

Planning Committee 28 February 2017
Report of the Head of Planning and Development



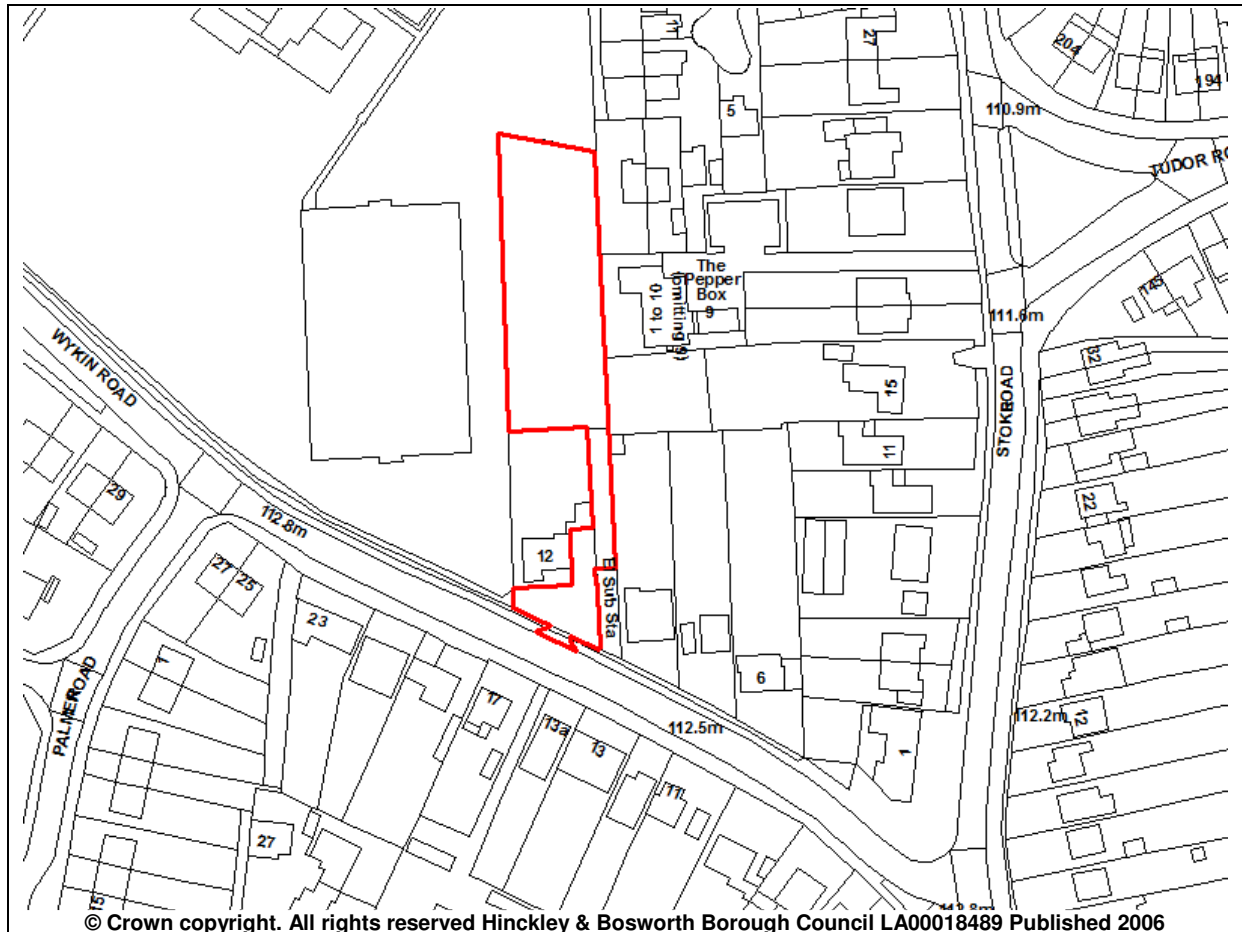
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 16/00270/FUL
Applicant: Mr C Freeman
Ward: Hinckley Trinity

Site: Newhaven 12 Wykin Road Hinckley

Proposal: Erection of 7 dwellings with associated access



1. Recommendations

1.1. Refuse planning permission subject to the reasons at the end of this report.

2. Planning Application Description

2.1. This application seeks planning permission for the demolition of the existing garages and erection of 7 no. dwellings on land to the rear of no. 12 Wykin Road.

