

Planning Committee 20 August 2019  
Report of the Planning Manager

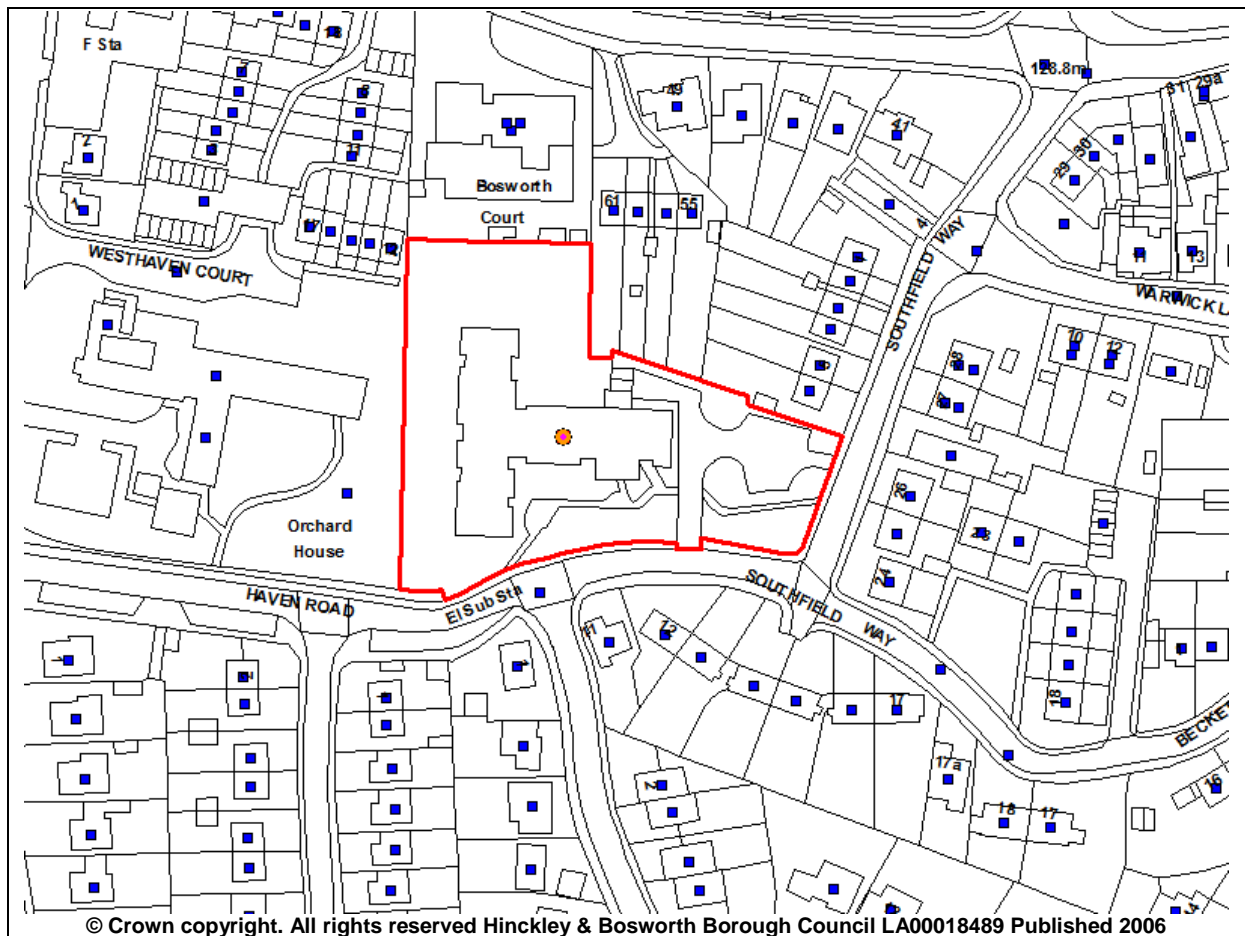


Hinckley & Bosworth  
Borough Council

Planning Ref: 19/00625/DEEM  
Applicant: Hinckley & Bosworth Borough Council  
Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: Ambion Court Southfield Way Market Bosworth

Proposal: Demolition of the existing sheltered flats and the construction of 24 sheltered flats (for the over 60s) and three bungalows with associated car parking and landscaping.



