

**Reference:** 15/00927/FUL

**Applicant:** Mr J Smith

**Location:** The Poplars Watling Street Hinckley

**Proposal:** Erection of three dwellings and associated access and car parking.  
Replacement pitched roof to the flat roof extension of The Poplars

**RECOMMENDATION:-** Grant subject to conditions.

**Introduction:-**

This application is to be considered by Planning Committee as the application has been called in by Councillor Bill, to give Members the opportunity to consider concerns raised by local residents.

Application Proposal

This application seeks planning permission for the erection of three residential units within the substantial residential curtilage of The Poplars. The existing dwelling would be retained with a smaller garden.

The existing access to The Poplars would be used to serve the site. This would be widened, with an access road leading off it serving the proposed bungalows to the rear. The proposal also includes the addition of a pitched roof to the flat roof extension of The Poplars.

Off-street car parking would be provided for all dwellings. This would provide two parking spaces per two bedroomed bungalow and three parking spaces for the five bedroomed dwelling. The proposal includes an area of hardstanding in front of the existing property to allow for parking for at least three vehicles.

This application is a revised scheme following outline approval, which included access and layout, for three dwellings on site ref: 13/00556/OUT. The proposed layout for this application is similar to the approved layout for the outline application.

The Site and Surrounding Area

The site is approximately 0.18 hectares and comprises the residential curtilage of the dwelling known as The Poplars. Currently the site is undeveloped and unused. A close boarded boundary fence surrounds all boundaries of the site.

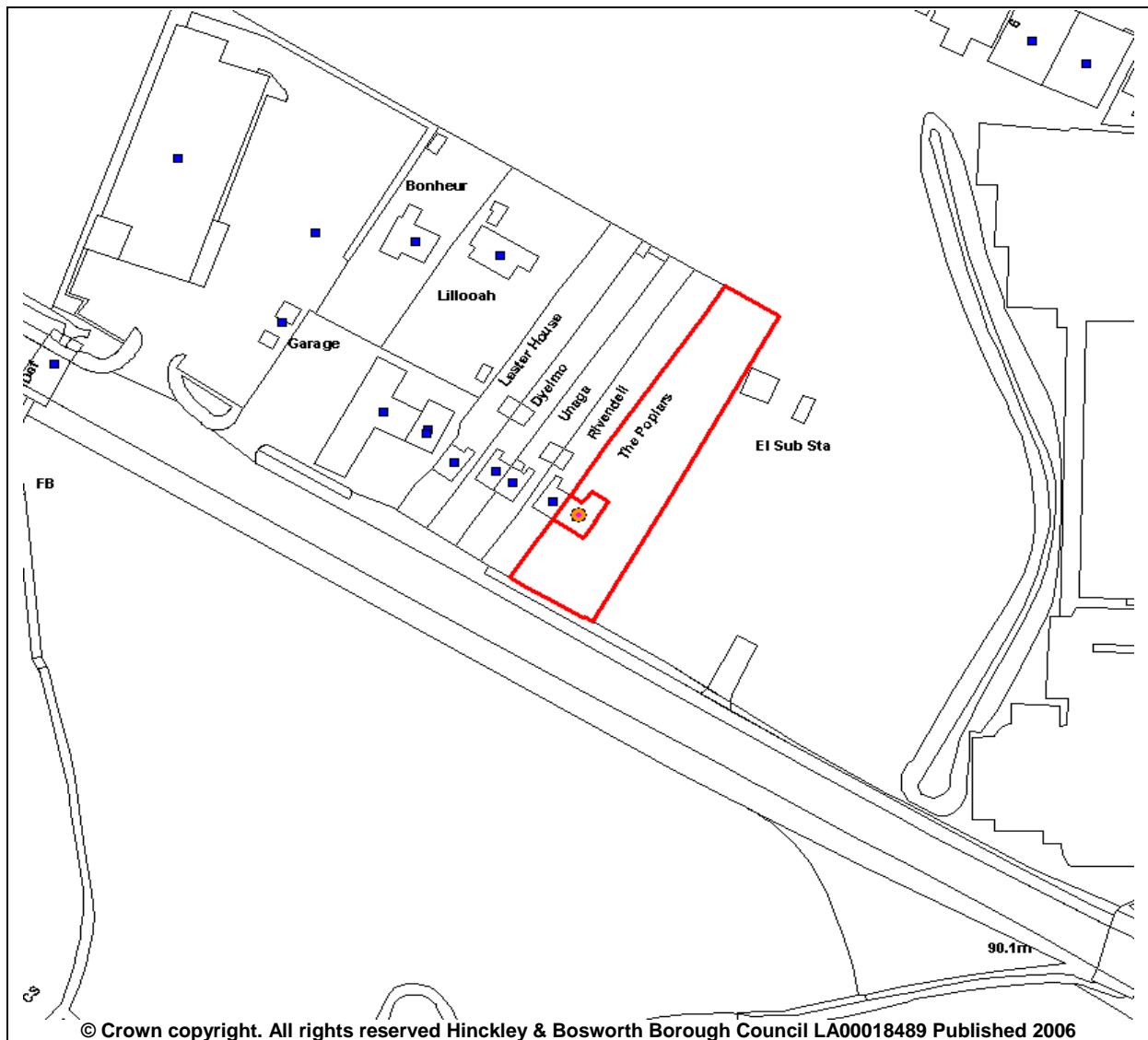
To the north of the site are open fields and to the east is a parcel of grassland. Further east of this is a commercial development. To the west of the site are a further six residential properties and a petrol station. The site is bound by mature landscaping to all the boundaries and fencing between the common boundary between the application property and its neighbour Rivendell.