2.2. An access would be constructed adjoining Wykin Road which would replace the existing access serving no. 12.

3. Description of the Site and Surrounding Area

3.1. The application site is located within the settlement boundary. The area is characterised by primarily residential development. Wykin Road to the south of the site is bounded by residential development fronting the road comprising a mix of dwelling types and sizes. To the east of the southern end of the site is a sub-station

and a parcel of undeveloped land which has become overgrown, beyond that are dwellings fronting Stoke Road. Immediately adjacent to the east of the northern end of the site are dwellings fronting onto a cul-de-sac; Cadeby Close, and a block of flats set back from the road frontage. To the north of the site is an overgrown area comprising several trees. Adjoining the west of the site is Redmoor Academy with a two storey modular classroom near to the north west corner and a multi-use games area along the majority of the boundary.

- 3.2. The application site comprises two sections; a large parcel of land to the north and a land to the side and front of no.12 Wykin Road. The parcel of land to the north is undeveloped grass land, the exact use is unknown, and a section of the rear garden of no.12 Wykin Road; although the former boundary fence separating the rear garden has been removed. The area is bounded on the northern and western sides by semi-mature and mature trees. The eastern side is bounded by primarily close boarded fencing. The area to the side and front of no.12 includes the access, garages, hard landscaping and front garden of no.12 and is bounded on the eastern side by close boarded fencing.

4. Relevant Planning History

88/00551/4	Demolition of existing bungalow and erection of 4 detached dwellings	Withdrawn	10.07.1988
87/00314/4	Erection of two detached dwellings	Refused Dismissed at appeal	28.04.1987 16.02.1988
86/01268/4	Erection of 3 dwellings off private drive and formation of new access	Refused Dismissed at appeal	24.02.1987 16.02.1987

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. 29 representations have been received; 11 of support and 17 of objection. The comments are summarised below:

Supporting

- 1) The development would be beneficial to the area

Objecting

- 1) Two applications and an appeal have been refused for less development
- 2) There would be an adverse impact on the amenity of nos. 10 and 12
- 3) Multiple bins would be stored at the front of the site as the road wont be adopted
- 4) There is no space for service and visitor parking on the site
- 5) Additional on-street parking will cause visibility concerns
- 6) Wykin Road is subject to high vehicle speeds
- 7) There are high levels of traffic along Wykin Road including buses and HGVS
- 8) There is considerable congestion on Wykin Road at various times of the day
- 9) There is potential for accidents at the access with Redmoor Academy increasing in size
- 10) The pre-application consultation by the applicant's was insufficient
- 11) Headlights from vehicles leaving the site will shine in neighbours' windows

- 12) Loss of light to neighbouring dwellings
- 13) Loss of value to adjacent properties
- 14) The site removes a piece of land ideal for further expansion of the school
- 15) There was a fire recently at the electricity sub-station
- 16) Violation of Human Rights for the existing properties on Wykin Road

6. Consultation

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

Environmental Health (Drainage)
Affordable Housing Officer
Waste Services
Leicestershire County Council (Highways)
Severn Trent Water
Environment Agency

6.2. Cllr David Bill – residents have raised several concerns over the massing of the development, lights shining into properties opposite the access and pedestrian/vehicular safety.

6.3. Cllr David Cope – there are concerns over the cabling serving the sub-station which is on the applicant's land, there is no bin storage area near the access, parking due to the proximity to the school, 850 new dwellings to the west of Hinckley will increase traffic along Wykin Road. The Council can demonstrate a five year housing land supply.

6.4. David Tredinnick MP – residents have raised concerns over the impact of the proposed development on pedestrian and vehicular safety. Given the number of objections this should be determined by the Council's planning committee.

6.5. Environmental Health (Pollution) – consideration should be given to the impact of the floodlights, serving the adjacent multi-use games area, on the proposed dwellings.

6.6. Arboricultural Officer – where trees are categorised as A or B, I would expect retention in their natural form and generally 20% incursions into the RPA is unacceptable if a tree merits retention.

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

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

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

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

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
- Other matters

Assessment against strategic planning policies

- 8.2. The application site is located within the settlement boundary of Hinckley. Hinckley is designated as the sub-regional centre in the Core Strategy and has a wide range of facilities, services and access to sustainable modes of transport. Policy 1 of the Core Strategy supports new residential development within the settlement boundary.
- 8.3. This application proposes the erection of 7 no. dwellings comprising three two-bedroom dwellings and four three-bedroom dwellings. The dwellings are in reasonable proximity to several amenities.
- 8.4. Residential development within the settlement boundary of Hinckley is considered acceptable in-principle, subject to satisfying other policies within the Development Plan and all other material planning considerations.