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
  - Affordable Rented Dwellings
- Planning conditions outlined at the end of this report.

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

1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

## **2. Planning Application Description**

- 2.1. This application seeks the demolition of the existing sheltered housing complex, which comprises 26 bedsits and 5 flats, which is warden controlled, and the erection of a replacement sheltered housing scheme which would comprise 24 flats, in addition to the erection of 3 one bedroomed bungalows, for over 60s.
- 2.2. The main building, would be positioned within the west portion of the application site, and would be a linear building, running south to north, set in from the western boundary and upon a similar footprint of the existing building, with access and parking situated to the east of the building, providing the main entrance point into the building. Access would be taken from the existing point of access along Southfield Way.
- 2.3. The bungalows would be situated and confined to the east side of the application site, and would introduce an additional access from Southfield Way. Plots 1 and 2 would be set back from the highway, providing parking to the front. Plot 3 would be situated upon the corner of Southfield Way, forward of plots 1 and 2, with parking proposed to the rear.
- 2.4. The proposed development would provide 19 parking spaces across the application site.
- 2.5. A Design and Access Statement, Ecology Report, Affordable housing statement, Drainage statement, Tree Survey and a Geo Environmental Appraisal Phase 2 in support of the application.

## **3. Description of the Site and Surrounding Area**

- 3.1. The application site is situated within the settlement boundary of Market Bosworth, and within an existing residential area. The existing sheltered housing building is currently vacant and takes the form of a 'T' shaped red brick and tile building, and is two storeys in scale, however the roof pitch is shallow. Parking and access serving the building is situated to the east of the building. The site is relatively flat, however levels do fall towards the east.
- 3.2. To the north of the application site, the building backs onto Bosworth Court, and a row of terraces houses, all of which are two storey in scale, and to the south two storey semi detached dwellings, set back from the highway. Facing onto the site to the east, is a number of bungalows. To the west the site is immediately bound by Orchard House, which is a care home facility, however between the application site and Orchard House planning permission has been granted for the development of 4 dwellings, of two storey scale.

## **4. Relevant Planning History**

89/01156/4D	Erection of 6 x 2 bedroom bungalows and alterations to 2 existing flats housing committee 28 09 89 minute no 434	Permitted	24.10.1989
74/00009/4D	Erection of o a p flatlets	Approval of Reserved matters	25.06.1974

## **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 and a notice was displayed in the local press and no representations have been received during the course of the application.

## **6. Consultation**

- 6.1. No objections, some subject to conditions, have been received from:-  
Environmental Health (Pollution)  
Environmental Health (Drainage)  
Severn Trent  
Lead Local Flood Authority  
Leicestershire County Council (Highways)  
Leicestershire County Council (Highways)  
Waste Services
- 6.2. Further comments are awaited from Leicestershire County Council (Ecology)
- 6.3. No comments have been received from:-  
Cycling UK  
Leicestershire Fire And Rescue Service  
Market Bosworth Neighbourhood Forum
- 6.4. Market Bosworth Parish Council have provided support for the application, and advise the works would create welcome facilities within the Parish

## **7. Policy**

- 7.1. Market Bosworth Neighbourhood Plan 2014-2026
- CE1: Character and Environment
- 7.2. Core Strategy (2009)
- Policy 7: Key Rural Centres
  - Policy 15: Affordable Housing
  - Policy 16: Housing Density and Mix
- 7.3. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM3: Infrastructure and Delivery
  - Policy DM6: Enhancement of Biodiversity and Geological Interest
  - Policy DM7: Preventing Pollution and Flooding
  - Policy DM10: Development and Design
  - Policy DM11: Protecting and Enhancing the Historic Environment
  - Policy DM12: Heritage Assets
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
  - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) (2017)

