

**Planning Committee 25 April 2017
Report of the Head of Planning and Development**

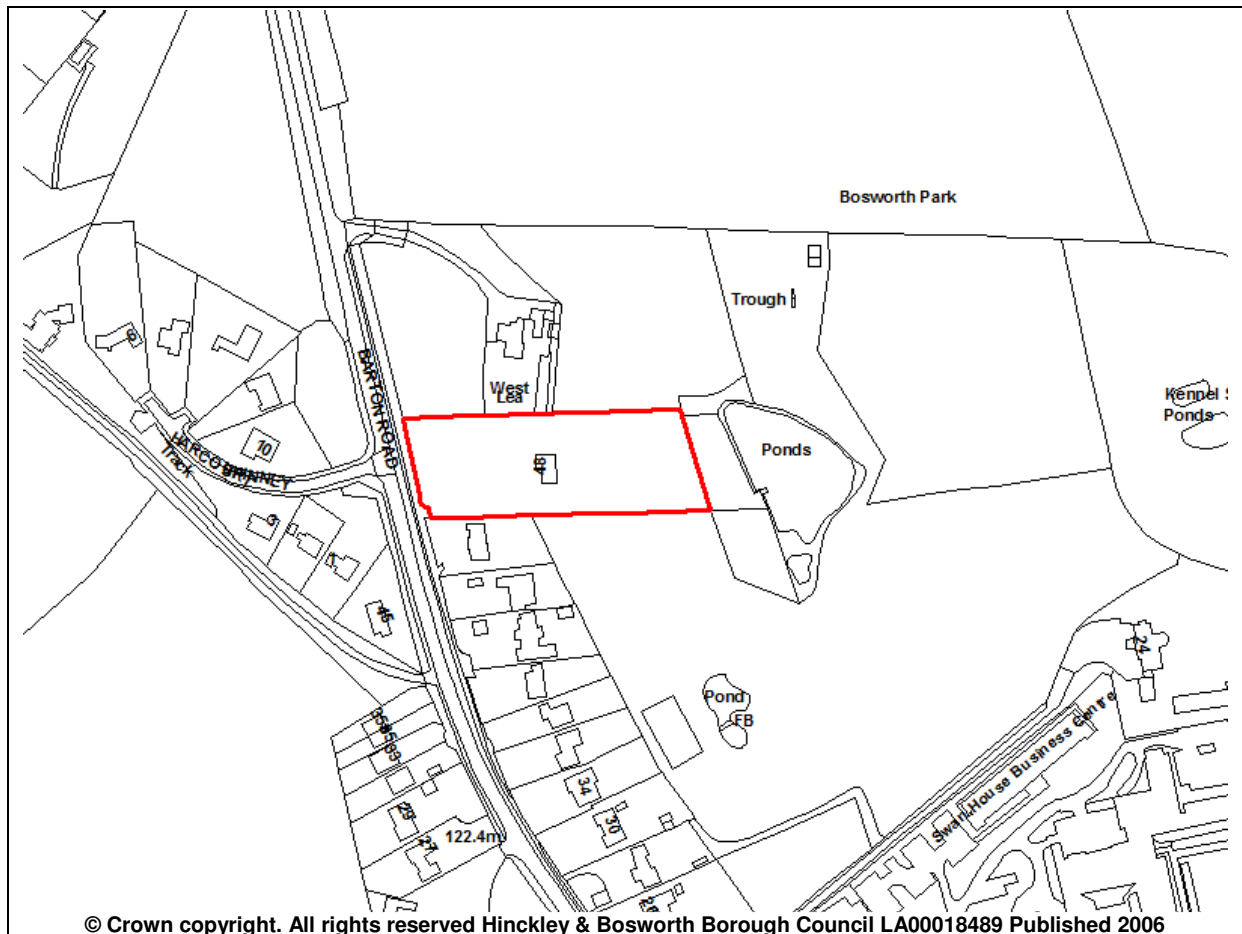


Hinckley & Bosworth
Borough Council

Planning Ref: 16/01164/FUL
Applicant: Mr Steve Wong
Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: Kingscliffe 48 Barton Road Market Bosworth

Proposal: Construction of new dwelling



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1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

2.1. This application seeks full planning permission for the erection of one dwelling with associated parking at 48 Barton Road, Market Bosworth.

