

Reference: 15/00650/OUT
Applicant: Seondrebel Ltd
Location: Land Rear Of 12 Birch Close Earl Shilton
Proposal: Demolition of dwelling and erection of 14 dwellings (outline - access and layout)

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 the application has attracted interest from occupiers of 5 or more addresses and the views of which are contrary to the officer recommendation.

Application Proposal

This application seeks outline planning permission for the demolition of an existing dwelling and erection of 14 dwellings with access and layout for consideration. Scale, appearance and landscaping are proposed to be dealt with at the reserved matters stage. The internal road for the site is proposed to be accessed via Birch Close facilitated by the demolition of No.12 Birch Close, an existing detached bungalow.

The layout of the proposed site has been amended during the course of the determination of the application to provide an improved relationship between the proposed dwellings, the street frontage, amenity space and car parking layouts. A re-consultation has taken place for 10 days.

The Site and Surrounding Area

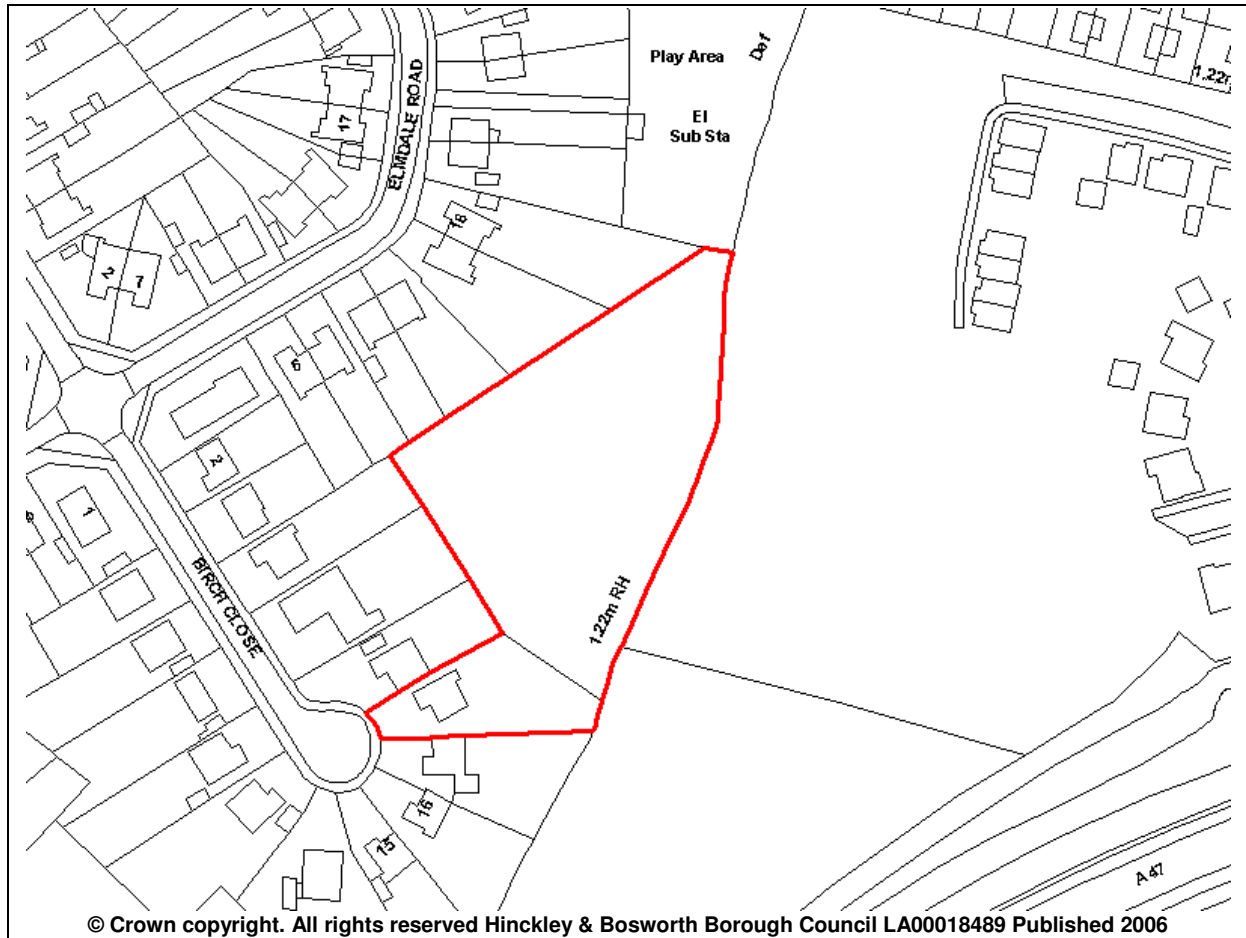
The site is approximately 0.46 hectares in size, has a triangular shape and is located on land to the rear of Birch Close and Elmdale Road. The site is within the settlement boundary as defined by the Hinckley and Bosworth Local Plan and reiterated in the Earl Shilton and Barwell Area Action Plan.