## **8. Appraisal**

- 8.1. Key Issues
- Assessment against strategic planning policies
  - Affordable housing
  - Design and impact upon the character of the area

- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Contamination
- Ecology
- Infrastructure contributions
- Other matters

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4. The application is located in the settlement boundary of Market Bosworth. Market Bosworth is identified as a Key Rural Centres, Stand alone within the Policy 11 of the Core Strategy. These centres are settlements outside the National Forest and away from the edge of Leicester that provide services to their rural hinterland.
- 8.5. Policy 11 of the Core Strategy seeks to support the local services in Market Bosworth and maintain rural population levels, and developments should seek to meet the needs of the Market Bosworth, taking into the account the latest Housing Market Assessment and local housing needs surveys as detailed in Policy 15 and 16. The proposal seeks to replace an existing sheltered housing building, to provide 24 sheltered flats and 3 one bedroomed bungalow, in replacement of 26 bedsits and 5 flats, within the settlement boundary of Market Bosworth. The scheme seeks to provide improved and updated living accommodation within the settlement of Market Bosworth for existing residents of the current facility and new residents of the same demographic.
- 8.6. Given the ageing population and higher levels of disability and health problems within the older generation, the Housing Economic Needs Assessment identifies that there is likely to be an increase requirement for specialist housing options, including the need for step free living accommodation, such as bungalows.
- 8.7. In addition the Lead Commissioner – Older People at Leicestershire County Council has stated that their strategic priority is to focus revenue and political capital expenditure on positive alternatives to residential and nursing care, such as extra care/assisted living and other community-based services, which maximise individual's opportunities to remain independent and manage their own care.
- 8.8. The proposal seeks to replace an existing sheltered housing building, to provide 24 sheltered flats and 3 one bedroomed bungalow, in replacement to 26 bedsits and 5 flats, within the settlement boundary of Market Bosworth, and within close proximity to the centre of Market Bosworth.

- 8.9. The proposal would provide a replacement enhanced and high quality facility which would respond to the need of the older demographic within a sustainable location, close to services. It is considered that the proposed development would accord with Policies 7, 15 and 16 of the Core Strategy, Policy DM1 of the SADMP and the overarching provisions of the NPPF.

Affordable housing

- 8.10. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities, a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. Policy 15 seeks the provision of 40% affordable housing on all sites in rural areas with a tenure split of 75% for social rent and 25% for intermediate tenure.
- 8.11. This is an application for the development of a sheltered housing scheme in Market Bosworth. The scheme replaces a previous sheltered scheme of 24 bedsits and 5 flats for people over 60. This scheme was no longer fit for purpose and will be replaced by 24 one bedroomed self contained apartments, and attendant communal areas including a common room, laundry, hairdressing room and scooter storage facilities. The application also includes 3 one bedroomed bungalows on the east of the site.
- 8.12. The scheme would provide support on site from a visiting warden but care services will be commissioned separately, from independent providers. For this reason, the scheme falls under class use C3 (dwelling houses) rather than C2 (residential care). Consequently, policies relating to the provision of affordable housing set out in Policy 15 of the Core Strategy will apply, which includes a requirement for 40% affordable housing to be provided on sites of 4 dwellings or more or 0.13 hectares or more in rural areas. The scheme also exceeds the National Planning Policy Framework requirement which sets the threshold at 10 dwellings or more.
- 8.13. However this scheme is the replacement of a council owned sheltered facility and all of the properties will be for affordable rent. There are 11 Council owned sheltered schemes in the Borough, including Ambion Court, but provision is concentrated in the urban areas of the Borough and the nearest alternative sheltered housing is situated in Barlestone.
- 8.14. Market Bosworth is a high demand village well connected to the wider Borough and provides a number of services including shops, pubs and restaurants and a library. There is a healthy waiting list for general needs accommodation including 482 applicants for 1 bedroomed accommodation. Of this number, 182 are over 60 and therefore could potentially apply for sheltered accommodation. It should also be noted that when the existing scheme was closed, a number of residents were temporarily moved pending the redevelopment of the scheme, and these residents have the right to return to live at Ambion Court should they wish to do so. Despite the previous scheme only offering shared bathroom facilities to residents, vacancies did not prove problematic to let. It is therefore expected that the provision of a modern sheltered housing development in a desirable village will attract a high level of interest.
- 8.15. Whilst it is common practice for new affordable housing in rural areas to require lettings to be offered in the first instance to people with a connection to the village, specialist accommodation is of its nature an exception to this requirement. Sheltered housing forms part of the specialist provision of supported accommodation in the Borough and therefore serves the need of the wider community. Any qualifying household who has a connection to the Borough will therefore be eligible to be considered for accommodation at the scheme.