2.2. Amended plans have been received during the course of the application addressing officer concerns regarding the size, scale and massing of the proposed dwelling,

the separation distance between the existing and proposed dwelling and the design of the proposed internal garage doors.

- 2.3. As a result, the proposed dwelling would have a hipped roof with two gable elevations to the front of the property. A double internal garage with a first floor would project forward of the main part of the dwelling. The proposed dwelling would be sited level with the existing dwelling with a large pitched roof and three dormers to the rear elevation.

3. Description of the Site and Surrounding Area

- 3.1. The site is within the curtilage of 48 Barton Road and would result in a subdivision of the plot. The plot is substantial in size and the existing dwelling is set back into the site which is characteristic of other dwellings within the streetscene. Planning permission has been granted for the erection of one dwelling to the front of the site (ref. 16/00281/FUL).
- 3.2. The proposed site currently comprises part of No.48 and a detached garage. The garage is proposed to be relocated to the front of the existing dwelling which is subject to a separate planning application (ref. 16/01163/HOU).
- 3.3. The existing dwelling is extensive in size and situated in the centre of the plot. The existing dwelling has a hipped roof with two large gable elevations on the front of the property with one bay window and a large porch. The existing windows and doors have specific header and cil detailing with large openings. The existing triple detached garage is relatively large in size with a large dual pitched roof.
- 3.4. The site is well planted with mature trees on the west and north border of the site, which are protected by a tree preservation order. The site levels differ from east-west, with the land rising significantly from Barton Road to the east. The site is accessed from Barton Road, which has good visibility with gates set back well from the road.
- 3.5. There is one further residential property to the north of the application site which is the last property on Barton Road. The properties located to the south of the site along Barton Road are all set further forward than the existing dwelling.

4. Relevant Planning History

14/00966/FUL	Erection of a dwelling with associated parking	Refused – Appeal Dismissed	17.03.2015
15/00607/FUL	Erection of dwelling with associated parking	Withdrawn	01.04.2016
16/00281/FUL	Erection of a dwelling with associated parking (resubmission)	Permission	02.06.2016
16/01163/HOU	Partial demolition of existing dwelling and garage and erection of new garage	Pending Consideration	

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. Two letters of objection received from two addresses raising the following concerns:
- 1) Loss of light to neighbouring properties
 - 2) Inaccuracy of the plans
 - 3) The site is visible from Barton Road
 - 4) Contrary to the Market Bosworth Neighbourhood Plan (MBNP)
 - 5) Out of character with the area
 - 6) Overdevelopment of the site
 - 7) Impact upon archaeology and the scheduled monument

6. Consultation

- 6.1. Objections received from Market Bosworth Neighbourhood Forum, Market Bosworth Parish Council and the Market Bosworth Society raising the following concerns:

- 1) Contrary to MBNP (Policy CE1, CE3, CE4, views 4, 5 and the green finger)
- 2) Overdevelopment of the site
- 3) Loss of light and overbearing to the neighbouring properties
- 4) Out of character with the area
- 5) Lack of justification for the new dwelling
- 6) Impact upon archaeology and the scheduled monument
- 7) Impact upon and loss of trees
- 8) Impact upon the landscape and local ambience of the area
- 9) No due regard to the existing rooflines
- 10) Consideration of the two applications together
- 11) Inadequate width of the access drive and loss of trees as a result

- 6.2. No objections, some subject to conditions from the following:

- 1) LCC Ecology
- 2) LCC Archaeology
- 3) LCC Highways
- 4) HBBC Waste
- 5) HBBC Environmental Health
- 6) HBBC Drainage
- 7) HBBC Conservation Officer

- 6.3. Concerns from Historic England regarding the single storey rear extension element projecting beyond the rear elevation of the existing dwelling.

