required to control the impact of the construction of the development on the amenity of neighbouring properties
- 17) Concerns with the width of the pavement at the front of the site
- 18) The fencing and other boundary treatments would need to be secured prior to any commencement of development
- 19) Would result in noise, fumes and light pollution from cars utilising the access
- 20) Would be out of keeping with the character of the area, in particular, in relation to the existing bungalows along the southern boundary of the site
- 21) Concerns with the boundary treatments to the site, and maintenance of the vegetation
- 22) A proposal for bungalows only would be more suitable
- 23) Plot 9 and the associated garage are sited too close to the eastern boundary
- 24) Some dwellings proposed are 3 storeys in height.

6. Consultation

6.1. Burbage Parish Council has submitted revised comments on the 23 August 2016, raising no objections to this application.

6.2. Leicestershire County Council (Highways) submitted comments for the previous scheme. These raised no objection to the principle of the development. Revised comments are awaited for the current version of scheme for further details.

6.3. No objections subject to conditions have been received from:-

Street Scene Services (Waste)
Environmental Health (Pollution)
Environmental Services (Drainage)

6.4. No objections have been received from:-

Leicestershire County Council (Ecology)
HBBC Tree Officer

7. Policy

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage
- Policy 19: Green Space and Play Provision

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Deliver
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012) (Paragraphs 17, 56 and 58)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Burbage Village Design Statement (VDS) 2006

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Drainage
- Developer contributions
- Other issues

Assessment against strategic planning policies

- 8.2. Paragraphs 11 - 13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision taking 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) and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP).
- 8.4. Policy 4 of the Core Strategy seeks to ensure sustainable development in Burbage, including providing support to Burbage local centre, and ensuring development contributes to Burbage's character and sense of place. As of 1 September 2014, the minimum housing requirement for Burbage is 46 dwellings. This minimum requirement will be provided through the allocations within the SADMP. The development proposed within the current application would exceed the minimum housing requirement in Burbage. Comments have been received stating that the development would be unnecessary given the other residential developments currently on going within the area. However, there is no limit on the consideration of housing proposals provided that they accord with policies in the development plan. Policy DM1 of the adopted SADMP is a key starting point, setting out a presumption in favour of sustainable development
- 8.5. The site is located within a sustainable urban location within the settlement boundary of Burbage. The site is bounded by existing residential properties and is within the immediate vicinity of existing bus routes, schools, local shops and other services. The proposal would contribute to the social role of sustainable development by providing 9 new dwellings towards the housing supply within the Borough. The construction of the development and its future ongoing occupation would contribute 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. Subject to matters including design, appearance and landscaping, which would be considered at the reserved matters stage, the proposal would not result in any adverse impacts on the natural or built environment. The principle of residential development of the site at this outline stage is considered to be sustainable and therefore acceptable in terms of strategic planning policies subject to all other planning matters being satisfactorily addressed.

Impact upon the character of the area

- 8.6. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development. Paragraph 58 seeks to ensure that development responds to local character and reflects the identity of local surroundings.
- 8.7. The site is identified within the Burbage Village Design Statement within Zone 3: Rugby Road to Western Settlement Boundary. Rugby Road is noted to be one of the main arteries into Burbage and Hinckley, and is described to be particularly picturesque.
- 8.8. The proposed layout shows that Plot 1 would be set back from Rugby Road, in line with the existing neighbouring property to the north of the site, No. 6 The Ridgeway. This is considered to be in keeping with the surrounding grass verges along Rugby

Road and thus maintaining the open character of the area. Although the proposal will result in an increase in the number of dwellings on the site, the proposed linear siting of the plots will mean that the views of Plots 2 – 9 from Rugby Road will be limited.

- 8.9. The layout indicates the existing trees that are proposed to be retained and removed within the site. The Council's Tree Officer has raised no objections to the revised scheme. Further landscaping details would be determined at reserved matters stage. The trees proposed to be retained to the site entrance and along the north-west corner of the site will provide significant screening for the proposed development, and would reduce the visibility and impact of the proposed built form within the area, in keeping with the grass verges and existing large trees along Rugby Road.
- 8.10. Objections have been received stating that the proposed scheme would be overdevelopment of the site. The proposed revised layout demonstrates that the overall density of the site would be similar to that of the adjacent residential development on The Ridgeway and Lupin Close. The layout indicates that the individual plot sizes would vary within the site and this would reflect the general nature of neighbouring plot sizes.
- 8.11. Objections have been raised in relation to the development being out of keeping with the other residential properties within the area, notably the existing bungalows along the southern boundary of the site. The indicative plans submitted suggest a mix of two storey and two and a half storey dwellings, and one bungalow. The bungalow on Plot 6 is confirmed through this application as it is indicated on the proposed layout plan which is being formally considered. However, all other house types are indicative only, and final details will be secured at the subsequent reserved matters application. It is considered that the mix of housing would not be out of keeping with the character of the area in this respect, given the variety of house types along Rugby Road itself, and the mix of neighbouring properties bounding the site.
- 8.12. Therefore, subject to design, scale and landscaping being considered at the reserved matters stage, the current outline proposal is in accordance with Policy DM10 of the SADMP and paragraphs 56 and 58 of the NPPF in respect of design and impact on the character of the area.

