

Planning Committee 6 February 2018
Report of the Planning Manager (Development Management)

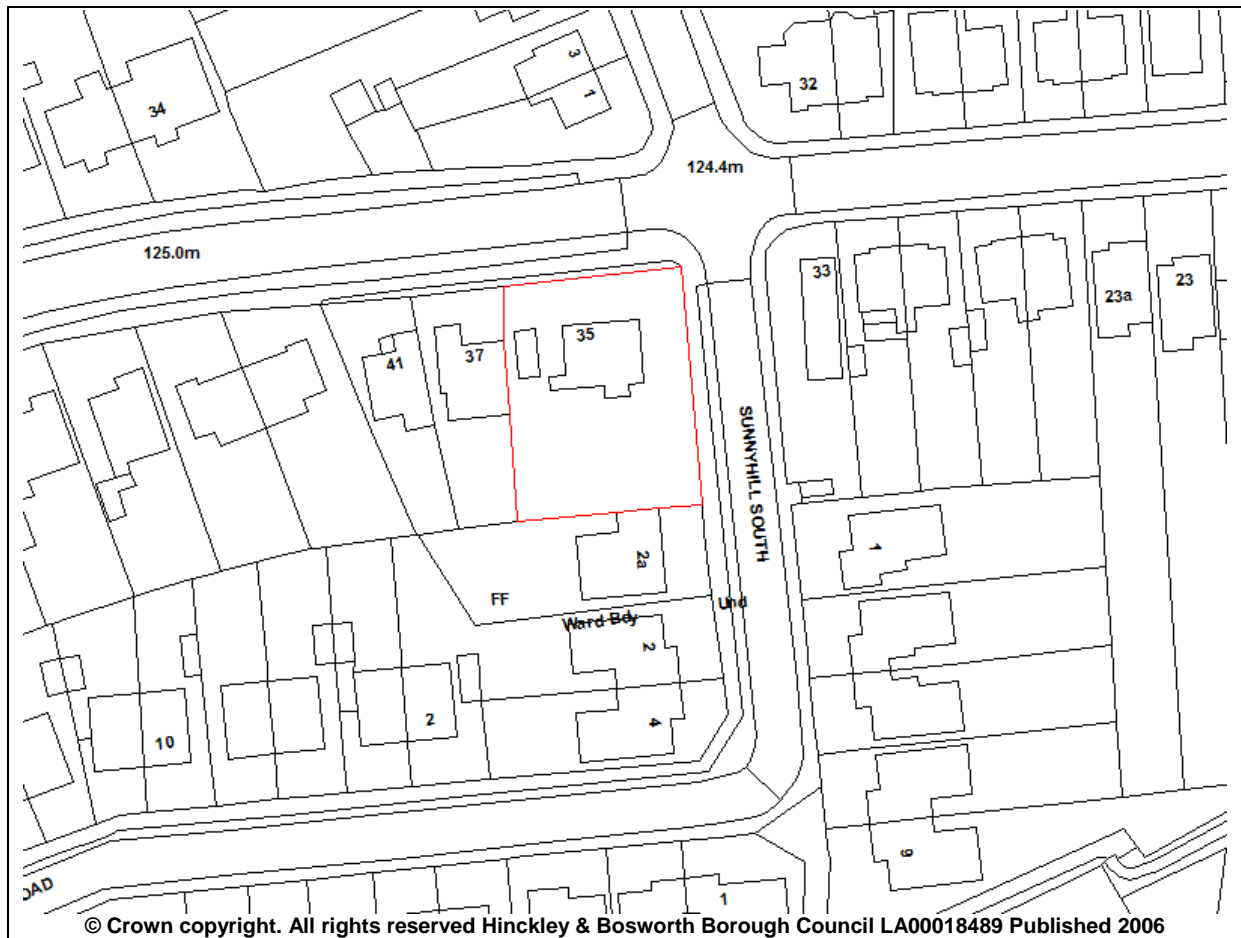


Hinckley & Bosworth
Borough Council

Planning Ref: 17/01249/FUL
Applicant: Mr Parker
Ward: Burbage St Catherines & Lash Hill

Site: 35 Forresters Road Burbage

Proposal: Demolition of existing bungalow and erection of 2 no. detached houses



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Planning Manager Development Management be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. The applicant seeks planning permission for the demolition of the existing bungalow and the erection of two five bed roomed; detached dwellings.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located within the settlement boundary of Burbage. The wider area is characterised by dwellings which vary considerably in terms of character, designs and styles. Immediately adjacent to the application dwelling are detached two storey dwellings whilst further to the west is a collection of bungalows which though similar in scale to no. 35 Forresters Road, display a range of distinctly different designs and styles.

