

Planning Committee 16 August 2016
Report of the Chief Planning and Development Officer



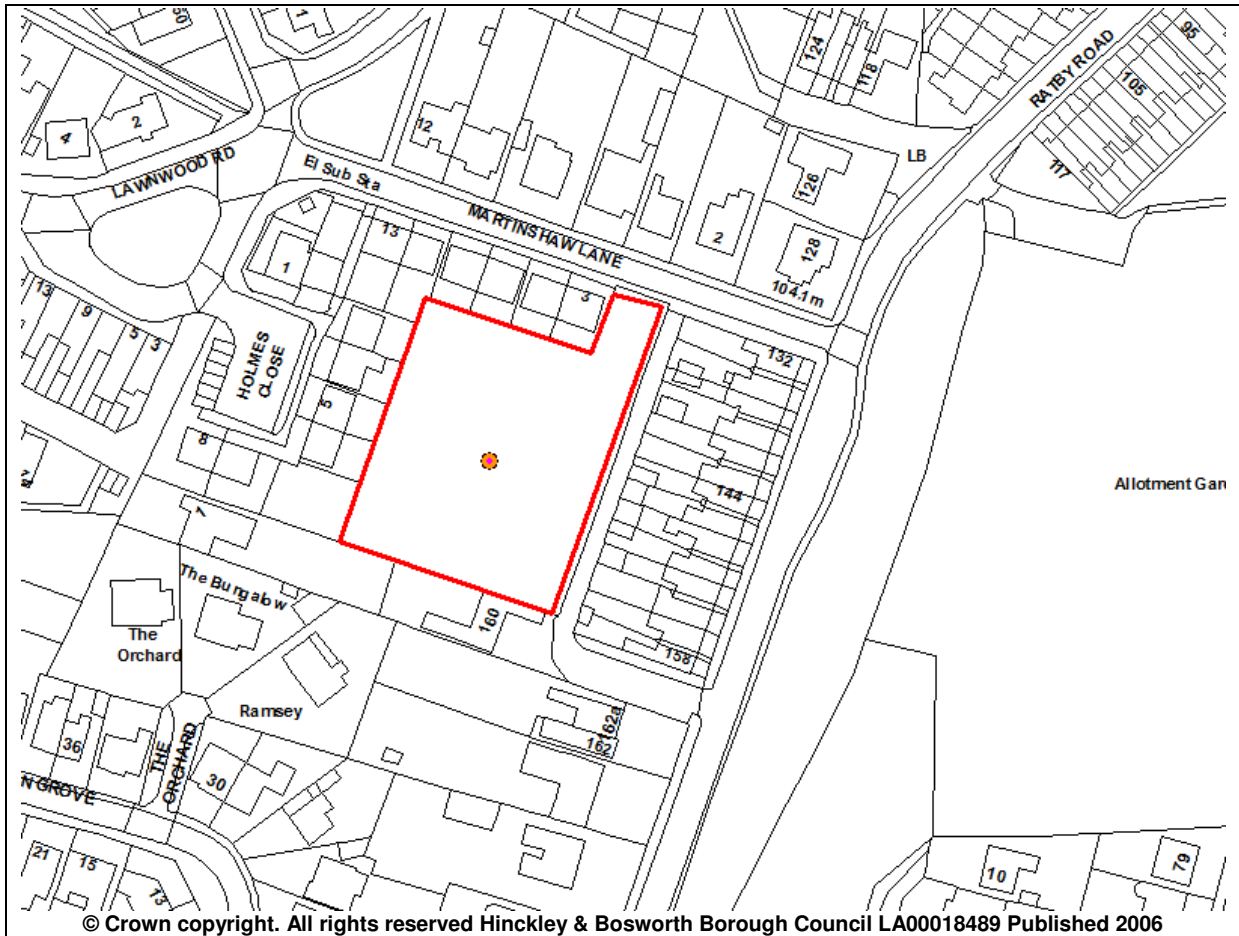
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 16/00496/DEEM
Applicant: Hinckley & Bosworth Borough Council
Ward: Groby

Site: Land To Rear Of 3 Martinshaw Lane Groby
LE6 0BJ

Proposal: Erection of 9 dwellings (Regulation 3 Application)



1. Recommendations

1.1. Grant planning permission subject to:

- No significant objections being received from Leicestershire County Council (Highways)
- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This application is made by the Borough Council under Regulation 3 of the Town and Country Planning General Regulations 1992 for deemed consent for residential development on Council owned land to the rear of 3 Martinshaw Lane, Groby.

