

**Planning Committee 25 April 2017
Report of the Head of Planning and Development**

Planning Ref: 17/00130/FUL
Applicant: Morris Homes Ltd
Ward: Ambien

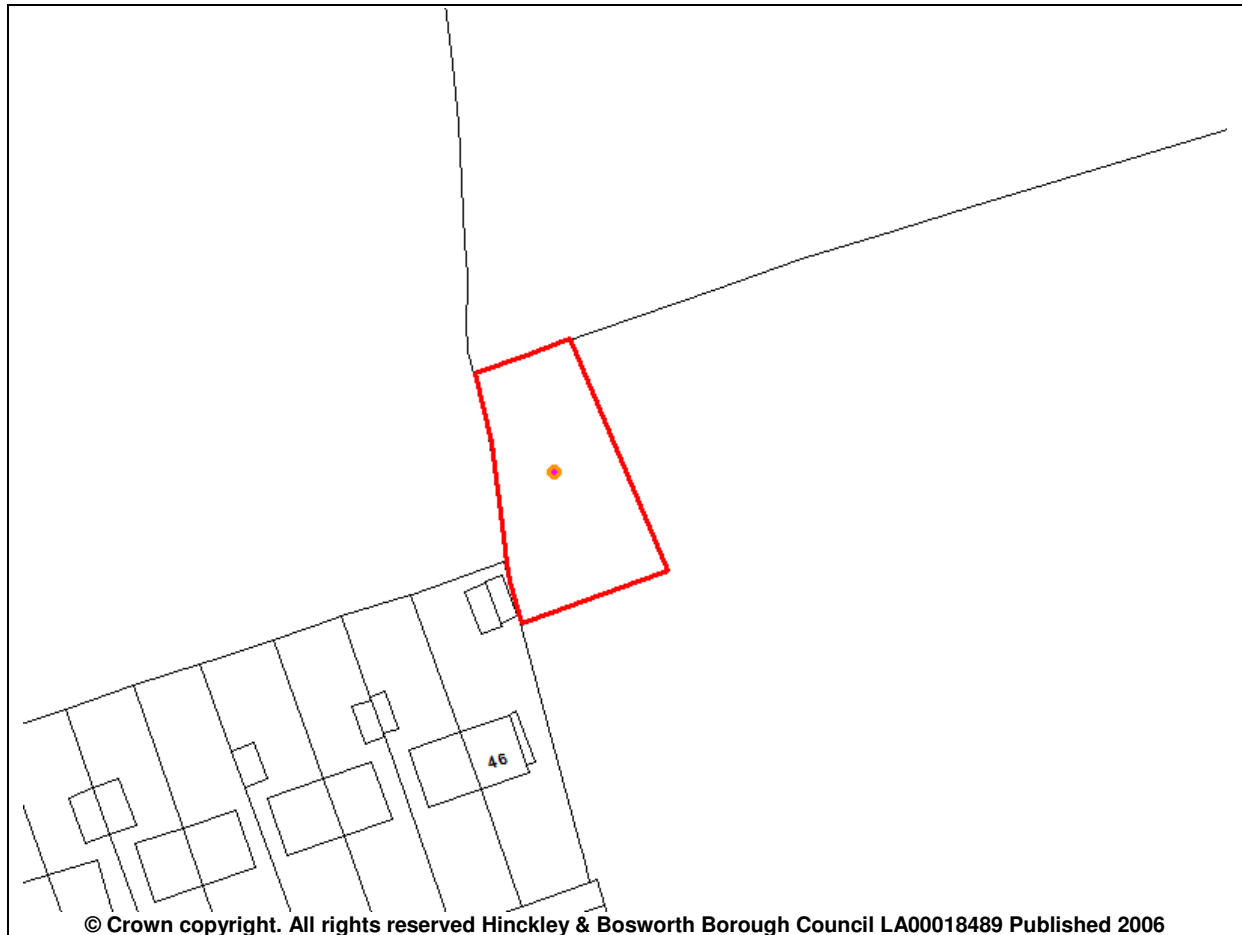


Hinckley & Bosworth
Borough Council

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Site: Land Off Hinckley Road Stoke Golding

