

**Planning Committee 20 June 2017
Report of the Head of Planning and Development**

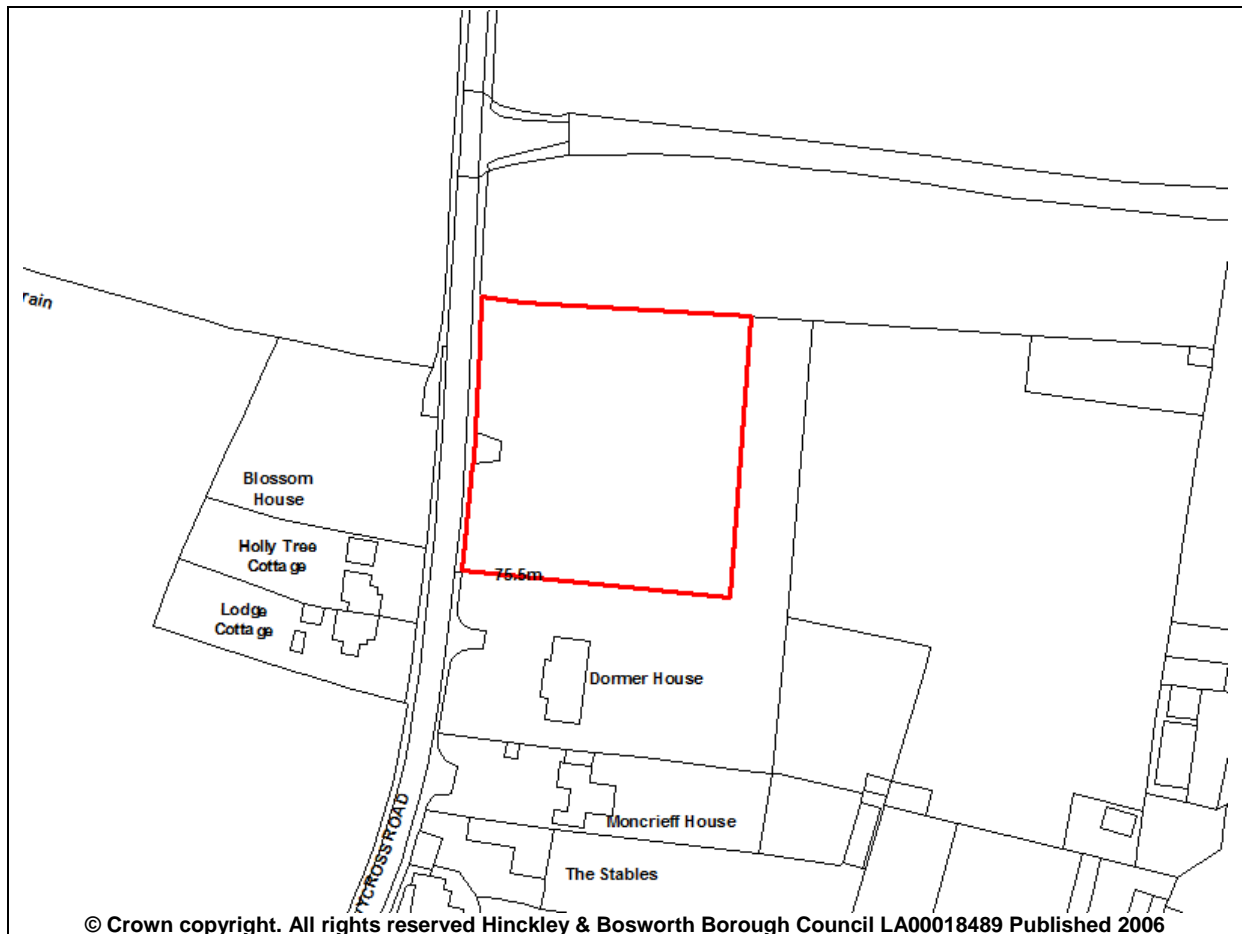


Hinckley & Bosworth
Borough Council

Planning Ref: 17/00340/FUL
Applicant: Mr Peter Wileman
Ward: Twycross Sheepy & Witherley

Site: Land North Of Dormer House Twycross Road Sheepy Magna

Proposal: Construction of 3 detached dwellings



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1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - Green space and play provision and maintenance - £7,388.99
- Planning conditions outlined at the end of this report.