- 2.2. The application seeks full planning permission for the erection of nine dwellings for rent and associated access, parking and landscaping. The dwellings would be located within a small cul de sac with access off Martinshaw Lane and comprise 5 x one bedroom bungalows, 1 x two bedroom bungalow and 3 x two bedroom dormer bungalows. The dwellings would be arranged in four blocks comprising 3 x semi-detached pairs and a terrace of three. Two of the units would be wheelchair compliant. Specified external materials include a mix of red facing bricks and smooth off-white render, grey concrete interlocking roof tiles and grey uPVC window frames and doors. Each of the dwellings would have two off-street parking spaces and private rear gardens. A small communal amenity area would also be provided within the layout.
- 2.3. A Design and Access Statement, a combined Phase I (desk study) and Phase II Ground Investigation Report and Ecological Appraisal have been submitted to support the application.
- 2.4. An amended plan has been submitted to address issues raised in respect of a number of highway related issues. These include the design of the road layout, surfacing and parking space dimensions. Re-consultation has been undertaken on the amended information.

3. Description of the Site and Surrounding Area

- 3.1. The application site comprises a vacant, overgrown plot of land measuring approximately 0.3 hectares with an existing field gate access off Martinshaw Lane. It is located between semi-detached bungalows fronting onto Martinshaw Lane (to the north) and Holmes Close (to the west), a two storey terrace fronting onto Ratby Road (to the east) and two storey detached houses (to the south). It is enclosed predominantly by 1.8 metre high timber fencing to the north, west and southern boundaries. There is a shared unmade vehicular access track along the eastern boundary serving the rear/garages of houses fronting onto Ratby Road.

4. Relevant Planning History

02/00360/DEEM4	Residential development	Withdrawn	06.08.2003
80/01695/4D	Residential development	Permitted (Outline)	24.02.1981

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.
- 5.2. Responses from three separate addresses have been received objecting to the application on the following grounds:
- 1) Negative impact on neighbouring residents
 - 2) Congestion, including HGV's during construction phase
 - 3) Noise and disturbance to elderly neighbouring residents during construction
 - 4) Land should be used for either recreation or for a car park and garage site for existing residents.
- 5.3. Responses from four separate addresses have been received in support of the application for the following reasons:

- 1) Additional housing for the needs of the local community
- 2) Enhances the appearance of the area and remove an eyesore
- 3) Additional security in the immediate area.

6. Consultation

6.1. No objections, some subject to conditions, have been received from:-

Leicestershire County Council (Archaeology)
Environmental Health (Pollution)
Environmental Health (Drainage)
Street Scene Services (Waste)

6.2. Leicestershire County Council (Highways) raise a number of highway related issues and request additional information and an amended layout plan for further consideration. The response to the submitted amended layout plan has not yet been received and will be reported as a late item to the agenda.

6.3. County Councillor O'Shea supports the application and welcomes this much needed development of elderly person's bungalows in the area.

6.4. Groby Parish Council does not object but raises the following concerns:

- 1) Plot 6 has remote parking
- 2) Parking spaces need to be of similar width to disabled spaces on public car parks to allow access for disabled residents
- 3) Consideration should be given for existing resident parking on the new site road
- 4) Parking restrictions (double yellow lines on both sides) should be considered between the blind junction of Martinshaw Lane with Ratby Road and just beyond the proposed new access road.

7. Policy

7.1. Local Plan 2006 – 2026: Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester
- Policy 15: Affordable Housing

7.2. Site Allocations and Development Management Policies DPD (SADMP) (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM7: Prevention of Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM13: Preserving the Borough's Archaeology
- 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)
- Community Infrastructure Levy (CIL) Regulations (2010)

- 7.4. Other relevant guidance
- Affordable Housing Supplementary Planning Document.