Proposal: Erection of one new dwelling and detached double garage



1. Recommendations

1.1. Grant planning permission subject to:-

- The prior completion of new Section 106 agreement to link the proposed development with the planning permissions listed below, and carry forward the requirements of the current legal document completed under the original outline planning permission for the scheme (ref: 14/00262/OUT).
 - 14/00262/OUT
 - 15/00073/REM
 - 16/00342/CONDIT
 - 16/00472/CONDIT
 - 16/00212/CONDIT
 - 16/01058/CONDIT
 - 17/00130/FUL
- Planning conditions outlined at the end of this report.

- 1.2. That the Head of Planning and Development be given powers to determine the final detail of planning conditions.
- 1.3. That the Head of Planning and Development be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

- 2.1. This application seeks full planning permission for the erection of one new dwelling with associated landscaping. The scheme would comprise a two and a half storey, detached house with a detached double garage to serve this dwelling.
- 2.2. The site forms part of a larger residential site, that was granted outline planning permission (ref: 14/00262/OUT) on 27 January 2015 and subsequent approval of reserved matters (ref:15/00073/REM) on 23 December 2015.

3. Description of the Site and Surrounding Area

- 3.1. The application site comprises a plot of land situated in the North West corner of a residential site that is currently under construction. The site is bounded by open fields to the north and west.
- 3.2. The site is situated within the settlement boundary of Stoke Golding.
- 3.3. The site would be accessible from an access proposed under a separate application 16/01058/CONDIT, which leads from the access previously approved under 14/00262/OUT, off Hinckley Road.

4. Relevant Planning History

10/00408/OUT	Residential development (outline - access only)	Refused Appeal Dismissed	20.08.2010 10.05.2010
14/00262/OUT	Residential development (outline - access only)	Permitted	27.01.2015
15/00073/REM	Application for approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 14/00262/OUT for residential development of 80 dwellings	Approval of Reserved Matters	23.12.2015
16/00212/CONDIT	Removal of condition 2 of planning permission 15/00073/REM to allow for the removal of an oak tree NT1	Permitted	04.11.2016

16/00342/CONDIT	Variation of condition 1 of planning permission 15/00073/REM to amend positioning of plots 75-80 due to the Water Main Easement with plot 76 house type substituted	Permitted	21.07.2016
16/00472/CONDIT	Variation of condition 1 of planning permission 15/00073/REM to amend plots 42-44 from 3 dwellings to 5 dwellings	Permitted	06.09.2016

6. Publicity

- 6.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 6.2. No representations have been received from members of the public for this application.

7. Consultation

- 7.1. Stoke Golding Parish Council has objected to the application, raising the following concerns:-
- 1) There is no requirement for more housing in Stoke Golding
 - 2) Existing village facilities and services are unable to sustain new homes
 - 3) Would result in an increase to the number of dwellings on site
- 7.2. The Affordable Housing Officer has submitted comments, stating that an additional affordable housing contribution is required, as the site relates to the wider residential scheme approved under 14/00262/OUT.
- 7.3. No objections have been received from:-
- Environmental Health (Pollution)
 - Leicestershire County Council (Drainage)
 - Leicestershire County Council (Highways)
 - Leicestershire County Council (Ecology)
 - Leicestershire County Council (Archaeology)
 - Stoke Golding Heritage Group
 - Street Scene Services (Waste)

8. Policy

- 8.1. Core Strategy (2009)
- Policy 7: Key Rural Centres
 - Policy 15: Affordable Housing
 - Policy 19: Green Space and Play Provision

