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Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

**Bill Cullen** MBA (ISM), BA(Hons) MRTPI  
*Chief Executive*

Date: 13 April 2017

**To: Members of the Planning Committee**

Mr R Ward (Chairman)	Mr C Ladkin
Mr BE Sutton (Vice-Chairman)	Mr LJP O'Shea
Mr PS Bessant	Mr RB Roberts
Mrs MA Cook	Mrs H Smith
Mrs GAW Cope	Mrs MJ Surtees
Mr WJ Crooks	Miss DM Taylor
Mrs L Hodgkins	Ms BM Witherford
Mr E Hollick	Ms AV Wright
Mrs J Kirby	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **PLANNING COMMITTEE** in the De Montfort Suite - Hub on **TUESDAY, 25 APRIL 2017** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen  
Democratic Services Officer

## PLANNING COMMITTEE - 25 APRIL 2017

### A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting held on 28 March 2017.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

4. DECLARATIONS OF INTEREST

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

To hear any questions in accordance with Council Procedure Rule 10.

6. DECISIONS DELEGATED AT PREVIOUS MEETING

The Head of Planning & Development to report progress on any decisions delegated at the previous meeting.

7. 16/01164/FUL - KINGSCLIFFE, 48 BARTON ROAD, MARKET BOSWORTH (Pages 5 - 20)

Application for construction of new dwelling.

8. 16/01163/HOU - KINGSCLIFFE, 48 BARTON ROAD, MARKET BOSWORTH (Pages 21 - 32)

Application for demolition of existing dwelling and garage and erection of new garage.

9. 17/00141/FUL - WOODLANDS, THORNTON LANE, MARKFIELD (Pages 33 - 40)

Application for erection of two detached dwellings.

10. 16/01058/CONDIT - LAND OFF HINCKLEY ROAD, STOKE GOLDING (Pages 41 - 52)

Application for variation of condition 1 of planning permission 16/00212/CONDIT to amend siting of plots 49-71 with associated substitution of house types.

11. 17/00130/FUL - LAND OFF HINCKLEY ROAD, STOKE GOLDING (Pages 53 - 62)

Application for erection of one new dwelling and detached double garage.

12. 17/00053/HOU - 26 SYCAMORE CLOSE, BURBAGE (Pages 63 - 68)

Application for single storey rear extension (retrospective) following deferral on a 'minded to refuse' basis at the previous meeting.

13. APPEALS PROGRESS (Pages 69 - 72)

Report of the Head of Planning and Development attached.

14. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

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# Agenda Item 2

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### PLANNING COMMITTEE

28 MARCH 2017 AT 6.30 PM

PRESENT: Mr R Ward - Chairman  
Mr BE Sutton – Vice-Chairman  
Mrs MA Cook, Mr WJ Crooks, Mrs L Hodgkins, Mr E Hollick, Mrs J Kirby, Mr C Ladkin,  
Mr LJP O'Shea, Mr RB Roberts, Mrs H Smith, Mrs MJ Surtees, Miss DM Taylor,  
Ms BM Witherford, Ms AV Wright and Mr DC Bill MBE (for Mrs GAW Cope)

In accordance with Council Procedure Rule 4.4 Councillor Mr SL Rooney was also in attendance.

Officers in attendance: Rebecca Owen, Michael Rice, Nicola Smith and Richard West

#### 411 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Cope, with the substitution of Councillor Bill authorised in accordance with council procedure rule 4.

#### 412 MINUTES

It was moved by Councillor Sutton, seconded by Councillor Cook and

RESOLVED – the minutes of the meeting held on 28 February 2017 be confirmed and signed by the chairman.

#### 413 DECLARATIONS OF INTEREST

No interests were declared at this stage.

#### 414 DECISIONS DELEGATED AT PREVIOUS MEETING

It was noted that all decisions had been issued.

#### 415 16/01058/CONDIT - LAND OFF HINCKLEY ROAD, STOKE GOLDING

It was noted that this item had been withdrawn from the agenda.

#### 416 17/00130/FUL - LAND OFF HINCKLEY ROAD, STOKE GOLDING

It was noted that this item had been withdrawn from the agenda.

#### 417 17/00053/HOU - 26 SYCAMORE CLOSE, BURBAGE

Application for single storey rear extension (retrospective).

It was moved by Councillor Sutton and seconded by Councillor Surtees that the application be approved with a note to applicant to ask that the guttering be redesigned so as not to overhang the boundary. Upon being put to the vote, the motion was LOST.

Councillor Wright, seconded by Councillor O'Shea, moved that the committee be minded to refuse the application for reasons of its overbearing effect on the neighbouring

property, detriment to residential amenity and contrary to policy DM10. Upon being put to the vote, the motion was carried and it was

RESOLVED – Members be minded to refuse the application and it be brought to the following meeting for decision.

418 17/00080/FUL - 10 THE BOROUGH, HINCKLEY

Application for change of use from a betting shop (sui generis use) to a restaurant (A3 use) and 5 apartments.

Whilst generally in support of the development, concern was expressed in relation to the potential for an external flue. It was moved by Councillor Crooks and seconded by Councillor Sutton that the application be approved with an additional condition to require submission of the details of the flue prior to installation for approval by Environmental Health. Councillor Witherford proposed an amendment that a further additional condition be added to require retention of the front door. This amendment was seconded by Councillor Ward and accepted.

Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – permission be granted subject to the conditions contained in the officer's report and additional conditions in relation to details of the flue and retention of the front door.

419 17/00010/OUT - LAND REAR OF 237 MAIN STREET, THORNTON

Application for erection of detached dwelling (outline – all matters reserved).

It was moved by Councillor Sutton, seconded by Councillor Crooks and

RESOLVED – permission be granted subject to the conditions contained in the officer's report.

420 16/01159/HOU - 68 LANGDALE ROAD, HINCKLEY

Application for two storey side and single storey rear extension.

Following a decision of "minded to refuse" at the previous meeting, some members continued to express concern about the cumulative impact of the extensions to this property and that it was out of character for the area. It was moved by Councillor Taylor and seconded by Councillor Bill that the application be refused for these reasons. Upon being put to the vote, the motion was LOST.

Members expressed concern in relation to the number of residents in the property, and in response it was explained that up to six at any one time could reside without planning permission where the property was a house in multiple occupation. It was agreed that a note to applicant would be included to remind the landlord of this. A commitment from officers to monitor the site four times a year for five years via unannounced spot checks was given.