4. Relevant Planning History

| | | | |
|--------------|--|-----------|------------|
| 17/00400/HOU | Extension to bungalow to form two storey dwelling with two storey rear extension | Permitted | 23.06.2017 |
|--------------|--|-----------|------------|

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. One letter of objection has been received with the comments summarised below:
1. Overlooking into neighbouring properties due to the elevated position of the application site

6. Consultation

- 6.1. No objections were received from:
- HBBC Environmental Health (Pollution)
- 6.2. No objection was received subject to suitable conditions being imposed:
- HBBC Waste Services
 - HBBC Environmental Health (Drainage)
- 6.3. Burbage Parish Council has objected to the application stating that the proposal is considered to be of poor design and out of keeping with the established street scene and would result in the overdevelopment of the site. The PC feels that the development does not respect the separation distances of existing and surrounding properties and will have an overbearing appearance.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 4: Development in Burbage
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Draft Burbage Neighbourhood Plan (BNP) 2015 – 2026

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

Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the development plan is the starting point for decision making and that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 13 of the NPPF states that the NPPF is a material consideration in determining applications.
- 8.3. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009), and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.4. Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved unless other material planning considerations indicate otherwise.
- 8.5. Policy 4 of the adopted Core Strategy supports development within the settlement boundary of Burbage to deliver a minimum of 295 new residential dwellings. Policy 1 of the draft Burbage Neighbourhood Plan supports development proposals within the settlement boundary of Burbage provided it complies with other policies in the Neighbourhood Plan. The emerging Burbage Neighbourhood Plan is still in development; not yet having been submitted to the Local Planning Authority for comment prior to Examination by an Inspector and subsequent referendum. Therefore; only very limited weight can be afforded to this document at this time.
- 8.6. Notwithstanding that the housing allocation for Burbage identified within Policy 4 of the adopted Core Strategy has been exceeded, it is the minimum to be provided and does not prevent additional sustainable housing development for Burbage. The proposal is located within the settlement boundary of Burbage and therefore there is a presumption in favour of sustainable development. The applicant seeks planning permission for the demolition of the existing bungalow and the erection of two detached dwellings. The proposal is considered acceptable in principle, subject to other material planning considerations.

Design and impact upon the character of the area

- 8.7. Policy DM10 of the SADMP requires developments to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.8. The proposed dwellings would be two-storey five-bedroom properties with rooms in the roof and integral garages. The eaves height of the properties would be 4.7 metres with a ridge height of 9.2 metres. The properties would have a mono pitch roof detail to the front elevation extending over the porch and garage.

- 8.9. The proposed dwellings would be set back from the highway by 7 metres, in line with the adjacent property of 37 Forresters Road. The proposed ridge height would be in keeping with existing properties along the street and would actually be a reduction from the 9.7 metre high ridge height approved under planning reference 17/00400/FUL for the extension of the bungalow to form a two storey dwelling.
- 8.10. One of the proposed dwellings would be sited on a corner of Forresters Road and Sunnyhill South, in a prominent position within the street scene. There is currently extensive hedging which screens the existing bungalow. In order to ensure that adequate screening is retained a condition should be imposed to ensure suitable landscaping is provided.
- 8.11. By virtue of its scale, design and appearance the proposal would not harm the character and appearance of the surrounding area and would therefore be in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP seeks to ensure that developments will have no significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.13. The separation distance between the proposed property on the corner of Forresters Road and Sunnyhill South and no. 33 will remain significant given the presence of Sunnyhill South which intersects the two properties. It is therefore considered that there will be no adverse overbearing, overlooking or loss of light impact on no. 33.
- 8.14. The separation between the other proposed dwelling and the neighbouring property to the west, 37 Forresters Road, which is set right up against the boundary of the site, would be 2 metres. One side window is proposed on this elevation which would serve a bathroom on the first floor and would be obscurely glazed. In any case the side elevation of no. 37 is blank and there would therefore be no adverse impact on the residential amenity of no. 37.
- 8.15. A separation distance of 13.5 metres between the proposed property and 2a Sunnyhill South; the bungalow to the south will remain; this is unchanged from the current situation notwithstanding that the bungalow on the application site would be replaced with two storey properties. It is not considered that the proposed development would result in any adverse impact on the residential amenity of the property to the south given both the separation distance and the orientation of the application site, directly north of 2a Sunnyhill South. Two windows would be provided at first floor to the rear of both of the proposed dwellings, together with three roof lights to the rear roof slope facing towards the rear garden of 2a Sunnyhill South. It is not considered that this would result in additional overlooking of 2a Sunnyhill South given that the garage to this property is the closest section of the property to the boundary with the proposed dwellings. The property is also well screened by the high hedging that runs along the boundary between the two properties. It is noted that the properties proposed on Forresters Road will be at a slightly elevated position compared to the property at 2a Sunnyhill South; however due to the separation distance between the two properties being sufficient there would be no adverse impact on neighbouring amenity at 2a Sunnyhill South.
- 8.16. Neighbour comments have been received stating that trees have already been removed which therefore removes screening to the site. It would be reasonable as suggested earlier in the report to impose a condition requiring submission of a landscaping scheme for the site to ensure that there is adequate screening on the rear boundary of the site.