2. Planning Application Description

2.1. This application seeks planning permission for the erection of three dwellings. This application is a revision to the design of the dwellings approved under ref: 15/00358/FUL.

2.2. Amended plans have been submitted during the assessment of the application following concerns raised by the case officer.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located outside of but adjacent to the settlement boundary of Sheepy Magna and therefore is in the countryside. The area is characterised by agricultural land and paddocks to the north and east and with residential development to the south and west. Residential development in the area comprises a mix of dwelling size and styles.
- 3.2. The site area is approximately 0.34 hectares in size and comprises an open area of paddock land enclosed on the northern side by existing hedgerow and a post and rail fence; the east boundary comprises 2m high close boarded fencing and the western boundary hedgerow has been removed.

4. Relevant Planning History

15/00358/FUL	Erection of three dwellings and associated access	Permitted	14.06.2016
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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 and a notice was displayed in the local press.
- 5.2. Six representations of objection have been received from five differing addresses. The representations are summarised below:
- 1) The dwellings and sites are too large in size and scale to be characteristic of the area
 - 2) The site is outside the settlement boundary
 - 3) The previously approved scheme was more characteristic of the surrounding area
 - 4) The second floors are likely to be used as habitable rooms potentially causing issues of overlooking
 - 5) This section of the road is already very narrow with agricultural machinery mounting the grass verge; the access will cause further issues.

Following the submission of the amended plans and re-consultation, no further representations were received.

6. Consultation

- 6.1. No objection, some subject to conditions, has been received from the following:
- Environmental Health (Pollution)
Waste Services
Leicestershire County Council (Highways)

7. Policy

- 7.1. Core Strategy (2009)
- Policy 12: Rural Villages
 - 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 Delivery
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - 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)
 - 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
- Planning obligations

Assessment against strategic planning policies

- 8.2. Core Strategy Policy 12 identifies Sheepy Magna as a rural village. Rural Villages are less sustainable than the Key Rural Centres as car travel would be required in most cases to access employment and services. However, these areas will be the focus of limited development as it is considered necessary to ensure existing services and community cohesion is maintained.
- 8.3. The site lies outside of but adjacent to the settlement boundary for Sheepy Magna, as defined on the settlement map in the SADMP and is therefore within the countryside. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development and identifies developments which are considered sustainable in the countryside. Unrestricted residential development is not considered sustainable development in the countryside and therefore would not ordinarily be considered as acceptable in principle.
- 8.4. Notwithstanding the above, there is an extant planning permission on the application site for the erection of three large dwellings, ref: 15/00358/FUL and therefore the principle of residential development on the site of the proposed scale has already been established as acceptable.
- 8.5. The extant planning permission for the erection of three dwellings on the application site is a material planning consideration. In this instance, it is considered that the material consideration of the extant permission should be given considerable weight and as such outweighs the proposed development's conflict with Policy DM4 of the SADMP.

Impact upon the character of the area

- 8.6. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.7. The land is currently used as paddock land and is open in character. The delegated report for the previous permission highlighted that the development would change the existing open character to a more urban built up form. However, due to the existing dwellings on the other side of the road, the development would not have a significant impact upon the character of the countryside.
- 8.8. The previously approved dwellings were set back from Twycross Road in roughly a similar building line to the existing dwelling situated to the south and a similar set back to the development on the opposite side of Twycross Road. The

dwellings incorporated a range of architectural features and details including chimneys, string course and soldier courses added above window and door openings.