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Other issues

Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraphs 12 and 13 of the NPPF state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications.
- 8.3. The development plan in this instance consists of the adopted Core Strategy (2009), and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. Objections have been received on the grounds that the site should be used for recreation or garaging/car parking for existing residents.
- 8.5. Policy 8 of the adopted Core Strategy and the adopted SADMP support the allocation of land for the development of a minimum of 110 dwellings for Groby. The application site is within the settlement boundary of Groby and is allocated for residential development within the adopted SADMP (ref. GR002) to contribute towards the residual minimum housing requirement for Groby (a shortfall of 78 dwellings as of 1 September 2015 – Table 3 of the SADMP). The allocation refers to 11 new dwellings. The submitted scheme incorporates the provision of an adoptable standard access road, retention of the access to the rear of existing properties fronting onto Ratby Road and the provision of a small communal green open space within the proposed development. This has reduced the developable area of the site and a reduction to 9 dwellings is justified to avoid a cramped development.
- 8.6. Policy DM1 of the adopted SADMP and paragraph 14 of the NPPF provide a presumption in favour of sustainable development. Paragraph 7 of the NPPF states that sustainable development has three interacting dimensions:- the social, economic and environmental roles.
- 8.7. The site is located within a relatively sustainable location within a Key Rural Centre as defined in the Core Strategy and is within a reasonable distance of a range of services and facilities within Groby. The proposal would contribute to the social role of sustainable development by providing additional affordable rented housing for the elderly and disabled in Groby and towards the overall housing supply for the Borough. Policy 15 of the adopted Core Strategy requires that a target of 40% of

units on rural sites should be affordable housing with a tenure split of 75% rented and 25% intermediate housing. In this case, the proposal would exceed the policy requirements and provide 100% affordable housing with all units for rent. The Housing Strategy and Enabling Officer considers that this tenure provision would best meet the high demand need for rented bungalows in Groby as identified by the evidence within the housing register.

- 8.8. The construction of the development and its future ongoing occupation would contribute in a small way to the economic role of sustainable development by supporting the local economy both during construction and by the use of local facilities by future residents. The site currently detracts from the appearance of the wider area and development of the land in the manner proposed would enhance its appearance and the local environment. The proposal would result in a sustainable development in accordance with Policy DM1 of the adopted SADMP and the site allocations for Groby, Policy 15 of the adopted Core Strategy and the overarching principles of the NPPF. It would therefore be acceptable in terms of strategic planning policies.

Design and Impact upon the Character of the Area

- 8.9. Policy DM10 of the adopted SADMP 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 and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.10. The proposed layout and density of the scheme (at 30 dwellings per hectare) would complement the pattern of development in the surrounding area. The scale of the development would also be compatible with the existing bungalows located to the north and west of the site. The design and appearance of the scheme with the proposed use of both red brick and render building materials and concrete roof tiles would respect that of existing neighbouring dwellings in the local area. By virtue of the layout, scale, density, design and appearance of the scheme it would complement the character and appearance of the surrounding area and would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon Neighbouring Residential Amenity

- 8.11. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion. The NPPF in paragraph 17 seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.12. Objections have been received on the grounds that the proposal would adversely affect neighbouring residents through noise and disturbance, particularly during the construction phase.
- 8.13. The proposed scheme layout would provide similar garden depths of 7 metres to the existing bungalows to the west of the site and greater depth than those to the north (5 metres).
- 8.14. Plot 9 would be a 1½ storey dwelling with a ridge height of 5.2 metres located only approximately 9 metres from the rear elevation of 7 and 9 Martinshaw Lane.

However, Plot 9 would be set in from the site boundary by 4 metres and would have a hipped gable facing Nos. 7 and 9. Given this context, the proposal would not result in any significant adverse overbearing or overshadowing impacts on these neighbouring dwellings.

