

Reference: 15/00061/OUT

Applicant: Mrs Gill Moore

Location: 42 Coventry Road Burbage

Proposal: Erection of a dwelling following demolition of existing garage (outline - access only)

RECOMMENDATION:- Grant subject to conditions and S106 agreement

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has received more than four objections and the recommendation is contrary to the nature of the objections received.

Application Proposal

This is an outline application for the erection of a dwelling with approval being sought for access. All other matters are reserved.

The access to the site would be from Coventry Road, using the existing access for No.42. To provide the route to the building plot, the garage for No 42 would need to be demolished. The application would allow parking to the rear of No.42 for both the proposed dwelling and the existing dwelling.

Details of appearance, landscaping, layout and scale have not been provided at this stage and are reserved for approval at a later date.

Application Site

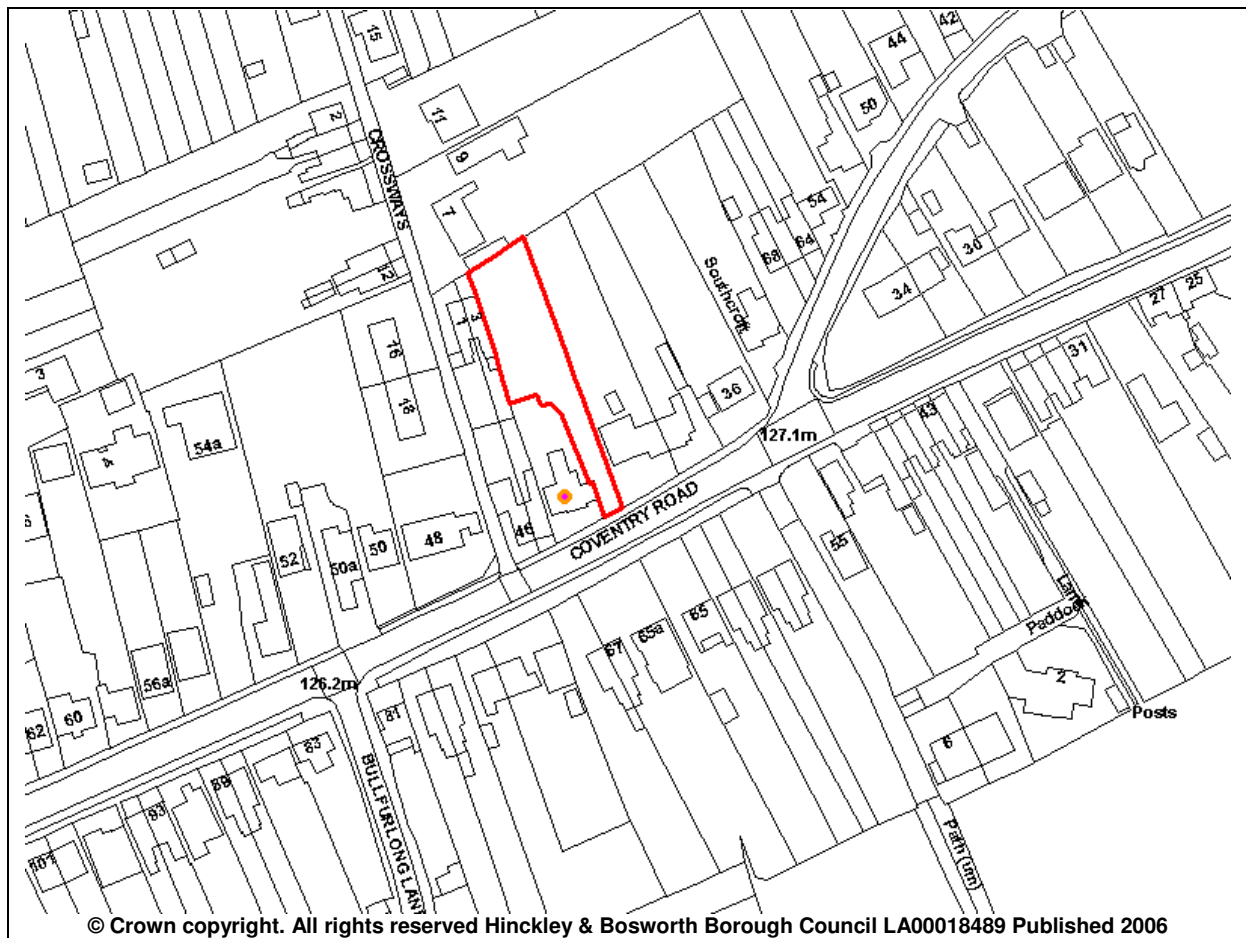
The application site forms part of the rear garden of 42 Coventry Road, Burbage. The site is bound by residential properties to all sides.