It was then moved by Councillor Sutton and seconded by Councillor Cook that the application be approved with an additional condition requiring details of parking for construction traffic to be submitted and a note to applicant in relation to the number of residents inhabiting the property. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – permission be granted subject to the conditions contained in the officer’s report, an additional condition in relation to parking for construction traffic and a note to applicant about the number of residents inhabiting the property at any one time.

421 APPEALS PROGRESS

Members received an update on appeals since the previous meeting. It was moved by Councillor Sutton, seconded by Councillor Witherford and

RESOLVED – the report be noted.

(The Meeting closed at 8.04 pm)

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CHAIRMAN

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

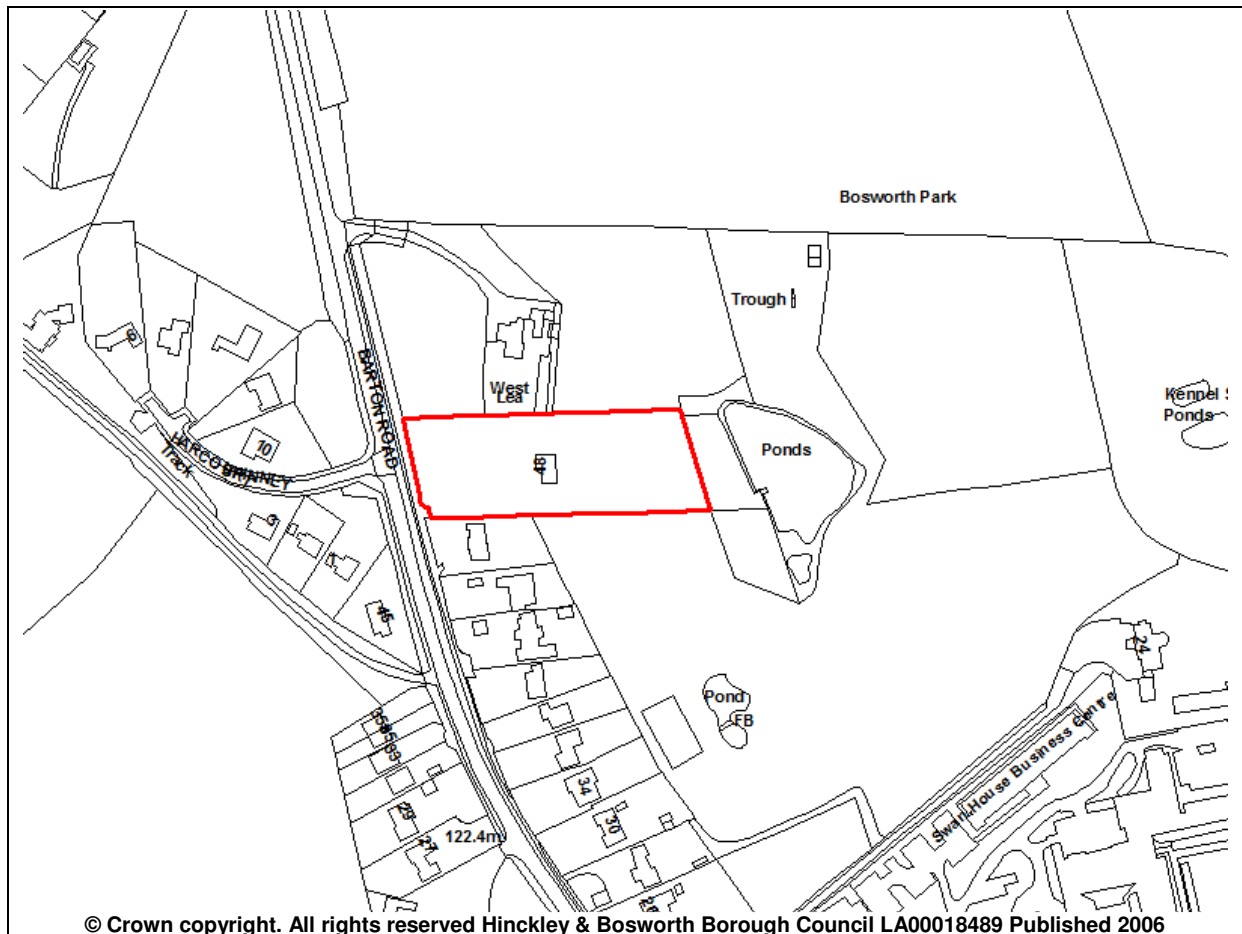
Planning Ref: 16/01164/FUL  
Applicant: Mr Steve Wong  
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth  
Borough Council

Site: Kingscliffe 48 Barton Road Market Bosworth

Proposal: Construction of new dwelling



## 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 Polices 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](mailto: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).

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Planning Committee 25 April 2017