The majority of the site comprises overgrown grassland. The southern section of the site comprises No.12 Birch Close, a detached bungalow, and its residential curtilage. The topography of the site slopes from the south west down to the north east. There are established shrubs, hedgerows and trees along the south western, north western and eastern boundaries in addition to several mature trees adjacent to the site.

The application site is located within a residential area. To the west of the application site are dwellings fronting onto Elmdale Road and Birch Close. Maple Park recreation ground is located adjacent to the north of the site. The land to the east of the application site is currently undergoing construction works for a housing development that is located within the district of Blaby.

Relevant Planning History:-

09/00067/OUT	Demolition of 8 Birch Close and erection of 15 dwellings and formation of new access	Granted	01.05.09
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Consultations:-

No objections have been received from:-

Environmental Health (Pollution)
Leicestershire County Council (Ecology)
Environmental Health (Drainage)
Leicestershire County Council (Highways)

Earl Shilton Town Council object to the building of houses on the site. However, as this is only an application for access then provided highways and drainage services are satisfied with the scheme then the town council do not object.

Site notice displayed and neighbours notified.

Six letters of objection have been received; the comments are summarised below:-

- a) the road is not suitable for additional traffic
- b) the turning circle would be lost
- c) the access would be extremely tight making it difficult for refuse lorries to access
- d) where the bins would be stored for collection is a concern
- e) parking provision is already an issue on Birch Close and surrounding roads
- f) there is no need for the properties due to the adjacent Morris Homes development
- g) loss of character to a quiet cul-de-sac
- h) loss of privacy to neighbouring properties
- i) construction will cause noise and disturbance.

Policy:-

National Policy Guidance

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

Hinckley & Bosworth Core Strategy 2009

Policy 2: Development in Earl Shilton
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design

Hinckley & Bosworth Local Plan 2001

Policy RES5: Residential Proposals on Unallocated Sites
Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities
Policy REC3: New Residential Development - Outdoor Play Space for Children
Policy NE14: Protection of Surface Water and Groundwater Quality
Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards

Emerging Site Allocations & Development Management Policies Development Plan Document - Submission Document December 2014

DM1: Presumption in Favour of Sustainable Development
DM6: Enhancement of Biodiversity and Geological Interest
DM7: Preventing Pollution and Flooding
DM10: Development and Design
DM17: Highways Design

Barwell & Earl Shilton Area Action Plan

Policy 22: Development and Design

Supplementary Planning Guidance/Documents

New Residential Development (SPD)

Appraisal:-

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

- Principle of development
- Layout and impact on the character of the area
- Impact upon residential amenity
- Access and highway safety
- Drainage
- Biodiversity
- Play and open space
- Other matters