The site is located on the northern side of Watling Street; with the town centre of Hinckley to the East. The site falls within the settlement boundary of Hinckley, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001).

During the course of considering the application, an amended plan has been submitted which seeks to alleviate concerns raised in relation to the insufficient size of the rear garden of The Poplars, removal of a dormer window to the front elevation and the reduction of hardstanding to the front of plots 2 and 3 to the rear.

**Relevant Planning History:-**

14/00349/OUT	Erection of one dwelling and four mobile homes (outline - access and layout only)	Refused  Appeal Dismissed	23.07.14
13/00556/OUT	Erection of three dwellings (outline - access and layout only)	Approved	12.09.13
11/00693/FUL	Change of use of land for the provision of four mobile homes	Refused	17.11.11
10/00710/OUT	Erection of one dwelling (outline-access only)	Approved	11.10.10



## **Consultations:-**

No objection has been received from:-

Highways England - subject to conditions  
Severn Trent Water - suggest informative.

4 letters of objection have been received raising the following concerns:-

- Impact upon residential amenity, including noise and light pollution and security fears
- Concerns with the development becoming a travellers site, using rear gardens to house caravans
- Five bedroomed dwelling only has one bathroom
- Concrete and tarmac frontage, other properties have green planted front gardens
- Would have a detrimental impact upon the landscape
- Overdevelopment of the site
- Open plan site, concerns there will be no boundaries for the rear gardens
- Existing garden is only given a small rear garden
- Bungalows to rear are aligned vertically and should be aligned horizontally in keeping with the existing properties
- Devaluation of neighbouring properties
- Safety concerns and impact upon the A5 with additional traffic entering and exiting the site.

## **Policy:-**

The National Planning Policy Framework (NPPF) March 2012

The Community Infrastructure Levy (CIL) Regulations 2010

Core Strategy 2009

Policy 1: Development in Hinckley

Policy 16: Housing Density, Mix and Design

Policy 19: Green Space and Play Provision

Policy 24: Sustainable Design and Technology.

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities

Policy RES5: Residential Proposals on Unallocated Sites

Policy BE1: Design and Siting of Development

Policy REC3: New Residential Development - Outdoor Play Space for Children

Policy T5: Highway Design and Vehicle Parking Standards.

Site Allocations and Development Management Policies (SADMP) (submission document Dec 2014)

Policy DM1: Presumption in favour of Sustainable Development

Policy DM10: Development and Design

Policy DM17: Highway Design

Policy DM18: Vehicle Parking Standards

## Supplementary Planning Guidance/Documents

Play and Open Space (SPD)  
New Residential Development (SPG)

### **Appraisal:-**

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

- Principle of development
- Impact upon the character of the area
- Impact upon neighbouring amenity
- Impact upon the highway
- Play and open space contributions
- Other Matters.