- 8.15. Plot 1 would be approximately 7 metres from the rear elevation of 3 Martinshaw Lane but would be single storey (with a ridge height of only 4.5 metres), designed with a hipped gable facing No. 3 and would be predominantly offset from the rear elevation of No. 3 such that there would be no significant adverse overbearing or overshadowing impacts.
- 8.16. The remaining plots would also achieve satisfactory separation distances of approximately 14 metres as a minimum to other neighbouring properties. By virtue of the predominantly single storey and 1½ storey scale of the development, the proposal would provide satisfactory separation distances from all of the proposed dwellings to all surrounding existing dwellings. Therefore, the proposed scheme would not result in any significant overbearing or overshadowing impacts on any neighbouring dwellings or gardens.
- 8.17. The first floor dormer windows in the front elevations of Plots 3, 5 and 9 do not face directly towards the rear gardens of any existing dwellings and are set in from the side boundaries of the site by approximately 16 metres (Plot 3), 9 metres (Plot 5) and 10 metres (Plot 9) respectively. There are high level roof light windows proposed within these three plots that would face towards neighbouring gardens. In order to ensure that they would not result in any loss of privacy to the neighbouring occupiers from direct overlooking, the roof lights must either be to a sill height of a minimum of 1.8 metres above first floor level or be obscurely glazed and non-opening. This detail could be secured by condition to make the development acceptable in planning terms. Privacy from all ground floor windows would be maintained by the existing and proposed 1.8 metres high close boarded timber fencing around the north, west and southern boundaries of the site.
- 8.18. Having carefully considered the representations received regarding noise and disturbance to existing elderly residents, the construction phase of the development would be temporary in nature and would not result in any permanent significant adverse impacts on resident's amenities from noise, disturbance or air pollution.
- 8.19. Subject to control of the roof light detail, by virtue of the position of any first floor windows within the scheme the proposal would not result in any significant adverse impacts from loss of privacy from overlooking and the scheme would not result in any significant adverse overbearing impacts. The proposed scheme would therefore be in accordance with Policy DM10 of the adopted SADMP with regard to impact on neighbouring residential amenity.

Impact upon Highway Safety

- 8.20. Policy DM17 of the adopted SADMP supports development that makes the best use of and/or enhances existing public transport services, ensures convenient and safe access for walking and cycling to services and would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate/justified level of parking provision. Paragraph 32 of the NPPF states that a safe and suitable access to sites should be achieved and that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

- 8.21. Objections have been received on the grounds that the proposal would result in traffic congestion and adversely affect highway safety, particularly as a result of HGV movements during the construction phase.
- 8.22. Whilst not objecting to the scheme, Groby Parish Council raise concerns that the parking spaces for Plot 6 are remote, that the parking spaces for the disabled units should be of similar width to disabled spaces on public car parks to allow access for disabled residents. Groby Parish Council also comment that consideration should be given to the provision of existing resident parking on the new site access road and that parking restrictions (double yellow lines) should be considered along Martinshaw Lane.
- 8.23. The amended layout proposes a 4.8 metres wide access road off Martinshaw Lane with 2 metre wide pedestrian footways in accordance with the adopted highways design standards for this scale of development. There is also satisfactory visibility in both directions from the junction. The amendment to the original plans also provides two vehicle parking spaces of highway design standard dimensions for each of the proposed units. The dwellings specifically designed to be wheelchair friendly (Plots 1 and 4) would be provided with covered carport parking spaces to enable dry transfer from the car to dwelling. Notwithstanding the comments of Groby Parish Council, as three of the four parking spaces for these units have a pedestrian footpath parallel to them, and therefore a wider effective width, they would be in accordance with the adopted highways design standard. Whilst the parking spaces for Plot 6 are not immediately adjacent to the dwelling, it is a mid-terraced bungalow and not one of the specifically designed wheelchair friendly units and the spaces are only 6.5 metres from the front path and have adequate surveillance. The parking provision is therefore acceptable.
- 8.24. On-street car parking has been highlighted as being a problem in the local area. However, there is no capacity within the application site to provide parking for existing residents without severely reducing the numbers of the affordable rented units being provided. The new site access also serves the rear of the existing residential properties fronting Ratby Road and any on-street parking along the new access road would only hinder access and egress for those existing occupiers.
- 8.25. The proposed scheme is for nine affordable rented units and is not of a scale of development that would result in any demonstrable increase in traffic movements to an extent that would cause unacceptable congestion or result in any severe adverse impacts on highway or pedestrian safety. Martinshaw Lane is an adopted highway and the traffic movements associated with the construction phase along the short distance from Ratby Road would only be temporary in nature and therefore would not result in any severe adverse impacts. By virtue of the scale and nature of the proposed development, it would not be reasonable or necessary to require any highway mitigation measures or contributions from the scheme.
- 8.26. The consultation response on the amended site layout and additional information from Leicestershire County Council (Highways) has not been received at the time of writing this report and will be reported as a late item to this agenda.
- 8.27. Subject to no significant objections being received from Leicestershire County Council (Highways), the proposed amended scheme would not result in any significant adverse impacts on highway or pedestrian safety and would provide adequate parking provision to serve the proposed development. It would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Other Issues