The site is grassed with several trees. A summer house exists within this site which would need to be relocated or demolished to facilitate the proposed development. The northern boundary of the site is bound by a garage and 2 metre brick wall; the western boundary is a mix of 2 metre hedge and fencing and a blank elevation of 3 Crossways. The eastern boundary (which adjoins 40 Coventry Road) is bound by hedging.

An existing access to the site is from Coventry Road and serves the existing garage and a gravelled area to the front of the property. There is a brick wall and a hedge, either side of the access, to the boundary with the highway.

Relevant Planning History:-

99/00789/FUL	Erection of detached garage front bay window and rear conservatory	Granted	06.10.99
95/00546/FUL	Extension to dwelling	Granted	21.08.95



Consultations:-

No objections have been received from:-

Environmental Health (Pollution)
Street Scene Services (Waste)

An objection has been received from Leicestershire County Council (Highways) which states that the residual cumulative impacts of the development would be severe as the proposal does not provide adequate visibility and the applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development.

Burbage Parish Council has objected to the application on the following grounds:-

- a) proposed development would have an unsatisfactory relationship with neighbouring properties
- b) loss of privacy, disturbance and overbearing impact to occupiers of neighbouring dwellings
- c) back land siting would result in an incongruous and uncomplimentary form of development
- d) too close to boundary with 7 Crossways
- e) result in increased vehicular activity resulting in noise and disturbance to the occupiers of 40 Coventry Road.

Burbage Parish Council has also requested that a site visit be undertaken by Members of Planning Committee.

A site notice has been displayed and neighbours notified. Representations have been received from occupiers of six addresses raising the following concerns:-

- a) concerns with proximity of proposal to neighbouring properties and impact upon light
- b) access will not be granted by 3 Crossways across their land
- c) fences and hedgerows should be kept and maintained
- d) concerns with construction traffic using Crossways
- e) concerns with overlooking to adjacent properties on Crossways
- f) concerns the development will not provide sufficient off street parking
- g) impact upon the character of "Old Burbage" and the green "oasis"
- h) noise of traffic and associated movements to the side of 40 Coventry would be impacted by the new development
- i) concerns with movement of bus stop
- j) most of hedge to eastern boundary is not within applicant's ownership.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) 2012
National Planning Practice Guidance (NPPG) 2014

Hinckley & Bosworth Core Strategy 2009

Policy 4: Development in Burbage
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Hinckley & Bosworth Local Plan 2001

Policy RES5: Residential Proposals on Unallocated Sites
Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards
Policy IMP1: Contributions towards the Provisions of Infrastructure and Facilities

Supplementary Planning Guidance/Documents

New Residential Development (SPG) 2001

Appraisal:-

The main considerations in the determination of this application are:-

- Principle of Development
- Impact on the Character of the Area
- Relationship with Neighbouring Properties
- Impact upon Highway Safety
- Developer Contributions

Principle of Development

Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the saved policies of the Local Plan (2001). Paragraph 14 of the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved.

The site is identified as being located within the settlement boundary of Burbage in the Hinckley & Bosworth Local Plan (2001). The site is not allocated for residential development and thus Policy RES5 (Residential development on unallocated sites) would apply. This seeks to direct development to the most sustainable locations.

Policy 4 of the Core Strategy (2009) identifies Burbage as a settlement which plays an important supporting role for the Hinckley sub regional centre and seeks the allocation of land for a minimum of 295 dwellings.

The site is within a sustainable location, close to community facilities and public transport options. The principle of residential development is therefore in line with Policy 4 of the Core Strategy and RES5 of the Local Plan.

Impact on the Character of the Area

Policy BE1 (criterion a) of the adopted Local Plan seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the character of the surrounding area. The Council's adopted Supplementary Planning Guidance on New Residential Development aims to ensure that new development has regard to the character of the area and is well integrated into its surroundings.

This is an outline planning application with details including appearance, scale, landscaping and layout reserved. This application therefore only seeks permission for the principle of a dwelling in this location.

The proposed development would be situated within the rear garden of 42 Coventry Road. Concerns have been raised in regards to the impact upon the character of the area with the development of garden land. The immediate area includes a number of 'infill' and rear garden developments and this has altered the character of this part of Burbage. While the proposed building plot is not identical in size or shape to others in the vicinity, this is a form of development that is not uncommon in the immediate area. There are several examples of garden development within the area which include 54a Coventry Road, 16 and 18 Crossways and dwellings to the rear of 56 - 60 Coventry Road. Subject to securing an appropriate scale, design and footprint of property at reserved matters stage, the proposed development would not be out of keeping with the character of the area, in accordance with saved policy BE1 (criterion a) of the Local Plan (2001).