- 8.16. Overall it is considered that the proposal is compliant with the provisions of Policies 15 and 16 of the Core Strategy.

Design and impact upon the character of the area

- 8.17. Policy DM10 of the SADMP states that developments will be permitted providing that the design respects the scale, proportions and height of the existing building, neighbouring structures and overall street scene, and building materials respect the materials of existing, adjoining/neighbouring buildings and the local area generally. Policy CE1 requires that all new development within Market Bosworth should be in keeping with its Character Area with regards to scale, layout and materials to retain local distinctiveness and create a sense of place. It is considered that the development proposed by this application would meet these aims and requirements for the reasons given below.
- 8.18. The site is identified as being within character area D 'Suburban residential' within the Market Bosworth Neighbourhood Plan (MBNP). This area is characterised by:
- Detached and semi-detached, two storey dwellings
  - Long open aspect front gardens providing a sense of openness
  - Wide, open aspect grassed verges at road entrances
  - Public open spaces dividing housing
  - Well proportioned uniform plots with properties set back from the pavement;
  - Garages and driveways
- 8.19. The site is situated in a predominately residential area, with both a mix of care homes and single family dwellings present within the area. Scale of development within the area is varied with two storey and single storey dwellings present within the street scene, as well as the presence of utilitarian design building, one of which this application seeks to replace. The proposed development would demolish the existing building, and erect a rectangular linear building as a replacement, which would be two storeys in scale. The proposed building would provide a central entrance which would open into a communal area, which would include dining area, lounge, library and hairdressers, two corridors extending north and south serving the respective flats. The mass of the proposed building would be broken up through changes within the elevations, such as areas of glazing, the incorporation of a first floor external seating area and balconies.
- 8.20. The orientation of the building has been informed by the orientation of the sun to ensure that all flats benefit from natural sunlight at some point during the course of the day. However this would result in the gable end of the building facing onto Southfield Road. The existing building due to its 'T' shaped footprint has a gable end facing onto Southfield Way, and therefore this relationship exists. The proposed development also provides an opportunity to enhance the south facing elevation, fronting onto Southfield Way, which is currently a gable wall, with a single window at first floor and ground floor door. Although the proposed development would maintain a gable end adjacent to Southfield Way, its mass and appearance would be reduced due to the gable being stepped, and would incorporate areas of significant glazing at both ground and first floor to serve a communal seating area, as well of habitable windows to the flats, providing an improved relationship between the development and Southfield Way, and a more active frontage.
- 8.21. In addition to the sheltered flats, the scheme also seeks to provide three 1 bedroomed bungalows, which would be situated to the east of the main building and upon a corner within Southfield Way, facing onto the existing bungalows on the opposing side. Plot 3 would be situated upon the corner south east corner, and has been designed to be dual frontage, with habitable windows and an open frontage proposed along the east edge with the entrance provided within the south elevation.

To the north of Plot 3, Plots 1 and 2 faces east, set back from Southfield Road, to provide parking to the front. A portion of existing hedgerow and a number of trees would have to be removed along this eastern boundary to facilitate the bungalows.