Impact upon neighbouring residential amenity

- 8.13. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties. The NPPF in paragraph 17 seeks to ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.14. Objections have been raised in relation to the development resulting in adverse overlooking, overbearing and overshadowing impacts to neighbouring properties.
- 8.15. The proposed layout demonstrates that, subject to design and appropriate positioning of windows (which would be assessed at reserved matters stage), a residential development of 9 new dwellings would enable adequate separation distances to be achieved to the windows and gardens of neighbouring properties such that it would not result in any significant overbearing impacts, overshadowing or loss of privacy from overlooking. The proposed separation distances, between proposed windows and site boundaries, vary between approximately 9 metres up to

a maximum of approximately 21 metres. The minimum distance relating to the windows on a proposed single storey property.

- 8.16. Further, in relation to the positioning of the garage to serve Plot 9, subject to design to be secured at reserved matters stage, given the nature of the building proposed, it is not considered that the siting of the garage would result in any adverse impacts to neighbouring properties.
- 8.17. Concerns have been raised in relation to the noise, fumes and light pollution resulting from the development. Environmental Health (Pollution) has raised no objections to the application, but has recommended conditions in relation to the construction phase of the development to safeguard the amenity of the surrounding residential properties. These conditions are appropriate and could be attached to any permission granted. In relation to the noise, fumes and light pollution resulting from the use of the development itself, it is not considered that these would be significantly different from the existing residential properties and roads in the area, and therefore would not result in any adverse impacts on neighbouring properties.
- 8.18. Therefore, subject to design, scale and landscaping being considered with the subsequent reserved matters application, the proposal is in accordance with Policy DM10 of the SADMP and paragraph 17 of the NPPF in respect of impact on residential amenity.

Impact upon Highway Safety

- 8.19. Policy DM17 of the SADMP states that all new development should in be accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.20. The proposed layout demonstrates that the proposed dwellings could be provided with adequate access from the public highway and a minimum of two off-street parking spaces to serve each plot. This level of provision within a sustainable urban area with access to alternative means of transport would be satisfactory to serve the proposed dwellings. Therefore the proposed scheme would not result in any severe adverse impacts on highway safety.
- 8.21. Objections have been received in relation to the siting of the access to the site, and the intensification of the use of Rugby Road. There is an existing access located to the south-west corner of the site frontage. This currently serves Sketchley Hill House. LCC (Highways) has raised no objection to the principle of the development proposed. Revised comments have been requested for the amended scheme and are awaited. A further update will be provided to committee through late items.

Drainage

- 8.22. No objections have been received from Environmental Services (Drainage) subject to a recommended condition to secure a drainage scheme for the site prior to commencement of development. An appropriate condition could be attached to any permission granted.

Developer contributions

- 8.23. Policy 19 of the Core Strategy and Policy DM3 of the SADMP require new residential development to contribute towards Green Space and Play Provision. However, Paragraph: 031 Reference ID: 23b-031-20160519 of the Planning

Practice Guidance, which is a material consideration, notes that tariff style planning obligations cannot be sought for developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000sqm. In light of the guidance in the PPG, a contribution towards play and open space provision is not being sought.

Other issues

- 8.24. Concerns have been raised regarding speeding down Rugby Road. This is not considered to be an issue that can be dealt with through this application.
- 8.25. In relation to the concerns raised for the existing wildlife on site, no objections have been received from LCC (Ecology).
- 8.26. Comments received stating that there are discrepancies with the submitted plans. Revised plans have been submitted since this comment was received, and no further issues have been raised.
- 8.27. In relation to the comments stating that the development would decrease the value of properties in the area, this is not a planning consideration that can be taken into account in the determination of this application.
- 8.28. In relation to the concerns raised in relation to the boundary treatments for the site, these can be considered through the submission of reserved matters should this outline application be approved. Members of the public will be given the opportunity to view and comment on those submissions when they are received.
- 8.29. With regard to capacity issues with the existing infrastructure within the area, this cannot be given weight in the determination of this application as the level of development proposed is below the threshold set out in planning guidance for which infrastructure contributions should be sought.

9. Equality implications

- 9.1 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 application site is in a highly sustainable urban location within a reasonable distance of services and facilities located within both Burbage and Hinckley. The proposed layout for the scheme for 9 new dwellings would complement the

character of the area and would not result in any significant adverse impacts on the privacy or amenity of neighbouring properties, subject to the consideration of further details that will form part of any subsequent reserved matters application. Provided that there are no issues raised within the formal response from LCC (Highways), the proposed development would be in accordance with Policy 4 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. 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.

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

2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:

- a) The scale of each building proposed in relation to its surroundings.
- b) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
- c) 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.

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 DPD.

3. 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 in writing to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with approved proposed ground levels and finished floor levels.

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 DPD.

4. 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.

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 DPD.

5. Development shall not begin until surface water drainage details (including calculations), incorporating sustainable drainage principles (SuDS) and an assessment of the hydrological and hydrogeological context of the development have been submitted in writing to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the development is provided with satisfactory means drainage to prevent flooding and minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

6. No development shall commence until a Construction Environmental Management Plan shall be submitted in writing to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints.

Reason: To minimise the risk of pollution and in the interests of protecting the amenity of the residents of neighbouring properties, in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

7. No waste materials shall be burnt on site at any time during construction phase.

Reason: To minimise the risk of pollution and in the interests of protecting the amenity of the residents of neighbouring properties, in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

8. Construction shall be limited to the following hours: Monday – Friday 07:30 – 18:00, Saturdays 08:00 – 13:00, and no working on Sundays or Bank Holidays.

Reason: In the interests of protecting the amenity of the residents of neighbouring properties, in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

9. No development works shall commence until existing trees, identified to be retained in the approved layout, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and are of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained through out the duration of building and engineering works in the vicinity of the trees to be protected.

Reason: The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

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

Reason: In the interests of protecting the visual amenity the area, in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

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.