7. Policy

- 7.1. Market Bosworth Neighbourhood Plan 2014-2026

- Policy CE1: Character and Environment
- Policy CE3: Important Views and Vistas
- Policy CE4: Trees

- 7.2. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- Policy 19: Green Space and Play Provision

- 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 DM10: Development and Design

- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- The Setting of Heritage Assets (Historic England)

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact upon heritage assets
- Impact upon trees
- Impact upon ecology
- Developer contributions
- Other issues

Assessment against strategic planning policies

- 8.2. Paragraphs 11-13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision making. The NPPF is a material consideration in determining applications. The development plan in this instance consists of the Site Allocations and Development Management Policies (SADMP) DPD (2016) and the Core Strategy (2009).
- 8.3. Policy DM1 of the adopted SADMP and paragraph 14 of the NPPF provide a presumption in favour of sustainable development with planning applications that accord with the policies in the Local Plan should be approved unless material considerations indicate otherwise.
- 8.4. The proposal is located within the settlement boundary for Market Bosworth, which is identified as a key rural centre. Market Bosworth has defined limits to development as defined within the SADMP. The proposed dwelling is within the settlement boundary and therefore the principle of development is acceptable, subject to satisfying other relevant policies and material planning considerations.
- 8.5. Policy CE1a and CE1b of the Market Bosworth Neighbourhood Plan requires 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. Where new development would be visible from an adjacent Character Area it should be sensitive to the principal characteristics of that area. Innovative or outstanding design will be supported if it raises the overall quality of the Character Area. Any new development within Character Area D should pay particular regard to existing rooflines.

Impact upon the character of the area

- 8.6. Policy DM10 of the Site Allocations and Development Management Policies DPD seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. This is supported by paragraph 17 of the NPPF which seeks to ensure a high quality of design. Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development. Paragraph 58 seeks to ensure that development responds to local character and reflects the identity of local surroundings.
- 8.7. 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
- 8.8. Policy CE1 of the MBNP seeks to ensure that all new development within Market Bosworth is in keeping with its character area in regard to scale, layout and materials to retain local distinctiveness and create a sense of place. Innovative or outstanding design will be supported if it raises the overall quality of the Character Area. Furthermore, Policy CE1b states that any new development within Character Area D (Suburban Residential) should pay particular regard to existing rooflines.
- 8.9. All routes into Market Bosworth converge on the Market Place which is the centre of a designated conservation area. The countryside around the settlement and its relationship to the entrance roads is a major factor in the appreciation of the character of the village and its conservation area. The village is approached from Barton Road through woodland pasture and traditional parkland until it reaches the village edge where it continues between twin rows of development until it gently curves around Home Farm Mews and the Dower House, where the boundary of the conservation area commences, until reaching the Market Place. In addition to the larger public parks, parkland and smaller privately owned spaces, many front and rear gardens and wide grass verges, some with mature trees and hedges, add to the character and special ambience of the village.
- 8.10. A strong feature of the area is that all properties along Barton Road are set back into the site with large front gardens. Currently this site follows this existing character, as the property is set back well into the site with a mature tree screen, landscaping and a tennis court, which is well screened from the street scene.
- 8.11. Policy CE3 of the MBNP seeks to protect and enhance existing open spaces and important landscape characteristics. View 4 along Barton Road to the south is identified within the MBNP as a key view into Market Bosworth. View 5 forks off view 4 towards the north east of the site, projecting towards to the property to the north of the application site. There are no green fingers as designated in the MBNP that highlight or point towards to the application site.
- 8.12. The proposed dwelling would be sited adjacent the existing dwelling. Amended plans have been received addressing officer concerns regarding the scale, size and massing of the proposed dwelling and the design of the garage doors. As a result, the proposed separation distance between the proposed and existing dwelling was increased to approximately 2 metres.