- 8.22. The site provides a degree of tree stock, which is within a semi-mature to mature age range, and is predominately broadleaved species typical of a sub urban area. The spacing between the trees has allowed for incremental growth of canopies. The application has been supported by a tree survey, which identifies no Category A trees, 8 Category B trees, 12 Category C trees and 2 Category U trees. The majority of trees which would be required to be removed to facilitate the development would fall within Category C, low value, with an exception of 4 Category B trees, according to the submitted Tree Survey. The survey goes on to state that given the root protection zones required and the siting of the trees, redevelopment of the site, with out the removal of some of the existing trees would be commercially unviable. The tree survey also identifies the necessary root protection areas and build method which should be employed to the trees which are to be retained, and could be conditioned should permission be granted. The survey is subject to further comments from the Tree officer and will be reported by way of late item.
- 8.23. The proposed development also includes scooter stores for both sheltered flats and the bungalows, to aid accessibility for occupiers. The proposed development is also proposed to incorporate renewable energy in the form of solar panels, as well as a highly insulated fabric first build, to seek low energy solutions.
- 8.24. The proposed layout includes landscaped gardens and additional planting for future occupiers to circulate externally, as well as formal parking provision being provided within the site, denoted through a change of materials, set back from the frontage to provide a buffer and soften the appearance of the hard surfacing.
- 8.25. By virtue of the scale, layout, design and appearance, the proposal would complement the character and appearance of the surrounding area and would therefore be in accordance with Policy DM10 of the adopted SADMP in this respect and Policy CE1 of the Market Bosworth Neighbourhood Plan.

#### Impact upon neighbouring residential amenity

- 8.26. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings.
- 8.27. The application site is situated within a predominately residential area, to the south east and north the site is flanked by residential dwellings, and the west and north a further care home facility. The proposed replacement sheltered flat building, would be situated in a similar position of the existing building, with the gable end of the building facing towards the junction of Southfield Way with Northumberland Avenue. The nearest dwelling, which the south gable of the sheltered flat building would face towards is No.1 Northumberland Avenue, which is situated upon a lower land level to that of the application site. The south facing elevation of the proposed sheltered flat building would face towards this dwelling. No. 1 Northumberland Avenue is orientated to face east, and therefore the north facing elevation of this property is the side, and with a separation distance of approximately 22 metres proposed, it is not considered that the proposed development would be unduly overbearing upon this dwelling, nor would it result in any adverse overlooking.
- 8.28. To the east of the application site, four dwellings the side elevations of which face towards the Ambion Court, a Leylandi hedge is present along the boundary between the proposed dwellings and the application site. It should be noted that development has not commencement on site and therefore permission has not been

implemented. However the west facing elevation of the proposed building would be positioned approximately 11 metres from the shared boundary. Habitable windows would, be positioned along this elevation, and would face towards the proposed amenity space serving the dwellings. This relationship is currently present with the existing building, and therefore this proposal would not alter this accepted relationship, should the development be brought forward.

- 8.29. The proposed bungalows situated to the east of the application site. Plots 1 and 2 would face west and plot 3 south. Plot 1 and 2 would be set back from Southfield Way by approximately 9.2 metres, to afford for 2 parking spaces. Plots 1 and 2 would face the principal elevations of No.25 and 26 Southfield Way, which are bungalows situated on the opposite side of the road, with a separation distance in excess of 23 metres. As such given this relationship and the proposed scale, the proposed development would not result in any overbearing impact or overlooking to these properties. To the south of plots 1 and 2, plot 3 would be positioned upon the corner and orientated south however habitable windows would also face east, towards No.24 Southfield Way, however with a separation distance of approximately 22 metres across a highway this relationship would not be adverse in terms of overlooking. The principal elevation of the proposed bungalow of plot 3 would face towards No.13 and 14 Southfield way, which are two storey dwellings set back from the highway. Given the proposed scale and the separation distance of approximately 24 metres, there would no impact in terms of overlooking to these dwellings.
- 8.30. To the north of proposed bungalow 1, is No.6 Southfield way which is a two storey dwelling. Plot 1 would be set away from this north boundary by approximately 3.5 metres, and set back from the front elevation of No.6. Given the scale is limited to single storey and would be set away from the boundary, it is not considered that the proposed development would result in any overbearing impact, nor overshadowing which would be detrimental to this dwelling.
- 8.31. The proposal would include a plant room, the doors of which would open west towards Orchard House. Details of the plant equipment including noise data has not been provided as part of this application and it is therefore considered necessary to impose a condition to ensure the details are agreed prior to first use of the building.
- 8.32. Therefore the proposed scheme would not result in any significant adverse impacts on the residential amenity of any neighbouring occupiers and would provide a satisfactory living environment for the future occupiers of the site.
- 8.33. Due to the limited depths of the gardens serving the Bungalows, it is considered necessary to impose a condition to remove permitted development rights to ensure any additional alterations and extensions to dwellings are not carried out without consent, to allow full regard of neighbouring amenity
- 8.34. The scheme would therefore be in accordance with Policy DM10 of the adopted SADMP in these respects.