Land Contamination

- 8.28. Policy DM7 of the adopted SADMP requires that development proposals demonstrate that appropriate remediation of any potential contaminated land would be undertaken in line with minimum national standards.
- 8.29. The submitted Phase I and Phase II Ground Investigation Report in respect of the site has been assessed by the Environmental Health (Pollution) service which raises no objections to development of the site subject to a standard condition in respect of any potential land contamination that might be found during development of the site. The condition would not be unreasonable to ensure safe development of the site.

Surface Water Drainage

- 8.30. Policy DM7 of the adopted SADMP requires that development proposals demonstrate that the proposal would not create or exacerbate flooding.
- 8.31. As no details have been submitted to support the application, the Environmental Health (Drainage) service recommends a condition to secure the submission of surface water drainage details, incorporating sustainable drainage principles, for prior approval and subsequent implementation prior to completion of the development. The condition would not be unreasonable to ensure an acceptable development.

Archaeology

- 8.32. Policies DM11 and DM13 of the adopted SADMP seek to protect the historic environment and preserve the Borough's archaeology. Leicestershire County Council (Archaeology) raises no objection to the scheme and confirms that there is no requirement for any archaeological investigation of the site in this case.

9. Equality Implications

- 9.1. Section 149 of the Equalities 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. The equality implications arising from this application relate to the protected characteristics of the intended occupants of the dwellings, being a planning issue addressed through providing a choice of housing in the Borough, as required by planning policies and national planning guidance.

10. Conclusion

- 10.1 The application site is in a relatively sustainable location within a reasonable distance of services and facilities and has been allocated for residential development in the recently adopted Site Allocations and Development Management Policies DPD. The scheme would provide a contribution towards the overall shortfall of dwellings in Groby and affordable, rented elderly and wheelchair friendly accommodation in the village for which there is an identified need. The development of the site would also enhance the appearance of the area.
- 10.2 By virtue of the amended layout, scale, density, design, proposed building materials and separation distances, the scheme would complement the character of the surrounding area and would not result in any significant or severe adverse impacts on the amenities of any neighbouring properties, highway safety, flooding or pollution.
- 10.3 The proposed amended scheme would be in accordance with Policies 8 and 15 of the adopted Core Strategy, Policies DM1, DM7, DM10, DM17 and DM18 of the adopted SADMP and the overarching principles of the NPPF and is therefore recommended for approval subject to conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- No significant objections being received from Leicestershire County Council (Highways)
- 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 otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Drawing No. A100, Proposed Floor Plans and Elevations (Block 1) Drawing No. A103 Revision P2; Proposed Floor Plans and Elevations (Block 2) Drawing No. 104 Revision P2; Proposed Floor Plans and Elevations (Block 3) Drawing No. A105 Revision P2 and Proposed Floor Plans and Elevations (Block 4) Drawing No. A106 Revision P2 received by the local planning authority on 6 June 2016 and Proposed Site Plan - Floor Plan Drawing No. 107 Revision P3 received by the local planning authority on 28 July 2016.

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

3. 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 appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

4. No development shall commence on site until surface water drainage details, incorporating sustainable drainage principles (SuDS), have been submitted to and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the development is provided with satisfactory means of surface water drainage to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document.

5. The materials to be used on the external elevations of the dwellings hereby permitted shall be in accordance with the approved materials schedules: Forterra Clumber Red Mixture, Forterra Blue Smooth, Smooth Through Colour Render (Off-White), Marley Eternit Duo Edgemere Interlocking Roof Tiles (Smooth Grey), uPVC windows (Grey) and uPVC rainwater goods (Black) as indicated on the approved Floor Plans and Elevations Drawing Nos. A103 Revision P2, 104 Revision P2, A105 Revision P2 and A106 Revision P2 received by the local planning authority on 6 June 2016.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

6. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the local planning authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document.

7. Notwithstanding the submitted details, all roof lights shall either have a sill height of a minimum of 1.8 metres above first floor level or shall be fitted with obscure glazing and non-openable. Once so provided the roof lights shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

11.3 Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk
3. In relation to condition 6 advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.