

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

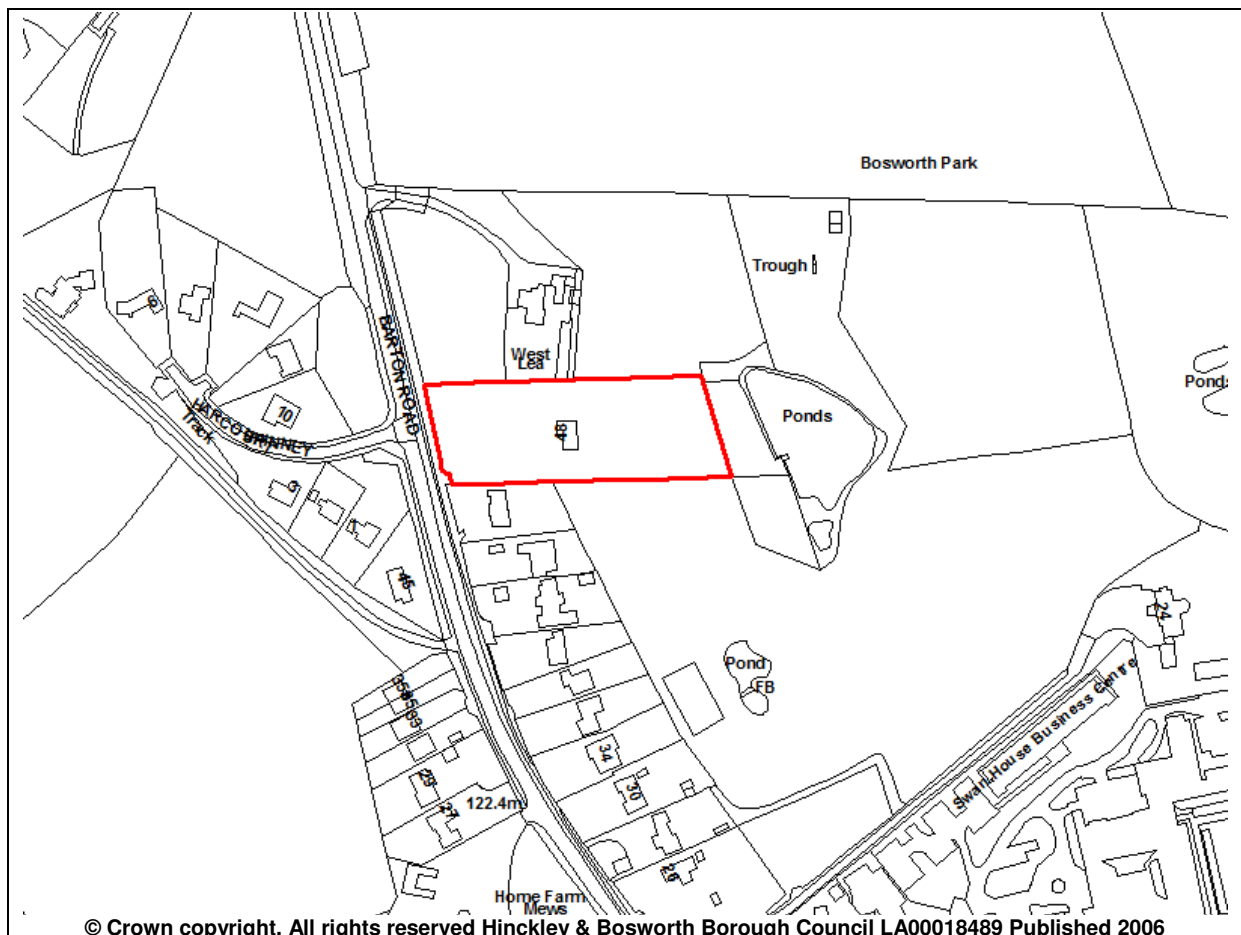


Hinckley & Bosworth
Borough Council

Planning Ref: 16/01163/HOU
Applicant: Mr Steve Wong
Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: Kingscliffe 48 Barton Road Market Bosworth

Proposal: Partial demolition of existing dwelling and garage and erection of new garage



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 partial demolition of the existing dwelling and detached garage and the erection of a new garage at 48 Barton Road, Market Bosworth.