- 8.9. The proposed revision to the previously approved design is primarily to facilitate additional accommodation within the roof space and external garages on plots 1 and 3 and a double internal garage on plot 2.
- 8.10. Plots 1 and 3 would have a ridge height of 9m, previously approved at 8.4m and plot 2 would have a ridge height of 9.2m, previously approved at 8.5m. The revised roof heights are not significantly higher than that previously approved and hipped roofs have been incorporated to reduce the overall bulk and massing of the roof slopes.
- 8.11. The dwellings are still proposed along a similar building line to the adjacent dwelling and with a similar set-back from the road as the dwellings on the opposite side of Twycross Road. One of the dwellings opposite includes a forward projecting garage and therefore the proposed forward projecting garages are characteristic of the surrounding area. Although the garages project forward of the adjacent dwelling, due to their scale in relation to the bulk of the dwellings and their set back from the road, they would not be an overly prominent feature in the street scene. The revisions to the dwellings amend the visible side elevations to break up the bulk. Fenestration detailing and a chimney stack have been added to the northern elevation of plot 3 to provide an elevation of interest visible above the hedgerow on approach to the village from the north along Twycross Road.
- 8.12. The materials proposed have been specified as: Hampton Rural Blend bricks, Sandtoft 20-20 clay roof tiles in Antique slate, cast stone cills and lintels in bathstone and windows and doors in cream. It is considered that the proposed materials would be characteristic of, and complement, the existing materials in the surrounding area. The site layout identifies a landscaping scheme which is generally acceptable although some additional detail is required. The site although relatively flat is at a different level to the adjacent road and therefore existing and proposed ground levels and finished floor levels should be established. The additional detail will be sought through the use of a planning condition.
- 8.13. Due to the size, layout and scale of the proposed dwellings and associated plots it is considered reasonable and necessary to remove permitted development rights to avoid development that may be harmful to the character of the area and countryside.
- 8.14. It is considered that the amended design of the proposed dwellings would complement the character of the area and would not adversely impact on the countryside. The proposed development is in accordance with the design criteria of Policy DM4 and Policy DM10 of the SADMP

Impact upon neighbouring residential amenity

- 8.15. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties. The application site is adjacent to the north of Dormer House and opposite three recently constructed dwellings on the west side of Twycross Road.
- 8.16. The proposed dwellings are set well back from the Twycross Road as are the existing dwellings on the opposite side of the road. Therefore, there is sufficient separation distance between the dwellings to avoid any adverse impacts on neighbouring amenity.
- 8.17. Plot 1 would be located near to the boundary adjoining Dormer House. The proposed dwelling would extend beyond the rear building line of Dormer House.

However, both properties would be offset from the common boundary providing sufficient separation to avoid an overbearing impact on the rear facing windows and amenity space of Dormer House. There would be two windows in the first floor of the south elevation of Plot 1 which would overlook the rear amenity space of Dormer House. Although these windows serve bathrooms, it is considered necessary to impose a condition requiring these windows to be obscure glazed and non-opening.

- 8.18. It is considered that the proposed development would not have an adverse impact on neighbouring amenity and would be in accordance with Policy DM10 of the SADMP.

Impact upon Highway Safety

- 8.19. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.20. The proposed development would be served by a shared access onto Twycross Road as per the previously approved application. The access would be constructed in accordance with design guidance in the 6Cs and able to achieve appropriate visibility splays in a northerly and southerly direction. Each dwelling would have ample car parking provision to serve the occupiers. Leicestershire County Council (Highways) has raised no objection subject to conditions.
- 8.21. It is considered there would be suitable car parking provision and the development would not have an adverse impact on highway safety in accordance with Policies DM17 and DM18 of the SADMP.

Planning obligations

- 8.22. Policy DM3 of the SADMP seeks to ensure that where development creates a need for additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly through the appropriate funding mechanism. The planning practice guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres. The dwellings have a combined gross floorspace in excess of 1,000 square metres and therefore the contributions in accordance with policies in the Development Plan are sought.