- 8.13. The land slopes down to the north of the site and the proposed dwelling would be set approximately 3 metres lower than the existing dwelling. The proposed dwelling would have a large gable front elevation and a projecting two storey front gable on the northern boundary of the site. The proposed gable elevations would have the same pitch as each other and would match the pitch of the main roof of the dwelling. The proposed design and style of the dwelling would match the existing dwelling in relation to the two front gable elevations and matching roof pitches. The proposed dwelling would however, be modern in design with window cils and header detailing to the front elevation. The proposed dwelling would be in keeping with the existing dwelling, but would not compete with the existing dwelling. The dwelling would be set lower and be subordinate in scale and size to the existing dwelling. A chimney is proposed on the side elevation which would be most visible in the site. The proposed dwelling would stand separately to the existing dwelling but would complement the character of the existing dwelling and the site as a whole.
- 8.14. There is no defined character along this part of Barton Road with a number of different styles and designs and a mix of two storey and single storey detached properties. There is one new dwelling located in the vicinity of the site which is a large two storey detached dwelling with two front gables. Due to the mix of design and styles of properties along the streetscene and the set back nature of the proposed dwelling, the proposal would not impact upon the character of the streetscene. The proposal would be in keeping with the existing dwelling within the application site.
- 8.15. Policy CE1 (b) states that any new development within Character Area D should pay particular regard to existing rooflines. It is considered that the amended design that results in a hipped roof with two gable front elevations would now complement the character of the area and pay regard to the existing rooflines of the existing property. The proposal would therefore be in accordance with Policy CE1 (b) of the MBNP.
- 8.16. The proposed dwelling would not be easily visible from Barton Road as it is set back approximately 45 metres within the site. Although the site is set higher than Barton Road, there is extensive screening to the front of the site, which is protected by a Tree Preservation Order, and on the north boundary of the site. The new dwelling would be visible from Barton Road, however due to the set down nature of the dwelling, the subordinate size of the dwelling in relation to the existing dwelling, the matching hipped roof and the distance from Barton Road the proposal would not impact upon the character of the streetscene.
- 8.17. The proposed rear elevation would have three dormers and one rooflight with an additional single storey rear gable projection. The proposed rear elevation would not be visible from the street, but would still continue with the window detailing and design as proposed on the front extension.
- 8.18. The rear garden of the existing property is to be subdivided to allow a new garden for the proposed dwelling. The proposed garden for both the existing and new dwelling would be of adequate size. A large number of existing trees are located to the front of the proposed dwelling, screening the dwelling from view; however as part of this application it is recommended that additional landscaping and planting is provided to assimilate the development into the site. Further planting can also be secured to strengthen the boundary of the site to the north, adjacent to the proposed side elevation of the dwelling, which would result in the development being screened when viewed from the north. This is to be secured by condition.

- 8.19. The land slopes significantly up to the east of the site from Barton Road with the proposed dwelling set lower than the existing dwelling. To ensure the levels of the proposed dwelling is in keeping with the character of the site and the existing dwelling and to ensure it does not appear too dominant within the site, a suitably worded condition is recommended requiring existing and proposed ground and finished floor levels to be submitted prior to commencement.
- 8.20. Concerns have also arisen due to the site being identified as an important view into Market Bosworth as defined in the adopted MBNP. The proposal is set back into the site, away from Barton Road and therefore the view of the proposal from the outside of the site would be negligible. Whilst the site is of a higher level than the street there is a wall and a mature band of hedgerow and trees bordering the site to the north, west and east which would act as an element of screening to the development. The proposed dwelling is located within the south east of the site and would not be easily visible from View 5 due to the dwelling to the north of the site, Beech Lee and the significant planting between the dwelling to the north and the application which provides significant screening. Therefore, the proposed dwelling would not appear dominant within the application site or intrusive to the important views 4 and 5 as designated within the MBNP.
- 8.21. Concerns have also arisen regarding the proposed development being located within Character Area F as designated in the MBNP and Policy CE1 (a) states that where new development would be visible from an adjacent character area it should be sensitive to the principal characteristics of that area. The application site is located within Character Area D and Character Area F and the proposed dwelling would be located within Character Area D. Although the proposed dwelling would be visible from Character Area F, it is not considered that the proposal would have an adverse impact upon the characteristics of Area F due to the existing dwellings, screening and landscaping to the boundaries of the site and the additional landscaping secured by condition.
- 8.22. The siting, design and existing vegetation and additional landscaping to the boundaries would ensure that the development would not appear dominant within the street scene. The proposed design and siting of the proposed dwelling would not have a detrimental impact on the character of the area or existing dwelling in accordance with Policies DM10 of the SADMP and Policies CE1 and CE3 of the Market Bosworth Neighbourhood Plan 2014-2026.