Report of the Head of Planning and Development

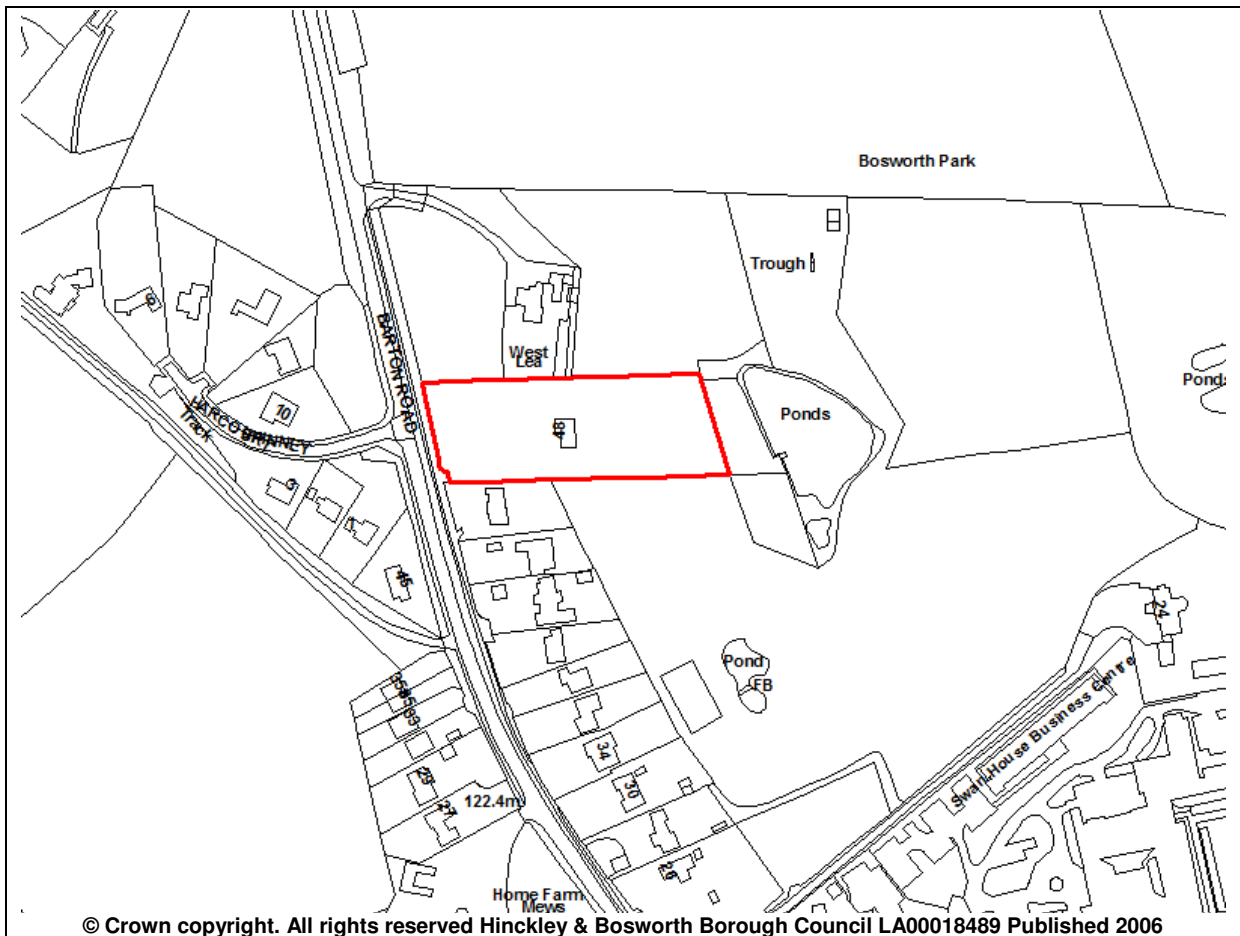
Planning Ref: 16/01163/HOU  
Applicant: Mr Steve Wong  
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth  
Borough Council

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 19<sup>th</sup> and early 20<sup>th</sup> 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](mailto: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.

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

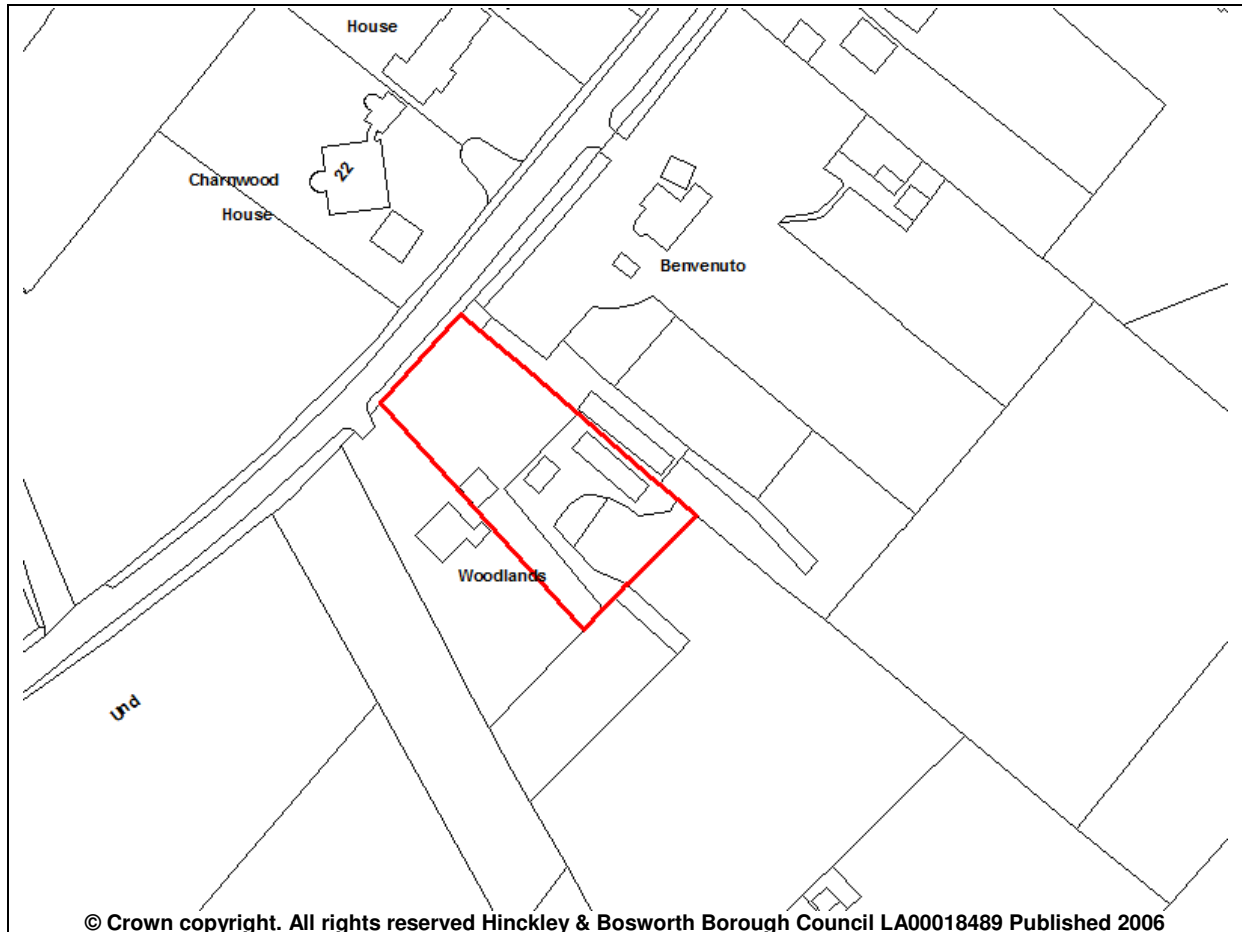
Planning Ref: 17/00141/FUL  
Applicant: Mr David Parkes  
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth  
Borough Council

Site: Woodlands Thornton Lane Markfield

Proposal: Erection of Two Detached Dwellings



## 1. Recommendations

1.1. Refuse planning permission subject to the reasons at the end of this report.

## 2. Planning Application Description

- 2.1. This application seeks planning permission for the erection of two detached houses including the construction of a replacement access onto Thornton Lane. The existing garage serving the dwelling known as Woodlands would be demolished to facilitate the development.
- 2.2. Amended plans have been submitted during the determination of this application to remove the proposed garages, introduce a half hip to the roof design and lower the ridge height.