#### Impact upon highway safety

- 8.35. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.



- 8.36. The proposal would utilise the existing dropped kerb access along the southern side of the application site. In addition to this, the scheme seeks to construct a new access along the east of the application site onto Southfield Way to serve bungalow plots 1 and 3. This would require a new dropped kerb as well as the reinstatement of the existing dropped kerbs which appear to have served a historic access to the application site, which has since been blocked off with a hedgerow. The proposed development would also increase parking provision within the site from 11 to 19, which is a difference in 8 spaces.
- 8.37. The existing facility provides a total of 30 bedrooms, and the replacement scheme would provide 27 bedrooms. The proposal would be served by an on site manager working Mon- Fri office based hours, which would manage the building and offer welfare checks to maintain residents independence and well being, and would continue in the manner previously.
- 8.38. Southfield Way is an unclassified road with a 30mph speed limit, Leicestershire County Council (Highways) have considered the application and given the accesses provide adequate visibility and the fact that vehicles would be travelling at low speeds, there are no objections the proposed development, subject to conditions, which seeks to ensure that development is not occupied until visibility splays and accesses have been are provided in accordance with the submitted details, as well as the parking and cycle stores have be implemented and retained. As such subject to the imposition of conditions the proposal would not result in any significant adverse impacts on the local highway network or highway safety and would accord with Policies DM17 and DM18 of the SADMP.

#### Drainage

- 8.39. Policy DM7 of the SADMP seeks to ensure that development does not exacerbate or create flooding.
- 8.40. The Environment Agency flood maps identify the site as being located within Flood Zone 1 and do not highlight any concerns relating to surface water flooding. The application has been supported with a Drainage strategy to demonstrate the proposed development would not have an adverse impact upon flood risk. The Local Lead Flood Authority to the proposed development and identify that as it is a brownfield site with limited options for infiltration and details maintenance plan has not been included at this point, it would be considered necessary however, to impose conditions, which seek surface water drainage scheme to be submitted and agreed, details of the management of surface water on site during construction, and no occupation of the development until details have been provided in relation to the long term maintenance of surface water drainage system has been submitted.
- 8.41. In terms of foul water, Severn Trent have considered the application, and subject to the imposition of a condition, which requires the submission of foul water drainage scheme to be submitted and agreed, offer no objections to the proposed development. It is considered that the development would be in accordance with Policy DM7 of the SADMP.

#### Contamination

- 8.42. Policy DM7 of the adopted SADMP requires that development proposals demonstrate that appropriate remediation of any contaminated land would be satisfactorily undertaken and that there would be no adverse impact on water quality.
- 8.43. Environmental Ground Investigation Reports (Phase I and Phase II) have been submitted to support the application. The application has been assessed by Environmental Health (Pollution) team. No objections are raised to the proposed

development in principle. However, the Phase II report recommends further visits to characterise the gas regime, the site has been classified as a CS1 where gas protection measures are not required as part of the proposed development against carbon dioxide or methane gases. However, an allowance should be made for CS2 grade gas protection measures until the remaining two visits as identified within the Phase II investigation have been completed.