Design and Impact upon the character of the area

- 8.5. Policy DM10 of the SADMP seeks to ensure that developments complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and incorporate a high standard of landscaping which would add to the quality of the design and siting. Paragraphs 56 – 58 iterate that The Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning. Paragraph 58 of the NPPF states decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
- 8.6. Policy DM17 of the SADMP seeks to ensure that developments have convenient and safe access for walking and cycling to facilities and services. Paragraph 35 of the NPPF states that developments should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.
- 8.7. The majority of the application site is located to the rear of no.12 Wykin Road and would be considered backland development with no frontage onto Wykin Road. There is an example of backland development to the east of the application site, the Pepper Box. The Pepperbox was an infill development between Cadeby Close and dwellings fronting Stoke Road and Wykin Road. This property has an access road between nos 19 & 21 Stoke Road, this is relatively open and allows a view of the building to the rear and therefore provides a positive impact to the character of Stoke Road. North of the Pepper Box, to the north east of the application site, lies Cadeby Close, a cul-de-sac accessed from Stoke Road. Whilst Cadeby Close wraps around to the rear of some properties on Stoke Road, it has been designed to have a formal road with frontage to Stoke Road and is not considered to be backland development in the context of this application.

- 8.8. The proposal would not follow the existing character of the area as it would form a narrow private drive to a group of residential dwellings, with no views into the wider site due to the location of an existing dwelling and would result in no frontage to either Wykin Road or Stoke Road.
- 8.9. The bulk of the development is located at the northern end of the site with the dwellings relating well to one another and fronting the access as it runs east to west. Upon entering the site, there would be a long driveway bounded by minimal landscaping with high boundary treatments. Only a dormer bungalow would address the driveway with the rear elevation of plots 4-6 visible at the end of the private drive. These are only visible when you are within the site. The siting of the bungalow away from the dwellings to the north and away from the frontage of no. 12 Wykin Road would result in it appearing contrived in design and isolated from the frontage development of Wykin Road and the backland development to the north. The lack of dwellings fronting onto the driveway would create a long and narrow, uninteresting streetscape which would fail to create a strong sense of place upon entry of the site.
- 8.10. The design of the dwellings includes: a detached dwelling (plot 3), a pair of semi-detached dwellings (plot 1-2) and a row of terrace dwellings (plot 4-6) and dormer bungalow (plot 7). The scale of the dwellings does not exceed the surrounding built form. However, the development incorporates a mix of the dwelling types which on a small site would appear contrived.
- 8.11. The layout incorporates car parking provision for the proposed dwellings and no. 12 Wykin Road which would be replaced. The siting of car parking, forward of the dwellings and adjacent to the access would create a dominating level of hardstanding which would result in a poorly landscaped environment. Further to this, the lack of visitor parking and distance from Wykin Road would likely result in parking along the access which would be unsightly and further detract from the character of the area.
- 8.12. The proposed drive would not be adopted which results in the requirement for a bin storage area at the frontage of the site near to the adopted highway. This requirement increases unsightly hardstanding to the front of the site but also requires occupiers of the dwellings to drag bins, twice weekly, up to 90m to the bin storage area from their dwellings. It is unlikely that the occupiers of the proposed dwellings would drag bins this distance twice weekly and it would result in bins permanently located at the front of the site where there is insufficient space for the permanent siting of recycling and general waste bins.
- 8.13. An Arboricultural Report and Tree Management Plan have been submitted with the application. The report identifies multiple Category B and C trees on and adjacent to the boundary of the site. The layout avoids incursion within the root protection areas (RPA) of the majority of trees. There are Category B Ash trees of amenity value to the rear of the site which should be retained and would require tree protection measures during construction. There would be a significant incursion within the RPA of trees 6-9 although these are Category C conifers of little amenity value and harm or loss of the trees would not be detrimental to the character of the area. There would be a significant incursion from plot 4 within the RPA of two category B trees along the western boundary of the site, adjoining the school. The trees have amenity value and the impact upon them would be adverse to the character of the area. Additionally, several of the Category C trees along the boundary would require works to facilitate the development. The works required would result in an unnatural appearance to the trees which would detract from their landscape and amenity value. It is considered that the development fails to incorporate the existing landscaping features of value to provide a high quality scheme.