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

- 3.1. The application site is located to the south of Markfield outside the settlement boundary and within an area designated as countryside. The site forms part of a ribbon of linear residential development along Thornton Lane. To the south west, north and north east of the site are dwellings fronting onto Thornton Lane. The dwellings vary in size and design although are generally large dwellings set in large plots. To the south east of the site is a paddock and agricultural land.
- 3.2. The site comprises an existing access onto Thornton Lane, a stable block, paddock land associated with the dwelling known as Woodlands and the garage serving Woodlands.

### **4. Relevant Planning History**

17/00099/FUL	Erection of four stables, a hay barn and formation of a manège	Approved	06.04.2017
15/00809/OUT	Erection of one dwelling (outline - access only)	Approved	14.09.2015
98/00994/OUT	Erection of one dwelling	Refused	06.01.1999
90/01183/4	Residential development for one dwelling house outline	Refused	18.12.1990
86/01292/4	Erection of single residential dwelling outline	Refused	27.01.1987

### **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. Four representations of objection have been received; the comments are summarised below:
- 1) Garages forward of the dwellings are uncharacteristic of the area
  - 2) The houses are too close to the boundary adjoining Ben Venuto
  - 3) The houses are too tall
  - 4) The proposed drains will impact on the trees along Thornton Lane's frontage.

### **6. Consultation**

- 6.1. No objection, some subject to conditions, has been received from the following:  
Leicestershire County Council (Highways)  
Leicestershire County Council (Ecology)  
Environmental Health (Drainage)  
Environmental Health (Pollution)  
Waste Services
- 6.2. Ratby Parish Council object to the application as the houses are not in the normal building line and it is development in the open countryside.

## **7. Policy**

### 7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

### 7.3. National Planning Policies and Guidance

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

## **8. Appraisal**

### 8.1. Key Issues

- 1) Assessment against strategic planning policies
- 2) Impact upon the character of the area
- 3) Residential amenity
- 4) Impact upon the highway
- 5) Drainage
- 6) Material considerations

#### Assessment against strategic planning policies

8.2. The application site is located to the south of Markfield outside of and separated from the settlement boundary and within the designated countryside.

8.3. As of 1 April 2016 the Local Planning Authority is able to demonstrate a 5.84 years housing land supply of deliverable sites within the borough. Therefore the relevant policies for the supply of housing within the development plan can be considered up-to-date in accordance with paragraph 49 of the NPPF.

8.4. Policy 8 of the Core Strategy states that to support local services in Markfield and ensure local people have access to a range of housing the Council will allocate land for the development of a minimum of 80 new homes. Table 3 of the Site Allocations and Development Management Policies DPD states that the residual housing requirement for Markfield is 0 and the housing allocations to meet the identified need have been delivered. The proposed development is therefore not supported by Policy 8 of the Core Strategy.

8.5. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character from unsustainable development. Policy DM4 identifies several types of development which are considered sustainable development in the countryside. New, unrestricted, residential dwellings are not considered sustainable development in the countryside and therefore the proposal for the erection of two dwellings is contrary to Policy DM4 of the SADMP.

#### Impact upon the character of the area

8.6. Policy DM4 of the SADMP seeks to ensure development does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside. Policy DM10 of the SADMP 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. It should be noted that as the development is not considered to be sustainable development in the countryside in accordance with the first part of Policy DM4, and therefore any harm to the intrinsic value, beauty, open character and landscape character of the countryside would be unjustified.

- 8.7. The area comprises ribbon development along Thornton Lane, which ends at Charnwood House and Woodlands. The part of Thornton Lane adjacent to the application site has a rural character and appearance, with grass verges both sides. To the front of the application site adjoining Thornton Lane there is also a row of mature trees. The application site comprises stables and associated land which provides an area of separation between Woodlands and the adjacent new dwellings to the east which positively contributes to the open character of the countryside.
- 8.8. There is an extant outline planning permission (ref: 15/00809/OUT) on part of the application site for the erection of a single dwelling. The details approved for the outline application are access only and a reserved matters application will need to be submitted providing details of the layout, scale, appearance and landscaping. The reserved matters application would be required to retain space between the adjacent new dwellings to the east and between Woodlands to ensure the retention of the open character of the countryside and the scheme is in keeping with the character of the area. It is not considered that a proposal for two dwellings can achieve this.
- 8.9. This proposal would require the demolition of the garage serving Woodlands and drastically increase the proximity of two storey built form to Woodlands. The proposed dwellings would have wide frontages and are in close proximity to one another. Although the adjacent dwellings to the east are in close proximity to one another, they are currently viewed as separated from Ben Venuto due to the staggered building line and from Woodlands due to the intervening space at first floor level. An additional dwelling on this site would result in an adverse urbanising impact on the currently rural and open character of this section of Thornton Lane and the countryside, due to the cumulative impact of the bulk and massing of built form along the southern side of Thornton Lane this scheme would create.
- 8.10. Notwithstanding the objections to the bulk and massing of the built form, the dwellings have been designed to respond to the character of the dwellings in the area. Concern has been raised that the dwellings are too tall. However, the proposed dwellings would provide a transition step between the height of Woodlands and the adjacent dwellings being constructed to the east. The dwellings propose to incorporate traditional features including a projecting front gable, a porch canopy, chimney stacks, window cills and lintels, brick corbelling and brick course detailing. The materials proposed include Birtley Olde English bricks for the elevations and Spanish slate for the roof. The landscaping is complementary to the surrounding development with the exception of an uncharacteristic 1.8m close boarded fence which extends to the rear of the properties and would adversely impact on the character of the countryside. The dwellings would be of a high quality design which reflects the dwellings in the surrounding area. However, the high quality design is not considered to overcome the concerns in relation to the bulk and massing.
- 8.11. The Thornton Lane frontage of the application site comprises an existing access and an area of landscaping containing several mature trees. The existing access is not prominent along Thornton Lane and assimilates well into the verdant frontage which positively contributes to the rural character of the countryside. This scheme proposes to close the existing access and create a replacement access in the



centre of the frontage. A tree survey has been submitted with the application which identifies that no trees would need to be felled to facilitate the access but it would be within the root protection area of a group of category B trees whose protection would need to be secured through condition. A new hawthorn hedgerow is proposed adjoining the access and along the frontage which would improve the appearance of the frontage. Concern has been raised that the proposed drainage for the new dwellings runs through the root protection area of the group of category B trees. This is likely to impact on the longevity of the trees and an alternative routing for the drainage or means of drainage should be sought through a planning condition.