Relationship with Neighbouring Properties

Policy BE1 (criterion (i)) of the adopted Local Plan and SPG require that new residential development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties. The nearest neighbouring properties are 42 Coventry Road to the

south, 40 Coventry Road to the west, 7 Crossways to the north and 44 Coventry Road and 3 Crossways to the west.

Concerns have been raised by some residents and the Parish Council in regards to the impact of the proposal on nearby properties in regards to overlooking, impact upon privacy and associated noise. As this is an outline application the details of the proposed dwelling have not been submitted with this application. Only an indicative plan has been submitted, identifying a possible location for the proposed dwelling.

The dwelling is likely to be situated to the side (east) elevation of 3 Crossways which has a blank elevation to the boundary of site. It is considered that the proposal would be two storeys in height, matching that of the surrounding buildings, and would be orientated with the front elevation facing the rear of 42 Coventry Road. It is considered that due to the large blank elevation and the scale of 3 Crossways, a two storey dwelling could be accommodated on site with careful siting which would not result in overlooking or impact upon privacy and it is therefore considered that the proposal will not have a detrimental impact in regards to overlooking and privacy to the residents of 3 Crossways. Additionally with careful design and siting it is considered that the dwelling would not significantly block light to the front of the properties of 1 or 3 Crossways.

The indicative drawing indicates the proposed dwelling would be a minimum of 1 metre away from the boundary with 7 Crossways. The proposal would be separated from the main dwelling and rear garden by the existing garage to 7 Crossways. It is considered that with careful design of the proposed dwelling any potential for overlooking could be prevented. The applicant has indicated that the proposed dwelling could be stepped back at the rear to provide more distance between the proposal and 7 Crossways. Additionally the layout of the dwelling could be designed to ensure that windows which face the rear (towards 7 Crossways) are not principal rooms or are at a higher cill height to remove the impact of overlooking. It is therefore considered that with careful design and siting of the dwelling the proposed property would not harm the amenity of the residents of 7 Crossways.

If inappropriately designed, a new dwelling could result in overlooking into the rear gardens of the neighbouring properties 44 and 40 Coventry Road. The gardens of these properties are currently overlooked by 42 Coventry Road.. A two storey dwelling would not result in a significant overbearing impact or loss of light to the rear gardens of both 40 and 44 Coventry Road. The dwelling could be designed to ensure no windows are within the western elevation of the proposed dwelling to ensure no direct overlooking to the rear garden of these properties.

The proposed access to the development would be alongside the boundary with 40 Coventry Road. This will result in vehicular movements into the site which has the potential to cause additional noise to that which is experienced at present. It is considered that with appropriate boundary treatments the associated noise from people visiting and leaving the property would be contained so that this does not harm the amenity of the residents of 42 Coventry Road.

Due to the constraints of the site and the surrounding properties it is considered that permitted development rights for extensions to the dwelling including amendments to the roof should be removed to ensure the development does not result in unacceptable development which harms neighbouring amenity.

While it is accepted that adjoining residents may be affected by the proposed development, the potential harm to residents' amenity can be mitigated through appropriate design, siting, scale and boundary treatments at the reserved matters stage. On balance, the proposal is

considered acceptable and would not conflict with saved policy BE1 (criterion i) of the Local Plan (2001) or guidance contained within the Residential Development SPG.

Impact upon Highway Safety

Criterion (g) of Policy BE1 seeks to ensure that there is adequate highway visibility for road users and adequate provision of parking and manoeuvring facilities. Policy T5 applies highway design and vehicle parking standards. Additionally paragraph 32 of the NPPF states that safe and suitable access to the site should be achieved for all people and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Leicestershire County Council have objected to this application and state that the development would not provide adequate visibility and that an appropriate and safe vehicular access would not be provided for the proposed development, resulting in severe cumulative impact.

An existing access exists to 42 Coventry Road, which provides parking for two vehicles. As the property does not have space for vehicles to turn, this arrangement results in cars reversing out onto Coventry Road to leave the site. The development proposes that the parking for both the existing and proposed property would be situated to the rear of 42 Coventry Road to allow vehicles to enter and leave the site in a forward gear.

The visibility of the proposed access would not meet the required standards set in the 6C's Guidance, due to an existing hedge which is not within the ownership of the applicant within the required visibility splays. However the proposal includes the reduction of the hedge which is within the applicant's ownership and the lowering of the existing brick wall to 0.6 metres. These amendments would provide improved visibility to the access than that which is currently provided. Notwithstanding the comments from Leicestershire County Council (Highways) it is considered that the improved visibility as well as the proposal to allow vehicles to enter and leave the site in a forward gear, outweighs the harm that would be caused by the additional traffic using the access.