- 8.14. The proposed development would result in a form of backland development which is not in keeping with the character of the surrounding area. The layout and design would not constitute good design which is a key aspect of sustainable development, would not function well and complement or enhance the overall character and quality of the surrounding area and would not establish a strong sense of place using streetscape and buildings to create attractive and comfortable places to live and visit. It is considered that the proposed development would be contrary to Policy DM10 of the SADMP and paragraphs 56 – 58 of the NPPF.

Impact upon neighbouring residential amenity

- 8.15. Policy DM10 of the SADMP seeks to ensure that developments do not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of future occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site. This is supported by paragraph 17 of the NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.16. The application is adjoined by nos. 10 and 12 Wykin Road, the flats known as the Pepperbox and no. 8 Cadeby Close. The proposed access would be opposite nos. 13a and 17 Wykin Road.
- 8.17. No. 10 Wykin Road is separated from the application site by the electricity sub-station and to the rear by a close boarded fence. The additional traffic generated by the proposed development would not have an adverse impact on the amenity of the occupiers of no. 10.
- 8.18. Concern has been raised that the relocation and intensification of the access would cause harm to the amenity of the occupiers of 13a and 17 Wykin Road due to vehicle headlights causing light pollution to the properties. Whilst vehicles exiting the site may cause some shinning of headlights towards and into the properties, it is not considered that this would have a significant adverse impact on the amenity of the occupiers.
- 8.19. The proposed development would reduce the size of the rear garden of no. 12 Wykin Road. A large patio area and rear garden would remain that are considered sufficient to serve the occupiers of no. 12 without harm to the amenity of the occupiers. The proposed dormer bungalow on plot 7 proposes roof lights in the roof slope facing no.12. These could be obscured glazed and non-opening to ensure no overlooking of the rear amenity space serving no.12 which could be secured through a planning condition. The proposed development is therefore not considered to have an adverse impact on the occupiers of no.12 with regards to overlooking, overbearing or overshadowing.
- 8.20. The proposed access would come diagonally in front of the bay window in the front elevation of no.12 and within 1m of the lounge window and 3m of the kitchen window in the side elevation. The amenity of the occupiers within the rooms served by these windows would be adversely impacted by the additional traffic generated by the proposed development. Two applications on the application site for two dwellings and three dwellings, refs: 87/00314/4 and 86/01268/4 were previously refused and dismissed at appeal. The accesses were proposed adjacent to the side elevation of no.12, similar to the current application although without curving away from the dwelling towards the rear. The appeals were dismissed based on the impact on the amenity of the occupiers of no.12 with the inspector commenting that:

'The effect at Newhaven (no.12 Wykin Road) would be severe. The new driveway would go directly past and within feet of the lounge window and kitchen window on the eastern side of the bungalow.

Pedestrians gaining access to the properties behind Newhaven would be able to pass the bungalow and look directly into the lounge and kitchen of that property. This would produce an intolerable invasion of privacy. People visiting the proposed development by car would cause, noise, vibration and disturbance in close proximity to a living environment..... I consider that an access drive between the bungalow and the electricity sub-station would create an unacceptable level of disturbance and an invasion of privacy of Newhaven.'

- 8.21. Although this appeal decision is 30 years old, the requirement to protect the amenity of the occupiers of residential dwellings is still a requirement of Policy DM10 of the SADMP. The appeal demonstrates that an application for three dwellings to the rear of no.12 Wykin Road with an access drive along side the property would cause a loss of privacy and disturbance which is unacceptable.
- 8.22. The proposed development would result in vehicular movements passing in close proximity to the lounge window in the east elevation and forward of the lounge window in the front elevation. The impact on the kitchen window in the east elevation of the dwelling is lessened from the previous appeal decision due to the increase in separation distance of the access road and the elevation as a result of the curvature of the road. Nonetheless, the proposed development is for seven dwellings which would produce a significant increase in vehicular movements than that considered unacceptable in previous applications. It is therefore considered that the location of the proposed access drive would result in a loss of privacy and noise and disturbance which would have a significant adverse impact on the occupiers of no. 12.
- 8.23. Plots 4 – 6 of the proposed development would have a gable end facing the flats in the west elevation of The Pepperbox. There are flats at ground floor and first floor level with open plan kitchen/living rooms that only have windows in the west facing elevation. The gable end of the proposed units would be 12.8m from the windows. Good practice requires a minimum separation of 14m from habitable room windows onto two storey blank walls of adjacent buildings. Therefore, the proposed dwelling would have an adverse impact on the amenity of the occupiers of the ground floor flats of The Pepperbox and would be contrary to Policy DM10 of the SADMP.
- 8.24. The proposed dwellings would have reasonably sized rear amenity spaces to provide the occupiers with a good level of amenity. However, two of the plots; plot 3 in the north east corner and plot 1 in the north west corner of the application site would have their amenity space overlooked which would not provide a high standard of privacy for the future occupiers. No.8 Cadeby Close has been extended previously and includes a side facing window at first floor level. The window serves a bathroom but has not been obscured glazed and is opening and therefore the occupiers could look directly into the rear amenity space of the dwelling on plot 3. A two storey modular classroom has been sited at Redmoor Academy to the north west of the application site which would allow direct overlooking of the rear amenity space of plot 1.
- 8.25. Further to the above, to the west of the application site at Redmoor Academy is a multi-use games area which is served by 6.7m high flood lights. The floodlights are operational in winter months until 21:30. The committee report for the lights ref: 07/00919/C, notes that the flood lights may cause nuisance to the nearest neighbours if not adequately shielded. Plots 1 and 4 would be in close proximity to the flood lights which would cause some light pollution to the front elevation of plot 1, and the front and rear elevations and rear amenity space of plot 4.