Principle of Development

Policy DM1 of the emerging Site Allocations and Development Management Policies DPD (SADMP) and 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 within the settlement boundary of Earl Shilton. Earl Shilton supports Hinckley as a sub-regional centre and identified as a sustainable location for new development in Policy 2 of the Core Strategy. Policy RES5 of the Local Plan supports new residential development provided that it is within the boundaries of a settlement and that the siting, design and layout do not conflict with relevant plan policies. The proposed development does not conflict with any of the spatial policies of the Earl Shilton and Barwell Area Action Plan. Therefore, the application site is considered to be in a sustainable location and residential development is acceptable in-principle, subject to the siting, design, layout and all other material planning considerations being appropriately addressed. The proposed development is in accordance with Policy 2 of the Core Strategy and Policy RES5 of the Local Plan and is therefore considered to be sustainable and acceptable in principle subject to all other material planning considerations being appropriately addressed.

Layout and Impact on the Character of the Area

Policy BE1 of the Local Plan, Policy 22 of the Earl Shilton and Barwell Area Action Plan and Policy DM10 of the emerging 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. Policy 16 of the Core Strategy requires developments of 10 or more dwellings to provide a mix of housing types taking into account the likely provision required and a minimum net density of 40 dwellings per hectare. This is supported by paragraph 17 of the NPPF which seeks to ensure a high quality of design.

Birch Close is characterised by primarily detached bungalows although there are two houses to the northern end of the close. The dwellings are set back from the front boundary within wide and deep plots providing ample rear gardens. At the southern end of Birch Close where the dwellings front onto on the turning circle, the plot frontages are narrower and the dwellings set further back in the plots. Elmdale Road is characterised by a mix of detached and semi-detached bungalows on narrower plots than Birch Close. Due to the topography of the area, the dwellings along the northern side of the road are situated on higher ground than those to the south. Additionally, there are some one and half storey dwellings on lower ground to the south of Elmdale Road. To the east of the application site, a residential development is under construction comprising detached houses on relatively narrow and shallow plots.

The proposed development comprises a mix of detached, semi-detached and terraces houses and bungalows which is consistent with Policy 16 of the Core Strategy that requires a mix of housing types. The dwellings would be set on narrower and shallower plots than the development fronting Birch Close and Elmdale Road and would be closer related to the dwelling-to-plot size proportions of the residential development to the east of the application site. The development comprises a cul-de-sac which would create its own unique character, separate to that of the surrounding properties. To the south of the site where the access adjoins Birch Close a detached bungalow is proposed that would be set back from Birch Close which would retain the existing character of the cul-de-sac. Scale is to be considered at the reserved matters stage but it is envisaged that only some of the dwellings would be partially visible from Elmdale Road and therefore the difference in character would have limited impact on the area.

A density of approximately 31 dwellings per hectare would be achieved which is below the target density set out in Policy 16 of the Core Strategy. The layout of the site has been designed around achieving a suitable access road for which there is limited alternatives due to the awkward shape of the site. A further increase in density to adhere to the target density would result in dwellings being cramped and squashed onto the site. As noted above, the plots are not consistent with that of the neighbouring streets. However, to respond to the existing character a lower density of dwellings would be required which would be an inefficient use of land. The proposed layout provides a balance between the preserving the existing character of the area and meeting the required density of development.

The layout has been amended during the determination of the application so that the dwellings would have an improved relationship with the existing streetscene at the access point and create more continuous and active frontages. The car parking layouts have been amended to provide car parking to the side and front of the dwelling as opposed to in parking courts as initially proposed. Concern was raised over the location of bin storage and where receptacles would be stored and left for collection. The plots have capacity for the storage of the bins and the highway is proposed to be constructed to an adoptable standard and therefore bins would only need to be pulled to the kerbside of each dwelling for collection and not where the development meets Birch Close.

The garages serving plots 6 and 7 and the dwelling proposed to plot 6 has been repositioned to ensure sufficient separation distance to the Sycamore tree on the adjacent plot. The Sycamore tree is one of several trees, identified in the submitted arboricultural assessment, surrounding the site which makes a valuable contribution to the character of the area. The development would not have an adverse impact on the longevity of the important trees adjacent to the site.