- 8.44. Conditions are therefore recommended to require additional ground contamination investigation and any necessary remediation to be undertaken and also if any land contamination not previously identified is encountered during development of the site. Such conditions are considered to be reasonable and necessary in order to ensure safe development of the site for the health and amenity of future occupiers. In addition given the application site is situated within a residential area, it is also considered necessary to impose a condition for the submission of a Construction Environmental Management Plan to be submitted, which seeks to mitigate and prevent dust, odour, noise, vibration, smoke, light and land contamination, and the limitation of construction hours. Accordingly the proposed development is considered to comply with Policy DM7 of the SADMP.

#### Ecology

- 8.45. Policy DM6 of the adopted SADMP seeks to conserve and enhance features of nature conservation value and retain, buffer or manage favourably such features.
- 8.46. An Ecology Report has been submitted to support the application. Leicestershire County Council (Ecology) has considered the application, and advises that although no habitats of importance were recorded on site and no evidence of protected species were found in the survey submitted, the existing building was assessed as having moderate bat roost potential and as such an internal inspection of the building is required. At the point of writing this report, an internal inspection has been carried out and the necessary reports compiled, an update by way of a late item will therefore be completed following further comments from Leicestershire County Council (ecology) on the submitted bat report.
- 8.47. Accordingly subject further information and consultation with Ecology, the proposed development is considered to comply with Policy DM6 of the SADMP.

#### Infrastructure Contributions

- 8.48. 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.
- 8.49. The request for any planning obligations (infrastructure contributions) must be considered against the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

#### Health

- 8.50. The existing facility provides 30 bedrooms across the site, comprising of 24 bedsits and 5 flats. The proposal seeks to replace this existing housing complex, and would result in a 27 bedroomed scheme across the site, therefore a reduction in population. A request for contributions from NHS England has been received,

however further clarification and information regarding the net loss in units has been sought, and therefore this be reported as a late item.

#### Libraries

- 8.51. The impact of the development upon libraries has been assessed by Leicestershire County Council. A contribution request has been made from Leicestershire County Council Library Services for £450 for use of provision and enhancement of library facilities at Hinckley Library on Lancaster Road, and to provide additional lending stock plus audio visual and reference materials to mitigate the impact of the increase in additional users of the library on the local library service arising from the development. The formula is based on £15.09 per 1 bed property, £30.18 per 2+ bed roomed properties. It is considered that the library request has not demonstrated whether the contribution is necessary and how increasing lending stock would mitigate the impact of the development on the library facility. Therefore, this request will not be required of the development.

#### Other matters

- 8.52. Street Scene Services (Waste) has raised no objections to the application, subject to a requested condition to secure the provision of waste recycling, storage and collection for the scheme. As the scheme is split into two elements it is proposed, that the flats would have a communal central bin store adjacent to the car parking area, and the proposed bungalows would be served by their individual bins adjacent to the highway. As such it is considered that this matter could be adequately addressed and agreed through the imposition of a condition.

### **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.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## 10. Conclusion

- 10.1. The application site is located within the settlement boundary of Market Bosworth, and seeks to provide a replacement affordable sheltered housing accommodation which is considered acceptable in principle.
- 10.2. By virtue of the layout, scale and appearance, the site would complement the visual appearance and character of the area and would not give rise to adverse impacts on neighbouring residential amenity. Subject to the imposition of a number of planning conditions, the scheme would not result in any significant adverse impacts on highway or pedestrian safety, or ecology. Conditions can also be imposed to ensure safe development of the site in respect of any land contamination and drainage to prevent any adverse impacts arising in respect of pollution or flooding.
- 10.3. The proposed scheme would be in accordance with Policies 7, 15 and 16 of the Core Strategy, Policies DM1, DM3, DM6, DM7, DM10, DM11, DM13, DM17, DM18 and DM19 of the adopted SADMP and Policy CE1 of the Market Bosworth Neighbourhood Plan, and is therefore recommended for approval subject to conditions and the completion of a section 106 legal agreement to secure the development remains affordable.