- 8.12. The existing access would be sufficient to provide access for a single dwelling; as per the outline permission for a single dwelling. The proposed addition of a second dwelling on the site requires an access to meet the larger size requirements of a shared access as set out in the 6Cs Design Guide. The proposed access would result in the loss of vegetation which contributes to the verdant character of the frontage. The proposed access would have a width of 6m with 3m kerb radii which would increase the prominence of the access on Thornton Lane due to the increased amount of hardstanding along the frontage. The increased prominence of the access would exacerbate the attention drawn to the site and the dwellings. The loss of vegetation along the frontage, increased prominence and availability of views into the site would adversely impact on the visual appearance and character of the countryside.
- 8.13. It is considered that by virtue of the bulk and massing of the proposed dwellings and the construction of a prominent access, the proposed dwellings would have an adverse impact of the character and appearance of the countryside which would be contrary to Policies DM4 and DM10 of the SADMP.

#### Residential amenity

- 8.14. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties. Paragraph 17 of the NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.15. The proposed dwellings would be adjoined by one of the new dwellings being constructed to the east of the application site and Woodlands.
- 8.16. The adjacent dwelling under construction has four side facing windows; two at first floor level and two at ground floor level. The two first floor windows will serve en-suites which are not habitable rooms and therefore the impact upon this would not adversely impact on the amenity of the occupiers. One ground floor window is a secondary window to the kitchen. As the proposed dwelling would not extend beyond the rear building line of the adjacent dwelling there would be no adverse impact on the primary window serving the kitchen and therefore there would be no adverse impact on the amenity of the occupiers. The other ground floor window is the only window serving a study. The proposed dwelling would be 3.6m from the window. The proposed dwelling would be located to the south west of the study window causing a loss of light to the study window. The loss of the light to the window would have an adverse impact on the occupiers. However, the impact would not be significantly adverse to be contrary to policy and justify a refusal of planning permission.
- 8.17. Woodlands does not have any side facing windows which could be impacted by the proposed dwellings. The proposed dwellings do not extend beyond the rear elevation of Woodlands and therefore the rear amenity space and rear facing

windows would not be impacted by the proposed dwellings. Woodlands would retain sufficient space to serve the occupiers of the dwelling.

- 8.18. The proposed dwellings would be of a sufficient size and be served by large rear gardens which would provide the future occupiers with a good standard of amenity.
- 8.19. It is considered that the proposed dwellings would not have an adverse impact on the amenity of the occupiers of neighbouring dwellings and would provide a good standard of amenity for the future occupiers in accordance with Policy DM10 of the SADMP and paragraph 17 of the NPPF.

#### Impact upon Highway Safety

- 8.20. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.21. This application seeks the closure of the existing vehicular access onto the site and construction of a new shared access central along the frontage. The proposed access meets the required width for a shared access and kerb radii have been included which are considered commensurate to the scale of the development. Visibility splays could be achieved in both directions which are consistent sufficient for the applicable speed limit. Gates are proposed to be set back 5m from the near edge of the carriageway which is in accordance with the 6Cs Design Guide. There would be a hardstanding area forward of each dwelling to provide sufficient car parking and manoeuvring space to serve the occupiers of the dwellings and allow vehicles to access and egress the site in a forward gear. Leicestershire County Council (Highways) has raised no objection subject to conditions.
- 8.22. It is considered that the proposed dwellings would not have an adverse impact on highway safety and would provide sufficient car parking for the future occupiers. It is considered that the proposed development is in accordance with Policies DM17 and DM18 of the SADMP.

#### Drainage

- 8.23. Policy DM7 of the SADMP seeks to ensure that surface water and groundwater quality are not adversely impacted by new development and that it does not exacerbate flood risks.
- 8.24. This application proposed to connect to the existing sewers to discharge foul drainage and surface water. Environmental Health (Drainage) has raised no objection to the application. As noted above, there are concerns over the impact of the proposed drainage on the root protection area. Whilst there is no objection to the means of drainage, an alternative network should be provided through a condition which would have a less intrusive impact on the root protection area of the existing trees.
- 8.25. The proposed development would not create or exacerbate flood risk and would ensure groundwater quality in accordance with Policy DM7 of the SADMP.

#### Material considerations

- 8.26. Paragraph 11 of the National Planning Policy Framework (NPPF) confirms that planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The applicant has highlighted that the application site has an extant outline planning permission for the erection of a single dwelling and two dwellings are currently being constructed on the site adjacent to the east. The applicant identifies that the above

were considered to be acceptable in accordance with the NPPF and due to their acceptance, there are no material planning reasons why the proposed two dwellings, subject to this application, cannot be approved.

- 8.27. The two previous decisions on the application site and adjacent site for residential dwellings were assessed against policies in the superseded Local Plan (2001) and against the National Planning Policy Framework due to the degree of consistency of some of the policies in the Local Plan. Subsequent to the previous applications being granted planning permission, the SADMP has been formally adopted. The SADMP allocates sites for all residential development required to meet the identified need over the plan period. In light of the adoption of the SADMP and the Council being able to demonstrate a five year housing land supply, there is no reason in this instance to grant planning permission for new residential development in the designated countryside.
- 8.28. An application, ref: 16/00362/OUT, for the erection of four dwellings on land on the opposite side of Thornton Lane was refused and subsequent to the adoption of the SADMP was dismissed at appeal. In assessing the sustainability of the location the inspector commented as follows:

*'Whilst Markfield is a sustainable settlement that has a reasonable number of facilities and services within it, the appeal site is located a significant distance from that settlement boundary, and the main access into Markfield from the site would be along Thornton Lane. At my site visit, I observed that Thornton Lane is a busy highway with no street lighting in the area of the site and a separate footway only on one side, which changes sides between the appeal site and Markfield settlement boundary.'*

*'Although the appellant has suggested that, as part of the development, the footway along the lane would be extended past the appeal site, this would be likely to not only further erode the rural character and appearance of the lane in that area but would not prevent those wishing to walk into Markfield having to cross busy roads to do so. As such, it would not increase the attractiveness of walking into Markfield sufficiently to significantly reduce the use of the private car by future residents of the proposed dwellings. Furthermore, it appears to me that in order to access the nearest bus stops it would be necessary to walk along Thornton Lane towards Markfield and the lane does not offer any safe routes for cyclists, providing no street lighting in that area. I therefore find that the appeal site is not in a sustainable location.'*