In light of the above, it is considered, subject to satisfactory scale, appearance and landscaping to be dealt with at the reserved matters stage, that the proposed development would provide an acceptable mix and density of dwellings, be in keeping with the character of the area and would result in sustainable development. The proposal is in accordance with saved Policies BE1 and RES5 of the Local Plan, Policy 16 of the Core Strategy, Policy 22 of the Earl Shilton and Barwell Area Action Plan and Policy DM10 of the emerging SADMP.

Impact upon Residential Amenity

Policy BE1 of the Local Plan and Policy DM10 of the emerging SADMP seek to ensure that development proposals shall not harm the amenity of neighbouring residential properties.

The proposed development would adjoin several properties along Birch Close, Elmdale Road and dwellings under construction to the east of the site.

The development would lead to additional vehicular movements along the current cul-de-sac creating additional noise and disturbance. The additional volume of traffic would not be considered to be to a level that would be harmful to the amenity of occupiers of the dwellings along Birch Close. The rear garden of no.10 Birch Close would be adjacent to the vehicular access which would lead to additional noise and disturbance that could be detrimental to the amenity of the occupiers. However, the impact could be mitigated by the use of a suitable boundary treatment which would be dealt with at the reserved matters stage as a landscaping consideration.

The proposed dwelling nearest to Birch Close would be in close proximity to no.14 Birch Close. The layout plan identifies plot 1 as being a bungalow. Subject to an appropriate scale, despite extending well beyond the rear building line of the neighbouring property, there would

be no impact to neighbouring residential amenity with regard to overbearing and overshadowing.

Plots 14, 9 and 7 would have a side elevation in close proximity to the gardens of Nos. 8 and 10 Birch Close and 10, 12 and 14 Elmdale Road. The side elevations are in excess of the separation distance required as set out in the Council's design guide SPG for habitable room windows facing a two storey gable elevation and therefore would not have an adverse impact with regard to overbearing. Subject to appropriate window placement there would be no overlooking.

Plots 9, 10 and 11 have rear elevations facing neighbouring gardens. The rear elevations are in excess of 11 metres from the adjoining boundary of the properties to the rear which, in addition to the neighbouring properties having deep gardens, would avoid any harmful overlooking impact.

The proposed dwellings would have an adequate provision of private amenity space in accordance with the Council's design guide SPG.

To ensure there is no detrimental impact upon neighbouring amenity during construction, Environmental Health (Pollution) have recommended a condition is attached to any planning permission to restrict the hours of construction operation.

It is considered that the proposed development is acceptable and in accordance with saved Policy BE1 of the Local Plan, Policy DM10 of the emerging SADMP and the New Residential Development SPG.

Access and Highway Safety

The proposed development would incorporate the demolition of No.12 Birch Close to facilitate an access onto Birch Close. No.12 is located with access onto an existing turning circle at the end of the cul-de-sac. The proposed access would be built to a width of 4.8 metres with a 2 metre wide footpath adjoining one side of the road and a 0.5 metre service strip to the other. The 6C's Design Guide requires accesses serving between 5 and 25 dwellings to be a minimum of 4.8 metres wide, plus 0.5 metres if bounded by a wall, fence or other structure.

The speed limit for the road is 30mph for which it would be expected that visibility splays of 2.4 metres x 43 metres would be achieved. At the junction when exiting the proposed site, the visibility along Birch Close would be 2.4 metres x 22 metres. However, Birch Close is a relatively quiet cul-de-sac and short in length where it would be reasonable to expect that vehicle speeds are significantly lower than the legal limit. Therefore, it is considered that the reduced vehicular visibility splays from the access are unlikely to present a risk to highway safety.

Leicestershire County Council (Highways) were consulted on the application and raised no objection subject to conditions.

The submitted layout plan has provision for a minimum of two spaces per dwelling which is considered the minimum provision that would be acceptable for dwellings of the proposed sizes in this location. A condition has been imposed to ensure the provision of car parking is delivered.