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

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

8.3. National Planning Policies and Guidance

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

8.4. Supplementary Planning Guidance/ Documents

- Affordable Housing (SPD)

9. Appraisal

9.1. Key Issues

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

Assessment against strategic planning policies

9.2. 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. Policy DM1 of the SADMP and Paragraph 14 of the NPPF set out a presumption in favour of sustainable development, and states that development proposals that accord with the development plan should be approved. As of 1 September 2014, the minimum housing requirement for Stoke Golding has been met. Therefore, the development proposed within the current application would exceed the minimum housing requirement in Stoke Golding. Comments have been received stating that the development would be unnecessary given that there is no requirement for additional housing in Stoke Golding, and objecting to the provision of another dwelling in the area. However, the figure is a minimum figure and does not prevent the granting of permission for additional residential development within the settlement limits which are in accordance with the Development Plan.

9.3. The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

9.4. Stoke Golding is defined as a Key Rural Centre within Policy 7 of the Core Strategy, which seeks to support housing development within settlement boundaries.

9.5. The site is located within a sustainable location within the settlement boundary of Stoke Golding. The site would be bounded by residential properties to the east, south and south-west, 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 1 new dwelling 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. Further, given that the siting of the plot on

an existing residential site, the proposal would not result in any additional impacts on the natural or built environment than that has been previously approved.

- 9.6. The principle of residential development of the site 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

- 9.7. 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.
- 9.8. The proposed design of the dwelling would be Stratford A House Type, which is a large, detached, two and a half storey dwelling. There are other dwellings approved within the wider residential scheme that also incorporate the Stratford A House Type design, and therefore the proposed dwelling would relate well with the existing site in this respect.
- 9.9. The style of dwelling would be in keeping with the other large, detached dwellings along the northern boundary of the wider residential site, providing an attractive outlook from any views from the north. The siting of these other dwellings is subject to the separate application 16/01058/CONDIT.
- 9.10. Further, the proposed detached garage would be in keeping with other detached garages within the wider residential site.
- 9.11. It is therefore considered that the proposal would be in keeping with the character and appearance of the wider residential site, and would be in accordance with Policy DM10 of the SADMP in this respect.

Impact upon neighbouring residential amenity

- 9.12. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 9.13. The existing residential property along the south-east boundary of the site is No. 46 Sherwood Road. The layout of the proposal is such that the proposed dwellinghouse would be sited approximately 11 metres from this shared boundary, and the proposed garage sited within 1 metre of the shared boundary. Notwithstanding these distances, the majority of the development would be sited to rear of the rear boundary of No.46. Notwithstanding the close proximity of the proposed garage with the shared boundary, the garage would be single storey in nature and would incorporate a hipped roof. Therefore, given the proposed siting, design and scale of development, it is not considered that the proposed dwelling and garage would result in any adverse overshadowing, overbearing or overlooking impacts to this neighbouring property.
- 9.14. The neighbouring properties to the east and south of the site are subject to the separate application 16/01058/CONDIT. By virtue of the proposed siting of the dwelling and garage, it is not considered to result in any adverse overshadowing or overbearing impacts to any future neighbouring properties in this respect.
- 9.15. The proposed design of the dwelling would result in three bedroom windows facing the rear elevations of the residential properties to the south of the site. However, given the proposed separation distance of approximately 19.5 metres between the dwellings, it is not considered that any overlooking impacts to these properties would be adverse.
- 9.16. The development would therefore accord with Policy DM10 of the SADMP in this respect.

Impact upon highway safety

- 9.17. Policy DM17 of the SADMP states that all new development should in be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 9.18. Leicestershire County Council (Highways) has raised no objections to the application. The proposed access to the dwelling is subject to the approval of a separate application (ref: 16/01058/CONDIT). It is not considered that an erection of an additional dwelling on the site would result in any adverse impacts to highway or pedestrian safety.
- 9.19. The proposed layout demonstrates that there would be a minimum provision of three off-street car parking spaces to serve the proposed dwelling.
- 9.20. Therefore, it is considered that the development would be in accordance with Policies DM17 and DM18 of the SADMP.