- 2.2. Amended plans have been received addressing officer concerns regarding the height of the garage and design of the garage doors. As a result, the height of the garage was reduced and the style of the garage doors was changed from a large arched door to a more traditional rectangular garage door.

3. Description of the Site and Surrounding Area

- 3.1. The existing garage and part of the existing dwelling to be demolished is located to the north of the site. The plot is substantial in size and the existing dwelling is set back into the site. Planning permission has also been granted for the erection of one dwelling to the front of the site (ref. 16/00281/FUL). The proposed garage is to be located to the south of the site, to the front of the existing dwelling. The proposed garage would be of similar size to the existing garage.
- 3.2. The structures are to be demolished to free up part of the site for a new dwelling which is subject to a separate planning application (ref. 16/01164/FUL).
- 3.3. 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 well back from the road.
- 3.4. 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 |
| 16/01164/FUL | Construction of a new dwelling | 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. No comments received.

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
- 8) Historic England

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. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- 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

7.3. National Planning Policies and Guidance

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

7.4. 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
- 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 and that it is a material consideration in determining applications. The development plan in this instance consists of the Site Allocations and Development Management Policies (SADMP) DPD and the Core Strategy (2009).
- 8.3. Policy DM1 of the SADMP provides a presumption in favour of sustainable development. The policy sets out that those development proposals that accord with the development plan should be approved without delay unless material considerations indicate otherwise.
- 8.4. 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.
- 8.5. The proposal is located within the settlement boundary for Market Bosworth, which is identified as a key rural centre where the principle of a new garage is considered acceptable, subject to all other material planning considerations being acceptable.

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. 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 CE1 (b) states that any new development within Character Area D (Suburban Residential) should pay particular regard to existing rooflines.
- 8.9. A strong feature of the area is that all properties along Barton Road are set back into the site with large front gardens. Currently the application 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.

- 8.10. 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.
- 8.11. The proposed garage would be set approximately 1 metre away from the southern boundary of the site and would be located to the front of the existing dwelling. The garage would measure approximately 5.8 metres to the ridge and 3.2 metres to the eaves with a dual pitched roof. The proposed garage, due to the single storey nature and steep land levels sloping up the east, would appear significantly subservient and small scale in relation to the main dwelling. The proposed garage would be sited partly to the side of the existing dwelling and would only partly obscure the view of the existing dwelling. Therefore the proposal would not impact upon the character of the existing dwelling.
- 8.12. The proposed garage would be set further back and would not come forward of the existing building line along Barton Road. The proposed garage, due to the location and screening of the existing trees to the front of the site would be only slightly visible from the street scene. The proposed height and scale of the garage would not appear dominant or incongruous to the street scene.
- 8.13. 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, protected by a TPO, bordering the site to the north, west and east which would act as an element of screening to the development. Therefore, the proposed garage would not appear dominant within the application site or intrusive to the important view 4 as designated within the MBNP. The proposal 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 Lea, and the significant planting between the dwelling to the north and the application site which provides significant screening.
- 8.14. The partial demolition of the existing dwelling and existing garage would not significantly alter the character of the existing dwelling or streetscene, as it would retain the main element of the property and its character.
- 8.15. Whilst the proposal is located before the front elevation of the dwelling, the garage would be set behind the building line along Barton Road and behind the previously approved dwelling in the front garden of the site. The siting, design and existing vegetation to the boundaries would ensure that the development would not appear dominant within the street scene. The proposal would therefore not have a detrimental impact to 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

- 8.16. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.17. The proposed garage would be set approximately 1 metre away from the southern boundary of the site. No. 46 Barton Road is the nearest residential property, located

approximately 9.5 metres from the side elevation of the proposed garage with a large residential garden. The garage would measure approximately 5.8 metres to the ridge and 3.2 metres to the eaves with a dual pitched roof, pitching away from the boundary of the site.