A footpath is proposed to create a pedestrian access from the site to adjoin the recreation ground to the north of the site. The proposed footpath would help to create a strong link between the proposed buildings and the existing facilities in the area.

It is considered that the proposed development would not have a detrimental impact upon highway safety and is in accordance with saved Policy T5 of the Local Plan, Policy DM17 of the emerging SADMP and the 6C's Design Guide.

Drainage

Policy NE13 of the Local Plan and DM7 of the emerging SADMP seeks to mitigate the impact of development on flooding and water quality. This is supported by the NPPG and Written Ministerial Statement (HCWS161) that requires all major developments incorporate a sustainable urban drainage scheme unless it is demonstrated inappropriate.

The application site is located within Flood Zone 1 as defined on the Environment Agency flood map and therefore is at a low risk of flooding. As the existing site is greenfield land, the development is likely to lead to increased levels of surface water runoff. No details of surface water drainage have been submitted with the application other than the application form which identifies that a sustainable urban drainage scheme would be used. Environmental Health (Drainage) was consulted on the application and raised no objection subject to a condition to ensure the incorporation of a sustainable urban drainage scheme. The provision of a drainage scheme incorporating SUDs can be secured through a planning condition but the continued maintenance of the features would need to be secured through a Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 (as amended) prior to the issuing of a planning permission.

It is considered that the proposed development, subject to a condition ensuring a sustainable urban drainage scheme is incorporated in the design, would not increase the likelihood of flooding or impact on water quality. The development is in accordance with Policies NE13 of the Local Plan, DM7 of the emerging SADMP, the NPPG and the Written Ministerial Statement.

Biodiversity

Policy DM6 of the emerging SADMP seeks to ensure that development does result in a net loss of biodiversity or adversely affect the integrity of the local ecological network.

An ecology report dated 2013 was submitted with the application. The report concluded that:-

- There are no records to suggest any notable biodiversity would be affected;
- No Great Crested Newts were found on-site and were not found in the pond within 200 metres of the site;
- There are likely to be nesting birds in the hedgerow to be retained;
- No evidence was found of other protected species; and
- No evidence was found that no.12 Birch Close was being used as a bat roost.

Leicestershire County Council (Ecology) was consulted on the application and commented that the submitted report is still considered to be valid in support of the application. There is a Great Crested Newt population within relatively close proximity to the site. However, the population is separated from the site by the Earl Shilton bypass which would prohibit movements of Great Crested Newts to the site. Additionally, any vegetation clearance may impact on nesting birds and therefore should be undertaken outside the bird nesting season.

It is considered that the proposed development would not result in a net loss biodiversity and therefore is in accordance with Policy DM6 of the emerging SADMP.

Play and Open Space

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 proposed development is within 400 metres of Maple Park which provides such facilities. The contribution in this case would be a £10,631.40 capital contribution and a £5,629.00 maintenance contribution, totalling £16,260.40. The request to pay such contributions must be considered alongside 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.

Within the Green Space Strategy 2005 - 2010, Earl Shilton was found to have a limited amount of equipped open space 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 Maple Park a quality score of 42.6%. The monies will be used to protect and enhance the quality of existing provision for children and young people.

It is considered that Earl Shilton has a deficit of equipped play space and it has been demonstrated that Maple Park has a quality deficit relating to facilities. The size of units proposed would appeal to families and given the proximity of the application site to this open space it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. 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, and a contribution is justified in this instance.

The above contribution would be secured through a Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 (as amended) prior to the issuing of a planning permission.

Other Matters

Policy 15 of the Core Strategy requires the provision of affordable housing at a percentage of the total units provided. The application site measures 0.46 ha and the net gain of 13 units. The trigger point for the Policy 15 to be applicable is a site area of 0.5 ha or 15 units. Therefore, the proposed development is not required to make any provision for affordable housing.

Leicestershire County Council were consulted on the requirement for developer contributions. Leicestershire County Council have confirmed they would not be seeking contributions towards highway or education due to the existing capacity at local schools.