Concerns have been raised in regards to the potential for the site to be accessed from Crossways. The site would not have an access from Crossways and the applicant has confirmed that there is no intention for Crossways to be used as an access during construction.

Additionally concerns have been raised in regards to the proximity of the access to the bus stop. The bus stop is not proposed to be moved. As the site would be served off an existing access point, the proposal would not impact upon the safety of bus users.

A planning condition forms part of the recommendation which require off-street car parking to be provided for both the existing and proposed dwelling to ensure on-street parking problems are not created with this development.

For the reasons outlined above it is considered the development would not result in severe harm to highway safety and is considered in accordance with policies BE1 (criterion g) and T5 of the adopted Hinckley and Bosworth Local Plan.

Developer Contributions

Policies IMP1 and REC3 of the adopted Local Plan and the Play and Open Space SPD require new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. The Play and Open Space SPD sets out

how the contribution is worked out in proportion to the size and scale of the development. The request for any developer must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Following the recent changes to the NPPG (removal of paragraphs 012 - 023) and the restriction on obtaining developer contributions on small scale sites the scheme is now subject to such considerations. The site is within 400 metres of Britannia Road Recreation Ground, Burbage which provide such facilities and therefore falls within the catchment area for developer contributions.

Within the green space strategy Burbage was found to have a deficiency of equipped play space of 1.11 hectare for its population when compared with the National Playing Fields Standard. The quality of the spaces has been considered within the Quality and Accessibility Audit of 2007 which awarded Britannia Road Recreational Ground a quality score of only 37.5%. In accordance with the Play and Open Space SPD the contribution in this case would total £1250.80 for the proposed dwelling (provision element of £817.80 and maintenance element of £433.00 per unit) and would be used to provide and maintain additional play equipment and to maintain existing equipped and informal amenity play space to mitigate the impact of the additional dwellings on such facilities.

The size of the additional units proposed would appeal to families and given the proximity of the application site to the open space it is considered that the future occupiers would use the facility, increasing wear and tear and requiring maintenance. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal in accordance with the CIL Regulations, and a contribution is justified in this instance. A section 106 agreement is currently being negotiated to secure the play and open space contribution.

RECOMMENDATION:- That subject to the completion of an acceptable s106 Planning Obligation to secure financial contributions towards public play and open space, the Chief Planning and Development Officer shall be granted delegated powers to grant outline planning permission subject to the conditions below.

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Conditions:-

- 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.
- 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 layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
 - b) The scale of each building proposed in relation to its surroundings.
 - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.

- d) 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, including boundary treatments.
- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plan; Site Location Plan (Scale 1:1250) received 26 January 2015.
 - 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 development shall then be implemented in accordance with the approved proposed ground levels and finished floor levels.
 - 5 Development shall not begin until details of all boundary treatments are submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
 - 6 Prior to the commencement of development, the boundary wall and hedge within the southern boundary of the site and 42 Coventry Road shall be reduced to 0.6 metres in height above ground level. The hedge shall not be allowed to grow above a height of 0.6 metres above ground level.
 - 7 During construction of the dwelling hereby permitted three off-street car parking spaces shall be available for use by 42 Coventry Road.
 - 8 Before first occupation of the dwelling hereby permitted, off-street car parking shall be provided for both 42 Coventry Road and the permitted dwelling. The car parking areas shall be hard surfaced in a porous material and made available for use to serve the dwellings.
 - 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification) development within Article 3, Schedule 2, Part 1 Classes A (extensions), B (addition to roof), C (alterations to roof) shall not be carried out unless planning permission for such development has first been granted by the local planning authority.

Reasons:-

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal in accordance with the requirements of Part 3 (5) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4&5 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan 2001.
- 6 To ensure visibility to the proposed access in line with policy T5 of the adopted Hinckley & Bosworth Local Plan 2001.

- 7 To ensure that adequate off-street car parking facilities are provided for 42 Coventry Road during construction to ensure the development is not detrimental to highway safety in accordance with Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that adequate off-street car parking facilities are provided to serve the dwelling hereby permitted in the interests of highway safety to accord with Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 9 To ensure development is not undertaken which would be detrimental to the residential amenity of neighbouring dwellings in accordance with Policy BE1 (criterion i) of the Hinckley & Bosworth Local Plan (2001).

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor. 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).

Contact Officer:- Helen Wilson Ext 5691