Impact upon neighbouring residential amenity

- 8.23. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.24. The proposed dwelling would be set approximately 1.5 metres from the northern boundary of the site. The proposed dwelling would have a roof that pitches away from the boundary of the site with the adjacent property, Beech Lea. Beech Lea is sited approximately 26 metres from the side elevation of the proposed dwelling and is set lower than the application site. However, due to the reduced height, new pitch of the roof and distance to the neighbouring property, the proposed dwelling would not adversely impact upon the residential amenity of Beech Lea in respect of loss of light or overbearing. In addition, there are existing conifers located on the boundary of the site and it is recommended to increase planting along this boundary which would help screen the development further.
- 8.25. Two windows are proposed on the first floor side elevation of the new dwelling which would face the boundary of the site and the garden of Beech Lea. Both windows would serve bathrooms and to ensure there would be no impact from overlooking from these windows, it is recommended to condition that they are

obscure glazed and non-opening unless above 1.7 metres in height from the floor level. The proposed windows to the rear elevation would not impact upon overlooking on the garden of Beech Lea due to the siting and distance to the neighbouring properties.

- 8.26. The side elevation of the proposed dwelling would be sited approximately 2 metres from the side elevation of the existing dwelling within the application site. The proposed dwelling would be sited level with the front and rear elevations of the existing property and would therefore not adversely impact upon the front or rear windows of the existing property in respect of loss of light or overbearing. There is one window on the ground floor side elevation of the existing property; however this is a secondary window with one large window on the front of the property serving the same room. There is one window on the first floor side elevation of the existing property, however this serves a bathroom. The proposed dwelling would therefore not impact upon the existing dwelling in respect of loss of light or overbearing to any windows. The windows on the rear elevation of the proposed dwelling would be set off from the new boundary with the existing property by approximately 3.5 metres. The proposed windows to the rear elevation would not impact upon overlooking on the garden of the existing property due to the siting and distance to the neighbouring properties.
- 8.27. Planning permission has been granted to the front of the site for a 5 bedroomed property, the approved dwelling would be dug down into the ground with the majority of the property set to the front of the site. The proposed dwelling would be sited approximately 13 metres from the approved dwelling to the front of the site with extensive screening situated between the front elevation of the proposed dwelling and the previously approved dwelling. Therefore, due to the siting of the approved and proposed dwelling, the distance between the rear and front elevations and the mature trees separating the two sites, the proposal would have no adverse impact upon the future occupiers of the approved dwelling in respect of loss of light, overbearing or loss of privacy.
- 8.28. Due to the siting of the proposed dwelling, no further residential properties would be affected by the proposal. The proposal is therefore in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.29. Policy DM17 and DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.30. The proposed dwelling would have an integral garage included to the front of the dwelling. Due to the size of the proposed garage, there would be space for only 1 vehicle. However an additional two spaces are provided in front of the integral garage with a further hardstanding turning area allowing vehicles to manoeuvre and leave the site in a forward gear. The proposed dwelling would have 5 bedrooms and therefore there would be the requirement for 3 or more spaces in accordance with Leicestershire County Council 6c's design guidance. The proposed site would allow provision for at least 3 spaces with a further hardstanding area.
- 8.31. As a result of this application, there would be a total of 3 dwellings on site. Leicestershire County Council 6c's design guidance states that the access drive should be a width of 4.25 metres for a minimum distance of 5 metres behind the highway boundary for two to five dwellings. This is to allow two cars to pass each other, to avoid waiting cars within the highway. The current width of the access is approximately 3 metres. Due to the existing tree preservation order trees along the western boundary (alongside Barton Road) careful consideration needs to be given

to any works to widen the access. A condition is recommended to require an access plan prior to the commencement of development, however amended plans are expected to be submitted which will demonstrate a suitable access to the site can be achieved.

- 8.32. Subject to the recommended conditions the proposal would not have an adverse impact upon highway safety and would therefore be in accordance with Policy DM17 and DM18 of the SADMP.