- 8.26. When viewed cumulatively, the light pollution on plots 1 and 4, the overlooking impacts on plots 1 and 3 and the overbearing impact on the ground floor flats of The Pepperbox, it is considered that the proposed scheme would fail to provide a high quality of design and good standard of amenity for the occupiers of the proposed and surrounding dwellings in accordance with paragraph 17 of the NPPF. Furthermore, the proposed development would have a significantly adverse impact on the amenity of the occupiers of no. 12 Wykin and would therefore be contrary to Policy DM10 of the SADMP.

Impact upon highway safety

- 8.27. Policy DM17 of the SADMP supports development where it is demonstrated that there is not a significant adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.28. This application seeks to replace the existing access serving no.12 Wykin Road with an access adjoining Wykin Road further to the west, in a more central location. The access has been subject to revisions during the assessment of the application.
- 8.29. The access would be relocated further to the west to allow it to adjoin the highway at a 90 degree. The access is proposed to be 4.8m wide for a minimum of the 8m measured back from the edge of the footpath. Accesses serving 6 to 25 dwellings are required to be 4.8m and therefore the proposed access meets the criteria as set out in the 6Cs Design Guide.
- 8.30. The submitted plans show pedestrian visibility splays of 2m by 2m, measured from the edge of the footpath, at the access can be achieved and will kept free of any obstruction above 0.9m from ground level. The footpath adjacent to the access is approximately 3m wide. Therefore, it is possible to achieve the required vehicular visibility splays at the access for a 30mph speed limit. Due to the width of the footpath and visibility from the access, it is not evident that level of on-street car parking would cause harm to highway safety.
- 8.31. Leicestershire County Council (Highways) has been consulted on the application and raises no objection subject to the imposition on planning conditions. Their comments reiterated that concern has been raised over the sites proximity to the school and increased traffic concerns. However, a site visit was undertaken around school opening times and no severe traffic issues were witnessed. It was noted that an increase in parking outside schools does not correlate to an increase in road casualty rates.
- 8.32. As the proposed drive would not be adopted, no footpath has been included adjacent to the driveway and the driveway would not be lit at night. The lack of a footpath would require occupiers of the dwellings to walk along the driveway which at night in the dark could be dangerous, especially given the chicane at the entrance to the site which along with boundary treatments would reduce forward visibility of vehicles. The lack of a footpath could also prejudice use by and endanger wheelchair users and fails to minimise conflict between pedestrians and vehicles.
- 8.33. The layout incorporates car parking provision for the proposed dwellings and no. 12 Wykin Road which would be replaced. It is proposed to provide two car parking spaces per dwelling which is considered sufficient taking into account the location within Hinckley, the availability of public transport and the size of the dwellings. However, two of the spaces are not realistically functional as shown on the submitted plans. Plot 6 is served by one car parking space on its frontage and one space at the rear of the garden. The location at the rear of the garden is not practical. Additionally, in accordance with the 6Cs Design Guide, car parking

spaces should measure 2.4m x 5.5m plus 0.5m if bounded by a wall, fence or other obstruction. It is inevitable a boundary treatment would be provided around plot 6's rear amenity space and along the boundary with plot 7 resulting in the space being too small to be functional. Plot 7 is served by a parking space parallel to the driveway. The parking space measures the required 2.4m x 5.5m but is not functional due to the lack of space for manoeuvring in and out of the space. Furthermore, no visitor parking is provided on-site. Due to the separation of the dwellings from Wykin Road, this is likely to occur in the hammer head or along the driveway. Parking within the hammer head would present a danger as this is required for emergency vehicles to be able to manoeuvre.