- 8.29. Given the proximity of the appeal site, opposite the application site, it is considered the appeal decision provides a comparable assessment of the sustainability of the site in relation to the access to day-to-day facilities, services and sustainable modes of transport.
- 8.30. In the context of the NPPF, the application would boost housing supply in the area by one dwelling beyond the existing planning permission although in an unfavourable location. The development would present limited economic benefits in supporting facilities and services and temporary benefits during the construction period. Additionally, there are concerns over the environmental impacts of the proposed development and the impact on the character of the countryside.
- 8.31. In light of the above, it is considered that the previously approved developments do not set a precedent to approve the proposed development. The proposed development is also not considered to be sustainable in the context of the NPPF and there are no material considerations to indicate that the development should not be considered in accordance with the policies set out in the Development Plan.

## **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 application site is located to the south of Markfield outside of and separated from the settlement boundary. The site is within the designated countryside where new, unrestricted, residential development is not considered sustainable development.

10.2. By virtue of the bulk and massing of the proposed dwellings and the construction of a new access, the proposed development would have an urbanising and unjustified adverse impact on the open and rural character and appearance of the countryside. The proposed development is contrary to Policies DM1, DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

10.3. The existing outline planning permission on part of the application site and the new dwellings on the adjacent site were approved under a superseded policy context and do not provide justification for the approval of this development. The development has also been assessed in the context of sustainable development as set out in the NPPF and is not found to constitute sustainable development.

10.4. Notwithstanding the above, the proposed development would not have an adverse impact on highway safety or the amenity of occupiers of the neighbouring dwellings. The proposed development would provide a good standard of amenity for the future occupiers and there would be sufficient on-site car parking provision.

## **11. Recommendation**

11.1. Refuse planning permission subject to the reasons at the end of this report.

### **11.2. Reasons**

1. The application site is located outside the settlement boundary of Markfield and within the designated countryside where new, unrestricted, residential development is not considered sustainable development. Additionally, by virtue of the bulk and massing of the proposed dwellings and the construction of a prominent replacement access, the proposed development would have an urbanising and adverse impact on the visual appearance and rural character of the countryside. The proposed development is contrary to Policies DM1, DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

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

Planning Ref: 16/01058/CONDIT  
Applicant: Mr Earley  
Ward: Ambien

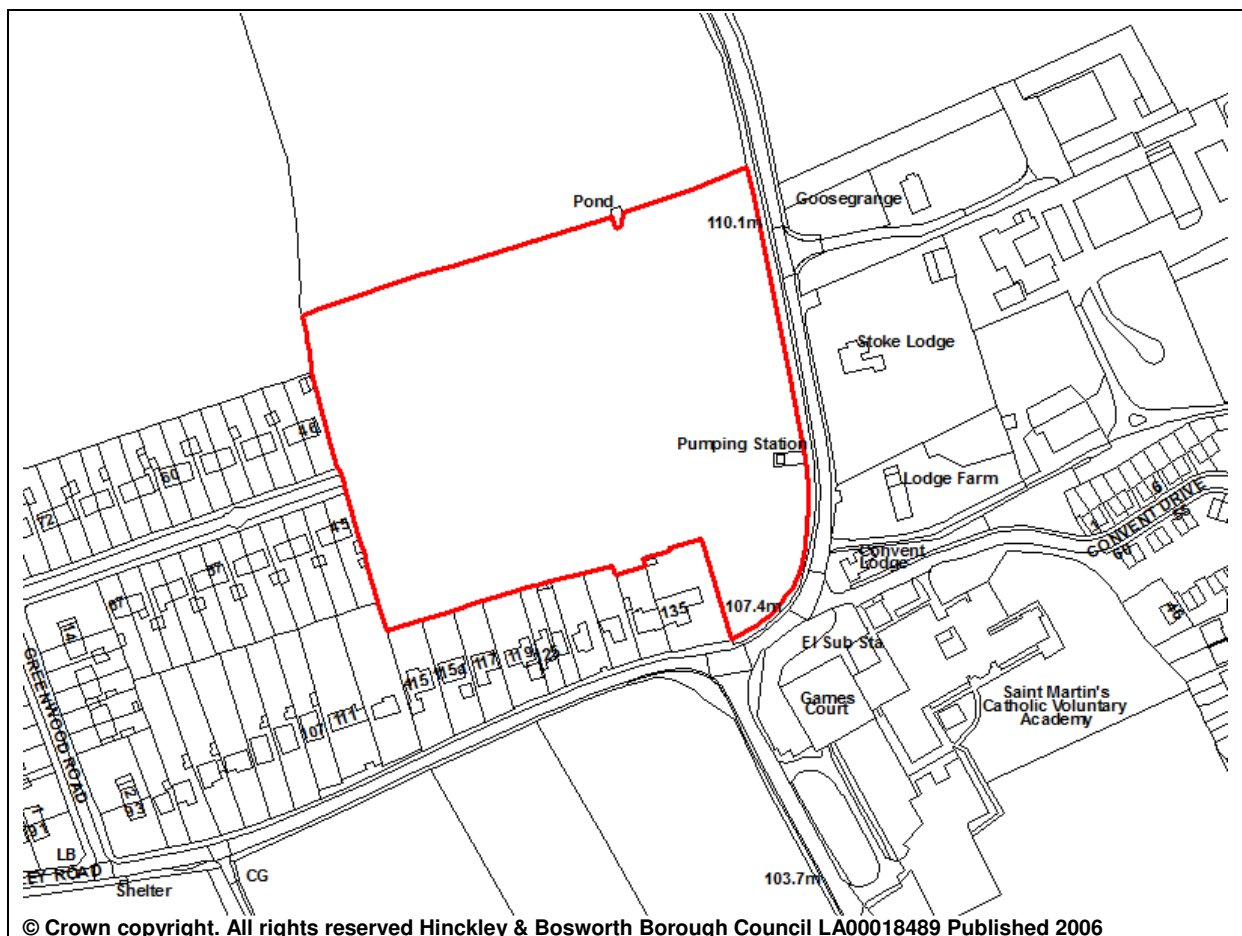


Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

Site: Land Off Hinckley Road Stoke Golding

Proposal: Variation of Condition 1 of planning permission 16/00212/CONDIT to amend siting of plots 49 - 71 with associated substitution of house types