Impact upon heritage assets

- 8.33. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced. Policy DM13 seeks to preserve the borough's archaeology. Where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.34. Section 12 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 132). The Setting of Heritage Assets guidance published by Historic England is also given due consideration during the determination of this application as the document sets out guidance on managing change within the setting of heritage assets.
- 8.35. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.36. To the immediate east, north and south of the existing dwelling, lies a Scheduled Monument, consisting of the below-ground archaeological remains of a probable Roman villa, where Iron Age artefacts have been identified. As part of this application, the applicant has submitted a report on archaeological trial trenching, which was undertaken in accordance with the initial recommendations from LCC Archaeology.
- 8.37. Trial trenching was undertaken in January 2017 which saw the excavation of a single trench located within the footprint of the proposed dwelling. This revealed the presence of well-preserved archaeology deposits relating to Roman occupation and settlement, including a spread of rubble which may relate to structural remains, a pit and a gully.
- 8.38. Leicestershire County Council (Archaeology) do not object to the proposal, however state that further information is required with regards to the archaeological evaluation to the site. This information is secured by condition and is considered to be reasonable to ensure that any archaeological remains present are dealt with appropriately. Subject to the inclusion of this condition the development would not have a detrimental impact upon the scheduled ancient monument adjacent to the site.
- 8.39. Given the distance between the site and the northern boundary of the conservation area it could not be considered to fall within its immediate setting, however it could be considered that the site falls within the wider setting of the conservation area and due to its character it makes a limited but positive contribution towards its significance.

- 8.40. The proposed new dwelling is to be located in the position of an existing domestic single storey garage so to a limited degree it does reflect the existing suburban character of the plot. There would be an increase in the height of the development along the northern boundary of the plot with the proposal of a two storey dwelling but attempts have been made through its hipped roof design to ensure this is not overbearing. The increase in height would mean that the proposal would be more visible when looking southwards towards the village, although screened to some extent by the dwelling known as Beech Lea and a section of mature hedgerow along the northern boundary of the site. Given that there are already views of the existing property and the garage, although limited by the scale of the garage and location of existing dwelling further to the south within the plot, the addition of a new dwelling is unlikely to have a major visual impact and this impact could be considered to be neutral subject to a strengthening of the existing hedgerow and increasing its height to provide additional screening to the development.
- 8.41. The proposal would preserve the significance of the conservation area and the scheduled monument and therefore it complies with Policies DM11, DM12 and DM13 of the SADMP and section 12 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon trees

- 8.42. Policy CE4 of the Market Bosworth Neighbourhood Plan 2014-2026 seeks to conserve and enhance important trees and wooded areas. The trees located to the front (west) and side of the site (north) are protected by a Tree Preservation Order. A tree survey plan was submitted alongside this application, which indicates detailed and accurate root protection areas of the protected trees.
- 8.43. The proposed dwelling would be sited on the northern boundary of the site, however would be located further to the east, away from the trees protected by the tree preservation order. The closest tree, a conifer, is located approximately 8 metres from front elevation of the property. The proposed dwelling would be situated outside of the detailed root protection area.
- 8.44. The Tree Officer has assessed the details and concludes that the proposed layout would not have an impact on the important retained trees to the west and north side of the site. To ensure the trees are not impacted by the proposal, an appropriate tree protection plan has been detailed and can be secured by condition.
- 8.45. It is therefore considered that the development, due to its scale, location and positioning would not have a harmful impact upon the trees on the site and is therefore in accordance with Policy DM10 of the SADMP and Policy CE4 of the Market Bosworth Neighbourhood Plan 2014-2026 which seeks to conserve and enhance important trees and wooded areas.

Impact upon ecology

- 8.46. Policy DM6 of the SADMP seeks to ensure that development proposals demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term future management. The removal or damage of such features shall only be acceptable where it can be demonstrated that the proposal would result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.
- 8.47. An ecological survey has been submitted and no protected species were found and no ecological features of note were identified. No objections have been received from Leicestershire County Council Ecology and therefore no further action is required. The proposal would be in accordance with Policy DM6 of the SADMP.

Developer Contributions

- 8.48. Policy 19 of the Core Strategy and Policy DM3 of the SADMP requires new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. However, Paragraph: 031 Reference ID: 23b-031-20160519 of the Planning Practice Guidance, which is a material consideration, notes 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 1000sqm. In light of the guidance in the PPG and as a result of the number of proposed dwellings as 1 and floor space below 1000sqm, a contribution towards play and open space provision is not being sought.

Other issues

- 8.49. HBBC Environmental Health Officer has no objections as the former landfill site adjacent to the site was investigated in 2011 and the limited sampling indicated that the levels of landfill gas at the site were not of concern.
- 8.50. Objections have been received regarding the sale and lack of interest of the previously approved planning permission for the dwelling to the front of the site. However this is not a material planning consideration.