- 8.34. The proposed access meets the standards as set out in the 6Cs Design Guide and does not present any harm to pedestrians and vehicles using the adjacent highway. However, due to the layout and car parking provision, the development would not minimise conflict between pedestrians and vehicles and is considered to be contrary with Policy DM17 of the SADMP.

Drainage

- 8.35. Policy DM7 of the SADMP seeks to ensure that new development does not create or exacerbate flooding.
- 8.36. The proposed development is located within Flood Zone 1 and is not at risk from surface water flooding. Environmental Health (Drainage) and Severn Trent Water have raised no objection to the development subject to the inclusion of sustainable urban drainage which can be secured through the imposition of a planning condition.
- 8.37. It is considered that the proposed development would not create nor exacerbate flood risk and is in accordance with Policy DM7 of the SADMP.

Other matters

- 8.38. Concern has been raised that the proposed development would have an adverse impact on the value of adjacent properties. In this instance, the impact on surrounding property values is not a material planning consideration.
- 8.39. Concern has been raised that the development would result in the loss of a piece of land that would be well suited for the expansion of the Redmoor Academy in the future. The site has not been allocated for retention for the expansion of the school in the SADMP and therefore this is not a material planning consideration.
- 8.40. Concern has been raised that the proposed development violates the Human Rights of existing properties on Wykin Road. However, no specific details have been provided.

9. Equality Implications

- 9.1. Section 149 of the Equality 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 located within the settlement boundary of Hinckley where residential development is generally supported by Policy 1 of the Core Strategy, subject to satisfying other policies and material planning considerations.

10.2. The proposed access adjoining Wykin Road is designed in accordance with the standards as set out in the 6Cs Design Guidance and would not have an adverse impact on highway safety. The development could provide sustainable urban drainage and would not create or exacerbate flooding. By virtue of the layout, scale and design the development would not have an adverse impact on the occupiers of no. 8 Cadeby Close, no.10 Wykin Road and the first floor flats of The Pepperbox.

10.3. By virtue of the layout and design, there are negative impacts which cumulatively would result in a development which would not function well and complement or enhance the overall character and quality of the surrounding area, would fail to provide a good standard of amenity for future occupiers of the proposed dwellings and adversely impact on the existing occupiers of the ground floor of The Pepperbox. It is considered that the development would not constitute good design which is a key aspect of sustainable development and it is therefore contrary to Policies DM1, DM10, DM17 and DM18 of the SADMP and paragraphs 56 and 57 of the NPPF.

10.4. By virtue of the layout of the access in close proximity to the front and side windows of no. 12 Wykin Road, it is considered that the proposed development would lead to a loss of privacy and noise and disturbance from vehicles which would have a significant adverse impact on the occupiers of the dwelling. The development would be contrary to Policies DM1 and DM10 of the SADMP.

11. Recommendation

11.1. Refuse planning permission subject to the reasons at the end of this report.

11.2. Reasons

1. Due to the constrained nature of the site, the resulting development would fail to complement and enhance the overall character of the area by virtue of its layout and design. Good design is a key aspect of sustainable development and the development is therefore contrary to Policies DM1, DM10, DM17 and DM18 of the Council's Adopted Site Allocations and Development Management Policies DPD and paragraphs 56 and 57 of the National Planning Policy Framework.
2. The siting and location of the proposed dwellings and access road would have a significant adverse impact upon the amenity of existing residents at No.12 Wykin Road and The Pepperbox and future occupiers of the proposed dwellings. The development would therefore be contrary to Policies DM1 and DM10 of the Council's Adopted Site Allocations and Development Management Policies DPD.

11.3 Notes to applicant

1. This application has been determined having regard to the following documents and plans submitted with the application: Planning Application Form; 4327/03 rev G - Site Layout (received on 12 January 2017); Tree Management Programme (received on 4 January 2017); 4327/06 rev B - Plots

1 & 2, 4327/07 - Plot 3, 4327/05 rev B - Plots 4 - 6, 4327/04 rev B - Plot 7
(received on 12 August 2016); Arboricultural Report, Design and Access
Statement, Planning Statement (received 22 March 2016).