- 8.17. The existing property sits within an extensive plot and therefore it is considered that both properties would benefit from adequate private amenity space.
- 8.18. For the reasons given above, the proposed scheme would not result in any significant adverse impacts on the privacy or amenities of the occupiers of neighbouring properties and therefore the proposal is considered to comply with Policy DM10 of the Site Allocations and Development Management Policies DPD.

Impact upon highway safety

- 8.19. Policy DM17 of the SADMP states that development proposals will be supported where there is no significant adverse impact upon highway safety, and, in the case of development that generates significant traffic movement, where the development would be sited a sustainable location and other transport methods can be utilised.
- 8.20. Policy DM18 of the SADMP states that all new development should provide an appropriate level of parking provision.
- 8.21. Leicestershire 6C's Design Guidance provides that two spaces should be provided per dwelling within an urban location. The proposed dwellings would be set back from the edge of the highway by 5.80 metres which meets the required distance set out within the 6C's. The proposed layout would provide adequate off-street parking to serve each of the two dwellings within the site. The site layout provides adequate provision for turning within the site to enable vehicles to enter and exit in a forward direction.
- 8.22. It is therefore considered that the development is in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

Infrastructure contributions

- 8.23. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements. However, the Planning Policy Guidance provides that, tariff-style planning obligations should not be sought for developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000 square metres. Therefore notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued in this case.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development that accord with the policies in the Local Plan unless material considerations indicate otherwise. The site is located within a sustainable urban settlement with reasonable access to a range of services and facilities by sustainable transport modes.
- 10.2. Subject to the conditions set out below; the proposed development by virtue of the layout, scale, design would respect the character of the street scene and would not adversely affect the amenities of the occupiers of neighbouring residential properties.
- 10.3. The application is considered to be in accordance with Policy 4 of the adopted Core Strategy, Policies DM1, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

11. Recommendation

- 11.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.
- 11.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
- 11.3. **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: Elevations, Floor Plans & Street Scene Locations (Drawing Number: OB 002), Site Location Plan and Block Plan received by the Local Planning Authority on the 5 December 2017.
Reason: To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.
 3. Prior to the commencement of development, representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved
Reason: To ensure the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.
 4. Prior to the commencement of development, a plan shall be submitted showing the existing and proposed ground levels of the site and finished floor levels of

the dwellings hereby permitted. This shall be approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those details approved.

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 DPD.

5. Prior to the commencement of development, details should be provided for the provision of waste and recycling storage to be provided on the site. This should be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate storage is provided on the site in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

6. Prior to the commencement of development hereby permitted, details of the parking layout and the access arrangements for each of the dwellings shall be submitted to and approved in writing by the local planning authority. Once approved the parking shall be laid out in accordance with the approved plans prior to the first occupation of the dwelling to which it relates and then shall be returned as such in perpetuity.

Reason: To ensure that adequate access and off street parking is provided within the site to serve the two dwellings. This is in the interests of highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

7. There shall be no commencement of development until a fully detailed scheme for the hard and soft landscaping of the site has been submitted in writing to and been approved in writing by the Local Planning Authority. The landscaping scheme should include details of all existing trees and hedges to be retained, the planting densities for all new planting, plant sizes and boundary treatments. The hard and soft landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

Reason: To ensure that the appropriate planting has been undertaken to protect neighbouring residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

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

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

9. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order) no gates, barriers, bollards, chains, or other such obstructions shall be erected to the vehicular access within a distance of 5 metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway

in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

10. Before first occupation of the dwellings hereby permitted, the access drive and parking spaces shall be surfaced with a tarmacadam or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be permanently so maintained at all times thereafter.

Reason: To reduce the possibility of deleterious material (loose stones etc) being deposited in the highway in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

11.4. 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. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e soakaways, previous paving, filter drains, swales etc and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in the combination with infiltration systems and/or rainwater harvesting systems.
3. 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.