Developer contributions

- 9.21. Policy 15 of the Core Strategy sets out the provision of affordable housing for new development. The Affordable Housing SPD provided further information on this.
- 9.22. Policy 19 of the Core Strategy and Policy DM3 of the SADMP require new residential development to contribute towards Green Space and Play Provision.
- 9.23. The original outline application for the residential scheme (ref: 14/00262/OUT) was granted subject to the completion of a Unilateral Undertaking that sought developer contributions through appropriate funding for improvements to Education, Public Transport, Play and Open Space, and an Affordable Housing contribution.
- 9.24. Comments have been received stating that the current village facilities and services cannot sustain additional housing. The proposal would increase the amount of market housing on the wider site to which the proposed new dwelling relates. Therefore, additional developer contributions are sought to provide towards Affordable Housing, Play and Open Space. A new Section 106 agreement would therefore need to be undertaken to incorporate these additional contributions and tie all previous planning permission together.

10. Equality Implications

- 10.1. 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.
- 10.2. 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.
- 10.3. There are no known equality implications arising directly from this development.

11. Conclusion

- 11.1. The application site is in a sustainable location within a reasonable distance of services and facilities located within Stoke Golding. The proposed dwelling and garage would be in keeping with the character of the wider residential area and would not result in any significant adverse impacts on the privacy or amenity of neighbouring properties. The proposed development would therefore be in accordance with Policies 7 and 19 of the adopted Core Strategy, Policies DM1, DM3, DM10, DM17 and DM18 of the adopted SADMP and the overarching principles of the NPPF and is therefore recommended for approval subject to conditions.

12. Recommendation

12.1. Grant planning permission subject to:

- The prior completion of new Section 106 agreement to link the proposed development with the planning permissions listed below, and carry forward the requirements of the current legal document completed under the original outline planning permission for the scheme (ref: 14/00262/OUT).
 - 14/00262/OUT
 - 15/00073/REM
 - 16/00342/CONDIT
 - 16/00472/CONDIT
 - 16/00212/CONDIT
 - 16/01058/CONDIT
 - 17/00130/FUL
- Planning conditions outlined at the end of this report.

- 12.2. That the Head of Planning and Development be given powers to determine the final detail of planning conditions.

- 12.3. That the Head of Planning and Development be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

12.4. 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: Drg No. E169/P/GAR_01 (Garage Plans and Elevations), E196/P/HTSTRA/01 (Stratford A House Type Elevations), E169/P/HTSTRA/02 (Stratford A House Type Floor Plans), and LOC 02 (Location Plan) received on 10 February 2017, as well as Drg No. E169/P/PL02 Rev A (Planning Layout) received on 27 March 2017.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

3. Notwithstanding the submitted plans no development shall commence until full details of both hard and soft landscape works have first 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:

- Means of enclosure and boundary treatments
- Hard surfacing materials
- Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate
- Implementation programme

Reason: To enhance the appearance of the development and to protect the amenity of neighbouring properties, to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

4. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details under Condition 3 shall be carried out during the first available planting and seeding seasons (October - March inclusive) following the approval of the landscaping scheme. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of visual amenity, and to ensure that the work is carried out within a reasonable period and thereafter maintained, to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

5. Prior to the commencement of development, details of the types and colours of materials to be used on the external elevations of the proposed dwelling and garages shall be submitted to 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 external appearance to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

6. 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.

7. Before first occupation of the dwelling hereby approved, its access drive and any turning space shall be surfaced with tarmac, concrete or similar hard bound permeable material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

Reason: To ensure that the development has adequate parking and turning space, and to reduce the occurrence of on-street parking, in line with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD.

12.5. 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. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area,

subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.

3. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
4. This permission is subject to a Section 106 agreement.