### Principle of Development

Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) and emerging Policy DM1 of the SADMP 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).

The site is located within the settlement boundary of Hinckley, as defined on the adopted Hinckley and Bosworth Local Plan proposals map and therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

The principle of residential development for three dwellings on site has already been established through the granting of planning permission reference 13/00556/OUT and therefore residential development is acceptable, subject to all other relevant material considerations.

### Impact upon the character of the area

Policy BE1 (criterion a) of the Local Plan and emerging Policy DM10 of the SADMP requires development to complement or enhance the character of the surrounding area with regard to scale, layout and design.

The layout of the proposal is generally consistent to that of the approved outline planning permission ref: 13/00556/OUT although slight minor amendments have been made including the removal of the proposed garage and alignment of the dwellings to the rear of the site.

The proposal would introduce a new dwelling (Plot 1) to the frontage of the site along Watling Street (A5). It is designed to be in keeping with the existing dwelling on site and those to the west and follows the existing building line. The roof design matches that of the existing properties with a chimney. The projecting gable adds some interest to the design of the building and a lean to porch. It is therefore considered this addition to the street scene would not detract from the character of the area and is acceptable.

Concerns have been raised by local residents about the design and orientation of the bungalows to the rear of the site. The bungalows are simple in their design, however include features such as a chimney, porch, and window lintel details. It would not be appropriate for the bungalows to match the design of the existing dwellings due to the differences in scale

and height and because they are seen in a different context. The bungalows would be visible from the wider area and it is considered that these would not be dominating due to their single storey height and their careful design. It is therefore considered that the proposed bungalows to Plots 2 and 3 would not be detrimental to the character or the area.

Slight amendments have been made to provide a larger garden for the existing dwelling (The Poplars). This has resulted in the scheme providing larger rear gardens for both the existing and proposed dwellings. Concerns have been raised by residents that these rear gardens would be open and available to use for caravan parking as there is no written indication of fencing on the submitted plans. Fencing would be appropriate to these boundaries to provide privacy to rear gardens and to provide boundaries to each dwelling and it is proposed that this be secured by a condition requiring details of boundary treatments to the site. Additionally concerns have been raised by residents about the amount of hardstanding in front of properties for parking and the turning head to the rear of the site. Whilst the turning head and parking areas are necessary these can be softened by appropriate landscaping. This arrangement would not have a detrimental impact to the character of the area. A condition is recommended which would require details of hard and soft landscaping including boundary treatments prior to the commencement of development to ensure the character of the development is acceptable.

The addition of a pitched roof to the existing flat roof extension of The Poplars would be an improvement to the existing design and would improve the character of the area.

Accordingly it is considered that the proposed development in respect of its design, scale and layout is acceptable and in keeping with the character of the area and therefore is in accordance with saved Policy BE1 (criterion a) of the Local Plan (2001) and emerging Policy DM10 of the SADMP.

#### Impact upon neighbouring amenity

Policy BE1 (criterion i) of the adopted Local Plan and SPG and emerging Policy DM10 of the SADMP require that development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties. The nearest residential property to the proposal is Rivendell to the north west.

The Council's SPD on New Residential Development recommends a minimum distance of 25 metres between habitable windows when either at the front or rear of the dwelling. The distance between the existing and proposed plot 1 to the bungalows at the rear (Plots 2 and 3) are more than 37 metres, which is in excess of the required separation distances. Additionally due to the single storey nature of the bungalows it is not considered that these would cause overlooking issues or an over bearing impact/loss of light to Rivendell or The Poplars and proposed plot 1.

Plot 1 is situated to the side (east) of the existing property and follows the same building line. This is a two and a half storey property which is in keeping in scale and height to the existing dwellings. It would not significantly protrude further than the existing building line and therefore would have a detrimental effect upon overlooking, loss of light and/or over bearing impact to existing residents.

Concerns have been raised about potential noise from vehicles accessing the bungalows to the rear. The vehicle movements are unlikely to be significant due to the small number of dwellings to the rear. The access road is positioned away from the neighbouring property, which reduces the noise disturbance to the neighbouring property. Parking for Plot 3 is proposed alongside the boundary to Rivendell. However the movements for these bungalows would not be significant and therefore the noise impacts would be minimal. Whilst there may

be a slight increase in noise whilst a car is parking and leaving the site this would not be significant and detrimental to residential amenity and is therefore acceptable.