Conclusion

The application site is in a sustainable location within the settlement boundary of Earl Shilton where residential development is generally acceptable in principle in accordance with national and local policy.

The proposed access is considered acceptable and meets highway standards.

By virtue of the proposed layout the scheme would complement the character and appearance of the surrounding area and would not give rise to any material adverse impacts

on the amenities of the occupiers of any neighbouring properties. The development would provide a suitable mix of dwelling types.

The proposed scheme is considered to be in accordance with Policy 2 and 16 of the adopted Core Strategy, Policies RES5, IMP1, REC3, NE14, BE1 and T5 of the Local Plan, Policy 22 of the Earl Shilton and Barwell Area Action Plan, Policies DM1, DM6, DM7, DM10 and DM17 of the emerging Site Allocations and Development Management Policies DPD, the adopted SPG on New Residential Development together with the overarching principles of the NPPF.

RECOMMENDATION:- Grant subject to conditions and S106 agreement

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

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 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 scale of each building proposed in relation to its surroundings
 - b) The appearance of the development including the aspects of a building or place that determine the visual impression it makes
 - c) 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.

The development shall be implemented in accordance with the approved details.

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, details and materials:-

5263/1.b. - Block/layout plan (received on 22.12.15)

ADC1215/002 C - Proposed Access Junction Layout & Internal Layout (received 11.01.16)

ADC1215/004 B -Internal Road Layout (received 11.01.16)

- 4 Development shall not begin until 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 Before any development commences above base course, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and any garages shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 6 Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 1 space for a dwelling of one bedroom, 2 spaces for a dwelling of two or three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall thereafter be permanently so maintained.

- 7 Development shall not begin until surface water drainage details and calculations, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the full details prior to the completion of development.
- 8 The shared private drive shall be a minimum of 4.8 metres wide for at least 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.
- 9 Prior to first occupation of any dwelling hereby permitted, its access drive and any turning space shall be surfaced with a hard bound porous material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
- 10 Development shall not begin until a full Tree Survey to BS5837:2012 has been submitted to and approved in writing by the local planning authority. This report shall include details upon the retention and removal of trees and mitigation measures to protect retained trees during construction, including those outside the application site but adjoining the access. The development shall be implemented in accordance with the full details of the approved survey.
- 11 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.
- 12 No vegetation clearance, demolition works shall commence or take place between the months of March and July inclusive.
- 13 Construction shall be limited to 08:00 - 18.00 hrs Monday to Friday and 09:00 - 13:00hrs Saturdays with no working on Sundays or Bank Holidays.
- 14 Prior to first occupation of any dwelling hereby permitted, a footpath shall be provided from the site to the adjacent recreation ground to the north, as shown on drawing no.5263/1.b. Details of the footpath including surface material and boundary treatment shall be submitted to and approved by the local planning authority. The footpath shall be constructed and maintained in accordance with the submitted details.

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 appearance and in the interests of visual amenity to accord with Policy BE1 of the Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD.
- 6 To minimise the risk of flooding to accord with Policy NE13 of the Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD.
- 7 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway in accordance with the 6C's Design Guidance.
- 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 and Bosworth Local Plan.
- 9 To avoid displacement of loose material onto the highway in the interests of highway safety and to ensure that drainage is sustainable in accordance with Policy T5 of the Local Plan.
- 10&11 To ensure that the development has a satisfactory appearance and in the interests of visual amenity to accord with Policy BE1 of the Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD.
- 12 To ensure the development does not have an adverse impact on nesting birds and result in a net loss of biodiversity in accordance with Policy DM6 of the emerging Site Allocations and Development Management Policies DPD.
- 13 To ensure there is not excessive noise and disturbance during construction at times that would have an adverse impact on the amenity of the occupiers of adjacent dwellings in accordance with Policy BE1 of the Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD
- 14 To incorporate landscaping to a high standard that would add to the quality of the design and siting in accordance with Policy BE1 of the Local Plan.

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).

Contact Officer:- Richard West Ext 5809