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. The proposed dwelling, due to its design and siting would not have a detrimental impact upon the character of the existing dwelling, area and street scene; the important trees along the boundary of the site; the setting of the conservation area; neighbouring amenity; highway safety and ecology. Subject to conditions the proposal would not impact upon the adjacent scheduled monument. Therefore the proposed development is considered to be in accordance with Policies CE1, CE3 and CE4 of the Market Bosworth Neighbourhood Development Plan, Policy DM1, DM6, DM10, DM11, DM12, DM13, DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document, Policy 7 and 11 of the Core Strategy and the aims of the National Planning Policy Framework and is recommended for approval subject to conditions.

11. Recommendation

11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

11.2. That the Head of Planning and Development 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: Proposed Floor Plans drg. no. 250 C (scale 1:50) and Proposed Elevations drg. no. 450 E (scale 1:50) received by the Local Planning Authority on 13 March 2017, Proposed Site Plan drg. no. 150 A (scale 1:500) and Proposed Site Plan drg. no. 151 A (scale 1:200) received by the Local Planning Authority on 21 February 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 Development Plan Document and Policy CE1 of the Market Bosworth Neighbourhood Plan 2014-2026.

3. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposal shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document and Policy CE1 of the Market Bosworth Neighbourhood Plan 2014-2026.

4. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments for the site, has been submitted to and approved in writing by the local planning authority. The scheme shall include, but is not exhaustive to, specific boundary treatments for the northern boundary of the site. The scheme shall be carried out in full accordance with the approved landscaping scheme.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document and Policy CE1 of the Market Bosworth Neighbourhood Plan 2014-2026.

5. All hard landscaping, planting, seeding or turfing approved under condition 4 shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being

planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document and Policy CE1 of the Market Bosworth Neighbourhood Plan 2014-2026.

6. 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 approved proposed ground levels and finished floor levels.

Reason: To ensure that the development has a satisfactory appearance to accord with Policy DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document and Policy CE1 of the Market Bosworth Neighbourhood Plan 2014-2026.

7. Before first use of the development hereby permitted, parking and turning facilities as shown on approved plan Proposed Site Plan drg. no. 151 A (scale 1:200) received by the Local Planning Authority on 21 February 2017 shall be provided and surfaced with a hard bound porous material (not loose aggregate) and be made available for use within the site to allow vehicles to enter, park and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained at all times.

Reason: To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users and in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document and 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.

8. No development shall commence on site until such time as details of the access are submitted to and approved in writing by the local planning authority. The approved access shall be provided prior to first occupation of the dwelling hereby permitted.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

9. No development shall take place/commence until a complete set of development details (including existing and proposed ground levels and layout and depths of all foundations, service trenches, drains, landscaping and other ground works) and a programme of archaeological work (Strip, Plan and Record excavation) including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:-

- a) The programme and methodology of site investigation and recording
- b) The programme for post investigation assessment

- c) Provision to be made for analysis of the site investigation and recording
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To ensure satisfactory archaeological investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policy DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document.

10. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory archaeological investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policy DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document.

11. No development shall take place until trees identified within the Tree Survey drg. no. 1 B (scale 1:200), received by the Local Planning Authority on 23 December 2016 have been protected by the erection of temporary protective fences in accordance with the details included within the schedule of trees. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5 cm or more shall be left unsevered.

Reason: The trees are important features in the area and they must be properly protected while building works take place on the site in accordance with Policy CE4 of the Market Bosworth Neighbourhood Plan.

12. Notwithstanding the submitted information, the bathroom windows to the first floor side (north) elevation shall be fitted with obscure glazing to level 3 of the Pilkington Scale or above and shall non opening unless constructed above a minimum of 1.7 metres above the floor of the room within which the window is installed and shall thereafter be permanently retained in this approved form.

Reason: To ensure the development does not have a detrimental impact upon neighbouring residential amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

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. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in B R E Digest No. 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
3. Any 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 sited surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.
4. All recycling and refuse services take place from the boundary with the public highways and it is the responsibility of the occupiers to ensure that all containers/wheeled bins will be brought to the collection point.
5. The applicant is drawn to the recommendation in the submitted ecology report (Stefan Bodnar, February 2017).