The proposal would not have a detrimental impact upon residential amenity and accords with Saved Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001 and emerging Policy DM10 of the SADMP.

#### Impact upon the highway

Policy T5 of the saved Local Plan (2001) ensures developments are in accordance with the adopted highway guidance and parking standards. Emerging Policy DM17 and DM18 are likely to be subject to Main Modifications following the examination in public hearing sessions for the plan and therefore carry limited weight.

The proposed scheme would facilitate an existing access onto Watling Street (A5), with some amendments to the width. No objections have been received from Highways England. Conditions have been recommended requiring the access, turning areas and parking to be provided prior to occupation and the access to be surfaced in a bound material for a distance of 5 metres from the highway. Both conditions are considered reasonable and necessary to ensure highway safety and minimal impacts upon Watling Street (A5).

The proposed development would provide two parking spaces for each of the two bedroomed bungalows and three parking spaces for the proposed five bedroomed dwelling. Parking would be provided to the front of the existing dwelling for at least three vehicles. This level of provision is in accordance with guidance contained within the 6C's Design Guide and is therefore appropriate.

The scheme would not adversely impact upon the highway network and would not be harmful to highway safety and is therefore in accordance with T5 of the Local Plan (2001).

#### Play and Open Space Contributions

The net gain in a dwelling requires a financial contribution towards play and open space as set out in Policy REC3 of the Local Plan. In this instance, there is no existing open space within 400 metres of the site and as such a contribution cannot be requested under the terms of the policy. This approach is consistent with the previous outline application ref: 13/00556/OUT.

#### Other Matters

Concerns have been raised by residents about the potential for the site to be occupied by Gypsies and travellers, and the storing of mobile homes. This application is for three residential dwellings and therefore must be assessed on its merits. Potential use of the rear gardens and parking areas for the siting of travellers mobile homes cannot be considered as a material planning consideration of this application.

#### Conclusion

The principle of residential development on the site has been established through the approval of outline planning permission 13/00556/OUT in 2013 which is extant. The design, layout and scale of the development is in keeping with the character of the area, subject to conditions securing further information in respect of landscaping, including boundary treatments. The access and parking provision of the proposal would not have a detrimental impact upon highway safety and is therefore acceptable. Additionally, the proposal is not considered to have a detrimental impact upon existing and proposed residential amenity. It is

therefore considered that this application is in accordance with local planning policies and is recommended for approval.

**RECOMMENDATION:- Grant subject to conditions.**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

**Conditions:-**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:
  - 13.2879 - Location Plan (received on 19.08.2015)
  - 13.2879.06 B - Detailed Planning Proposals Sheet 1 of 3 (received on 12.10.2015)
  - 13.2879.07 B - Detailed Planning Proposals Sheet 2 of 3 (received on 12.10.2015)
  - 13.2879.08 - Detailed Planning Proposals Sheet 3 of 3 (received on 19.08.2015)
- 3 No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme.
- 4 All changes in ground levels, hard landscaping, planting seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding seasons (October - March inclusive) following the commencement of the development. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damages or diseased shall be replaced in the next planting season with others of a similar size and species.
- 5 The development hereby permitted shall not be occupied until the access drive, vehicular turning areas and parking (for each respective plot) has been provided in accordance with the approved plans. The access, turning and parking shall thereafter be maintained in perpetuity.
- 6 The access driveway shall be surfaced in a bound porous material for a minimum distance of 5 metres from the back edge of the highway and shall be so maintained at all times.

**Reasons:-**

- 1 To comply with the requirements of Section 19 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 In the interests of visual amenity, to accord with Saved Policy BE1(criterion a) of the adopted Hinckley and Bosworth Local Plan 2001 and emerging Policy DM10 of the SADMP (submission document December 2014).
- 4 In the interests of visual amenity, to accord with Saved Policy BE1(criterion a) of the adopted Hinckley and Bosworth Local Plan 2001 and emerging Policy DM10 of the SADMP (submission document December 2014).

- 5 In the interests of highway safety in accordance with saved Policy T5 of the adopted Hinckley and Bosworth Local Plan (2001).
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**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](http://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).

**Contact Officer:-** Helen Wilson Ext 5691