- 8.18. Due to the siting of the garage in relation to the orientation of the sun, the reduced height and pitch of the garage and distance to the neighbouring property, there would be no adverse impact upon the residential amenity of no. 46 in respect of loss of light, overbearing or overlooking.
- 8.19. Due to the siting of the garage, there would be no impact upon any other residential properties.
- 8.20. Therefore the proposal is considered to comply with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.21. 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.
- 8.22. The proposed garage would replace and relocate the existing garage located to the north of the site. The existing garage provides provision for 3 vehicles with hardstanding providing provision for a further 4 vehicles. The proposed garage would provide provision for two vehicles with a further space for two vehicles located to the front of the garage.
- 8.23. The existing property has 5 bedrooms and therefore there would be the requirement for 3 or more car parking spaces in accordance with Leicestershire County Council 6c's design guidance. In total there would be the provision for a minimum of 4 spaces. The garage would be set back from the entrance driveway to allow vehicles to park to the front of the garage so as not to impede on access to the previously approved dwelling or the dwelling proposed under a separate application. Vehicles would also be able to turn and leave the site in a forward gear.
- 8.24. The proposals 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

- 8.25. 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.
- 8.26. 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.
- 8.27. 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.

- 8.28. 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 LGC Archaeology.
- 8.29. Trial trenching was undertaken in January 2017 within the proposed footprint of the new garage. This revealed evidence for quarrying and the municipal deposition of rubbish during the late 19th and early 20th centuries. The rubbish pit was excavated to a maximum safe depth of 1.2 metres from the ground surface and the total depth is unknown.
- 8.30. 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.
- 8.31. Given the distance between Kingscliffe 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.
- 8.32. The proposed new garage is to be located in front of the existing dwelling within the garden and by virtue of its design and scale it does reflect the existing suburban character of the plot. It would not be visible from views looking southwards from the countryside. Due to its location within the plot and scale it would not have any detrimental visual impact on the surrounding area.
- 8.33. 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

- 8.34. 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.
- 8.35. The proposed garage would be located to the south of the site, away from the protected trees. There is one tree located adjacent the proposed location of the garage; however it is considered that the tree provides no significant amenity contribution to the site. The tree is a small scale tree and is not visible from the entrance of the site due to the large mature beech tree located to the west of the proposed garage.
- 8.36. 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. An appropriate tree protection plan has been detailed and can be secured by condition.

- 8.37. 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

- 8.38. 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.
- 8.39. An ecological/bat survey has been submitted as the proposed development would impact on the roof and roofline of the dwelling which is directly adjacent to mature gardens with good connectivity to mature hedgerows.
- 8.40. As no protected species were found and no ecological features of note were identified, no further action is required. Therefore the proposal would be in accordance with Policy DM6 of the SADMP.

Other issues

- 8.41. 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.
- 8.42. 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.
- 8.43. Concerns have been raised with regard to the erection of a dwelling, which is currently under determination through a separate planning application (ref. 16/01164/FUL). Issues raised regarding the erection of a new dwelling cannot be considered through this application.

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 proposal is located within the settlement boundary for Market Bosworth and there is a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.
- 10.2. The proposed garage, 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, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12, Paragraph 132 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 Elevations and Proposed Garage Plans drg. no. 451 A (scale 1:50) received by the Local Planning Authority on 21 February 2017, Proposed Elevations Plan drg. no. 450 (scale 1:50), Proposed Site Plan drg. no. 150 (scale 1:200), Proposed First Floor Plan drg. no. 251 (scale 1:50) and Proposed Ground Floor Plan drg. no. 250 (scale 1:50) received by the Local Planning Authority on 23 December 2016.
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/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.

5. 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 4 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.

6. 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.

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. Rainwater from the detached garage roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge directly onto the surface of the application site and neighbouring gardens.