Play and open space

- 8.23. Policy 19 of the Core Strategy seeks to ensure that residents have access to sufficient, high quality and accessible green spaces and plays. Brookside Place is located approximately 300m to the south of the application site and provides equipped children's play space, casual/informal play spaces and outdoor sports provision. The Glade is a natural green space located a similar distance to the site. These areas and their facilities have been identified as having a sub-standard quality score and therefore the following contributions are sought:
- Equipped Children's Play Space - £1566.86 (Provision) and £763.56 (Maintenance)- to be spent at Brookside Place Play Area
 - Casual/Informal Play Space - £310.46 (Provision) and £267.12 (Maintenance) – to be spent at Brookside Place
 - Outdoor Sports Provision - £1,585.15 (Provision) and £1,520.64 (Maintenance) – to be spent at Brookside Place Football Pitch
 - Accessible Natural Green Space - £739.20 (Provision) and £636 (Maintenance) – to be spent on a footpath extension from the Main Road to the footpath around the Glade to improve disabled access

8.24. The above contributions will be sought through a S106 agreement. Subject to the completion of a S106 agreement, the proposed development would comply with Policy DM3 of the SADMP and Policies 15 and 19 of the Core Strategy.

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 outside the settlement boundary of Sheepy Magna in the countryside where unrestricted development would be contrary to Policy DM4 of the SADMP. However, there is an extant planning permission for three dwellings on the site which is a material consideration and outweighs the conflict with Policy DM4.

10.2. The revised design of the previously approved dwellings would not adversely impact on the character of the area nor give rise to adverse impacts on neighbouring amenity. The development would have sufficient car parking provision to serve the occupiers and would not have an adverse impact on highway safety. A contribution is being sought for the provision and maintenance of green space and play provision.

10.3. The proposed development is considered to be in accordance with Policies DM1, DM3, DM10, DM17 and DM18 of the SADMP and Policy 19 of the Core Strategy.

11. Recommendation

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

- The prior completion of a S106 agreement to secure the following obligations:
 - Green space and play provision and maintenance - £7,388.99
- 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 except in complete accordance with the details shown on the submitted plans, details and materials:

- 17-003 0200 - Site Location Plan (received on 10 April 2017)
- 17-003 0201 A - Plot 1 Proposed Plans and Elevations (received on 23 May 2017)
- 17-003 0202 A - Plot 2 Proposed Plans and Elevations (received on 23 May 2017)
- 17-003 0203 A - Plot 3 Proposed Plans and Elevations (received on 23 May 2017)
- 17-003 0205 A - Site Plan (received on 23 May 2017)
- 17-003 0207 A - Street Scene and Materials (received on 23 May 2017)

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

3. The materials to be used on the external elevations of the dwellings hereby approved shall be as detailed on drawing no. 17-003 0207 A - Street Scene and Materials (received on 23/05/2017) unless otherwise agreed in writing by the local planning authority

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

4. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

5. Notwithstanding the details shown on drawing no. 17-003 0205 A, prior to first occupation of the dwellings hereby permitted full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to first occupation of the dwellings hereby permitted. These details shall include:

- a) Proposed finished levels or contours
- b) Means of enclosure
- c) Car parking layouts
- d) Other vehicle and pedestrian access and circulation areas
- e) Hard surfacing materials
- f) Planting plans
- g) Written specifications
- h) Implementation programme

The soft landscaping shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

6. Notwithstanding the provisions of Classes A to E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) the buildings hereby approved shall not be extended or altered and no outbuildings shall be erected without the grant of planning permission by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

7. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 Class XX of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) no gate, fence, wall or other means of enclosure shall be erected or constructed without the grant of planning permission by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

8. The garages hereby approved, once provided, shall thereafter permanently remain available for car parking.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policies DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

9. Prior to first occupation of any dwelling hereby approved, the car parking and turning facilities shall be provided, hard surfaced and made available for use and shall thereafter be permanently so maintained.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policies DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

10. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

11. Prior to occupation of Plot 1, the windows hereby permitted serving the first floor in the southern elevation of Plot 1, shall be obscured glazed and non-opening and shall remain as such thereafter in perpetuity

Reason: To avoid overlooking and loss of privacy of the rear amenity space serving Dormer House to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.