## 11. Recommendation

- 11.1. **Grant planning permission** subject to:
- The prior completion of a S106 agreement to secure the following obligations:
    - Affordable housing obligation
  - Planning conditions outlined at the end of this report.
- 11.2. That the Development Management Manager be given powers to determine the final detail of planning conditions.
- 11.3. That the Development Management Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.
- 11.4. **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 Dwg No.2523/P100, Block plan Dwg No.2523/P104, Proposed Site Plan Dwg No. 2523/P102, Proposed site plan Dwg No. 2523/P103, Proposed floor plan Dwg No. 2523/P201, Elevations and Sections Dwg No. 2523/P202, Proposed roof plan, scoter store plan Dwg No.2523/P203 and proposed Bungalow Plan Dwg No.2523/P204 received by the Local Planning Authority on the 5 June 2019.  
**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 (2016).
  3. No development above foundation level shall commence on site until 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 materials.

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The occupation of the development hereby approved shall be limited to persons aged 60 years and above.

**Reason:** To ensure that the development caters for the older demographic in accordance with Policies 15 and 16 of the Core Strategy 2009.

5. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. 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 in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

6. The communal garden shall be laid out within one month of the first occupation of any of the flats within the development and be permanently available for use by the occupants of all the flats to which this permission relates.

**Reason:** In the interests of residential amenity, as this communal garden is an essential element of the development in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

7. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

**Reason:** To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that order with or without modification) development within Schedule 2, Part 1, Classes A, B, C, D and E shall not be carried out without the grant of planning permission for such development by the Local Planning Authority.

**Reason:** To safeguard the residential amenity of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

9. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

**Reason:** To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. No development shall commence on site until the recommendations contained within the Phase II investigation have been reported to the Local Planning Authority and agreed in writing.

**Reason:** To ensure that risks from land contamination to future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11. Prior to first occupation of the development hereby approved, details shall be submitted of the equipment and apparatus to be contained within the ground floor plant shall be submitted to and agreed in writing by the Local Planning Authority, this shall include all noise data associated with the proposed plant equipment. The agreed details shall be completed and installed prior to first occupation of the development hereby approved and maintained in accordance with those details thereafter.

**Reason:** To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 and DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored.

The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

**Reason:** To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

13. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays. There shall be no construction work on site on Sundays and Bank Holidays unless other agreed in writing.

**Reason:** To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

14. No development shall commence until drainage details for the disposal of surface water and foul sewage have been submitted in writing to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the development is first brought into use.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as 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 Site Allocations and Development Management Policies Development Plan Document (2016).

15. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

**Reason:** To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

16. Prior to commencement of development details in relation to the long term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

**Reason:** To establish a suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

17. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4; metres by 43; metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

**Reason:** To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework.

18. Bungalows B2 and B3 as shown on Pelham Architects drawing number 2523/P102, shall not be occupied until such a time as the access arrangement shown on Pelham Architects drawing number 2523/P102 have been completed with vehicular visibility splays of 2.4 metres by 43 metres in a northerly direction and 2.4 metres by 17 metres in a southerly direction and pedestrian visibility splays of 1.0 metre by 1.0 metre on Southfield Way. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of pedestrian safety, and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework.

19. Bungalows B2 and B3 as shown on Pelham Architects drawing number 2523/P102 shall not be occupied until such a time as the parking, and turning facilities have been completed in accordance with B2 and B3 as shown on Pelham Architects drawing number 2523/P102, and thereafter maintain in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

20. No development shall take place until a scheme which provides adequate provision for waste and recycling storage and collection across the site has been submitted to and approved in writing by the Local Planning Authority. The details should address the accessibility to storage facilities and adequate collections point space at the adopted highway boundary.

**Reason:** To ensure that the development is served with a satisfactory waste collection scheme across the site to serve the amenity of the future occupants to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

#### 11.5. Notes to Applicant

1. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
2. To erect temporary directional signage you must seek prior approval from the Local Highways Authority in the first instance (telephone 0116 305 0001).