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- The prior completion of new Section 106 agreement to link the proposed development with the planning permissions listed below and carry forward the requirements of the current legal document completed under the original outline planning permission for the scheme (ref: 14/00262/OUT).
  - 14/00262/OUT
  - 15/00073/REM
  - 16/00342/CONDIT
  - 16/00472/CONDIT
  - 16/00212/CONDIT

- 16/01058/CONDIT
- 17/00130/FUL

- 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.
- 1.3. That the Head of Planning and Development 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 is an application to vary condition 1 of planning permission 16/00212/CONDIT, which relates to the approved plans for the scheme.
- 2.2. This condition read as:

- 1) The development approved shall be carried out in accordance with the submitted details as follows:-

Dwg No. E169/P/PL01 Rev P - Site Layout Plan (amended)  
 Dwg No. HRSG-OS Rev A - Site Location Plan  
 Dwg No. E169/P/MP01 Rev D - Materials Plan  
 Dwg No. E3373/501 Rev C - Drainage Strategy Plan  
 Dwg No. MM2633.01\_B - Proposed Landscaping Plan  
 Dwg No. E169/P/BS01 Rev B - Bedroom Size Plan  
 Dwg No. E169/A/AH01 - Affordable Housing Plan  
 Dwg No. Q3492\_D - Proposed LEAP Plan  
 Dwg No. E169/P/TP01 Rev B - Tracking Plan  
 Dwg No. 2631.TPP Rev B - Proposed Tree Protection Plan  
 Dwg No. E169/P/GAR\_01 - Garage Plans and Elevations  
 Dwg No. E149/P/CARP\_01 - Carport Plans and Elevations  
 Dwg No. E169/P/BIN\_01 - Binstore Plans and Elevations  
 Dwg No. E169/P/HTAPP/01 - Appleton 2 House Type Elevations  
 Dwg No. E169/P/HTAPP/02 - Appleton 2 House Type Floor Plans  
 Dwg No. E169/P/HTDA/01 - Dalton House Type Elevations  
 Dwg No. E169/P/HTDA/02 - Dalton House Type Floor Plans  
 Dwg No. E169/P/HTDUN/01 - Dunham 2 House Type Elevations  
 Dwg No. E169/P/HTDUN/02 - Dunham 2 House Type Floor Plans  
 Dwg No. E169/P/HTRUF/01 - Rufford 2 Plus House Type Elevations  
 Dwg No. E169/P/HTRUF/02 - Rufford 2 House Type Floor Plans  
 Dwg No. E169/P/HTCAP/01 Rev A - Capesthorpe House Type Elevations  
 Dwg No. E169/P/HTCAP/02 - Capesthorpe House Type Floor Plans  
 Dwg No. E196/P/HTMAL/01 - Malham House Type Elevations  
 Dwg No. E196/P/HTMAL/02 - Malham House Type Floor Plans  
 Dwg No. E169/P/HTBRA/01 - Bramhall House Type Elevations  
 Dwg No. E169/P/HTBRA/02 - Bramhall House Type Floor Plans  
 Dwg No. E196/P/HTWIL/01 - Willington House Type Elevations  
 Dwg No. E169/P/HTWIL/02 - Willington House Type Floor Plans  
 Dwg No. E169/P/HTWIN/01 - Winstor House Type Elevations  
 Dwg No. E169/P/HTWIN/02 - Winstor House Type Floor Plans  
 Dwg No. N196/P/HTMOR/01 - Moreton 2 House Type Elevations  
 Dwg No. E169/HTMOR/02 - Moreton 2 House Type Floor Plans  
 Dwg No. E196/P/HTSTRA/01 - Stratford A House Type Elevations  
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Dwg No. E169/P/HTPIC/02 - Pickmere House Type Floor Plans  
 Dwg No. E196/P/HTSTA/01 - Staunton House Type Elevations  
 Dwg No. E196/P/HTSTA/02 - Staunton House Type Floor Plans  
 Dwg No. E196/P/HTEAT/01 - Eaton House Type Elevations  
 Dwg No. E196/P/HTEAT/02 - Eaton House Type Floor Plans  
 Dwg No. E196/P/HTSEV/01 - Severn House Type Elevations  
 Dwg No. E196/P/HTSEV/02 - Severn House Type Floor Plans  
 Dwg No. E196/P/HTWILSA/01 - Willington Hip House Type Elevations  
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 Dwg No. E169/HTSTADG/02 - Stratford A DG House Type Floor Plans  
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 Dwg No. E169/P/HTBRER/02 - Brereton House Type Floor Plans  
 Dwg No. E169/P/HTBUDX/01 - Budworth Extended House Type Elevations  
 Dwg No. E169/P/HTBUDX/02 - Budworth Extended House Type Floor Plans  
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 Dwg No. E169/P/HTBUDXE/02 - Chatsworth Extended End House Type Floor Plans  
 Dwg No. E169/P/HTR1/01 - R1 1 Bed House Type Floor Plans  
 Dwg No. E169/P/HTR1/02 - R1 1 Bed House Type Floor Plans

- 2.3. The residential development was originally granted under outline planning permission 14/00262/OUT and subsequent approval of reserved matters 15/00073/REM. Following this, there have been three applications to vary the scheme, including amendments to the layout and the removal of an oak tree on site.
- 2.4. The most recent variation of planning permission (ref: 16/00212/CONDIT) was granted for the removal of an oak tree to the south-east of the site on 4 November 2016.
- 2.5. This variation seeks to amend the site layout further, re-configuring a section of highway and the associated re-siting of dwellings to the north edge of the site. The scheme would result in one additional dwelling to the site, which is subject to a separate application for full planning permission for one new dwelling (17/00130/FUL).
- 2.6. Following initial concerns raised by the Local Planning Authority and Leicestershire County Council (Highways), an amended layout plan (Site Layout E169/P/PL01 Rev X) received on 27 March 2017, has been submitted for consideration.

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

- 3.1. The site was previously agricultural land, however is currently under development following the approval of the outline and reserved matters applications for the residential scheme.
- 3.2. The site is situated within Stoke Golding, and is approximately 3.1 hectares in size.

### 4. Relevant Planning History

10/00408/OUT	Residential development (outline - access only)	Refused Appeal Dismissed	20.08.2010 10.05.2010
14/00262/OUT	Residential development (outline - access only)	Permitted	27.01.2015
15/00073/REM	Application for approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 14/00262/OUT for residential development of 80 dwellings	Approval of Reserved Matters	23.12.2015
16/00212/CONDIT	Removal of condition 2 of planning permission 15/00073/REM to allow for the removal of an oak tree NT1	Permitted	04.11.2016
16/00342/CONDIT	Variation of condition 1 of planning permission 15/00073/REM to amend positioning of plots 75-80 due to the Water Main Easement with plot 76 house type substituted	Permitted	21.07.2016
16/00472/CONDIT	Variation of condition 1 of planning permission 15/00073/REM to amend plots 42-44 from 3 dwellings to 5 dwellings	Permitted	06.09.2016



## **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.
- 5.2. Representations have been received from four members of the public, raising the following objections:-
- 1) Re-location of affordable housing is not acceptable
  - 2) Adverse impact of the construction of development on neighbouring properties, in terms of noise, dust, and general disturbance
  - 3) Would result in an increase to the number of dwellings on site
  - 4) Stoke Golding does not need more houses
  - 5) Would result in parking on Sherwood Road
  - 6) Proposed housing is not integrated well on site
  - 7) Would impact on views from neighbouring properties to the site
  - 8) Would result in a loss of privacy to neighbouring properties
  - 9) No justification submitted to change the layout
  - 10) Would result in overshadowing impacts to neighbouring properties
  - 11) Would have a detrimental impact on the quality of life of residents
  - 12) The developer intends to expand the residential development into the adjoining field to the north of the site

## **6. Consultation**

- 6.1. Stoke Golding Heritage Group have objected to the application, raising the following concerns:-
- 1) The proposal would result in an increase to the number of dwellings on site
  - 2) There is no requirement for more housing within Stoke Golding
- 6.2. Leicestershire County Council (Highways) has raised no objection to the principle of the development. Final comments are awaited for the current version of the scheme. Members will be updated through Late Items.
- 6.3. No objections have been received from:-
- Stoke Golding Parish Council
  - Leicestershire County Council (Ecology)
  - Leicestershire County Council (Archaeology)
  - Leicestershire County Council (Drainage)
  - Severn Trent Water (Ltd)
  - Arboricultural Officer
  - Affordable Housing Officer
  - Environmental Health (Pollution)
  - Environmental Services (Drainage)
  - Street Scene Services (Waste)

## **7. Policy**

- 7.1. Core Strategy (2009)
- Policy 7: Key Rural Centres
  - Policy 15: Affordable Housing
  - Policy 16: Housing Density, Mix and Design
  - Policy 19: Green Space and Play Provision

- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM3: Infrastructure and Delivery
  - Policy DM4: Safeguarding the Countryside and Settlement Separation
  - Policy DM10: Development and Design
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
  - Planning Practice Guidance (PPG)

## 8. Appraisal

### 8.1. Key Issues

- Assessment against strategic planning policies
- Design, scale and layout
- Impact upon neighbouring residential amenity
- Highway considerations
- Previously imposed planning conditions
- Developer contributions
- Other matters

#### Assessment against strategic planning policies

- 8.2. Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that the NPPF is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the SADMP (2016). Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 8.3. The principle of the additional dwelling to the site is appraised under the separate application 17/00130/FUL.
- 8.4. The principle of development for existing dwellings on site has already been established through the approved outline planning permission (our ref: 14/00262/OUT). This permission was subject to the subsequent approval of reserved matters (our ref: 15/00073/REM) and S106 agreement to secure infrastructure obligations and developer contributions. These have now been approved.
- 8.5. It is therefore considered, the proposal is acceptable in principle subject to all other planning matters being addressed.

#### Design, scale and layout

- 8.6. Policy DM10 requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.7. Concerns have been raised for the proposed amended layout, in regard to the re-location of the affordable housing units, the increase in the number of dwellings, and the lack of integration of the dwellings on the site.
- 8.8. The development would result in the re-configuration of the layout to the north-west corner of the site. The scheme as approved under the reserved matters application

indicated two side roads off the main estate road through the site to the North West section. This revised layout now proposes one side road. The proposed layout would incorporate the additional dwelling proposed under application 17/00130/FUL.

- 8.9. The dwellings proposed along the northern boundary of the site are large, detached dwellings with a range of designs. The revised layout will result in the realignment and re-siting of dwellings to this northern section; however, it is considered that the proposed layout would enhance the northern boundary, providing an attractive outlook when viewed from the north of the site.
- 8.10. Further, the proposed house types and orientation on the plot would result in no overlooking, overshadowing or overbearing impacts to any future residents.
- 8.11. Therefore, the proposal would be in accordance with Policy DM10 of the SADMP in this respect.

#### Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.13. Objections have been raised in relation to the development resulting in adverse overshadowing impacts and loss of privacy to neighbouring properties.
- 8.14. The neighbouring property along the north-west boundary with the site is No. 46 Sherwood Road, which would share the boundary with Plots 63 and 49 of the development site.
- 8.15. Notwithstanding the fact that Plot 63 is subject to planning application 17/00130/FUL, given the siting of the plot to the bottom end of No. 46, and the positioning of the garage and dwelling on the plot, it is not considered to have any adverse impact on No. 46, in terms of overlooking, overshadowing or overbearing impacts.
- 8.16. The separation distance between No. 46 and the proposed Plot 49 would be a minimum of 9.5 metres. The dwelling proposed on Plot 49 would extend past the original building line of No.46, however, given the distance between the dwellings, would not result in any adverse overbearing or overshadowing impacts to this neighbour. Further, the windows that would face No. 46 from the western elevation of the dwelling proposed on Plot 49 would serve bathrooms, and thus would not result in any adverse overlooking impacts.
- 8.17. Therefore, the development would be in accordance with Policy DM10 of the SADMP in this respect.

#### Highway considerations

- 8.18. Policy DM17 of the SADMP states that all new development should in be accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.19. Concerns have been raised in regard to the development leading to an increase in on-street parking, particularly along Sherwood Road. The proposed layout demonstrates off-road parking provision for each dwelling, which reduces the need for vehicles to be parked on the road. In any case, on-street parking is not restricted within this area as it is a residential area.

8.20. The proposed layout would include the creation of a new access from the main road through the development, which would split at the north boundary of the site to serve two shared drives. It is proposed that this access is to be adopted by the Highway Authority. Leicestershire County Council (Highways) raised concerns initially with the dimensions and material composition of the proposed road. However, following the submission of the revised Site Layout Plan (E169/P/PL01 Rev X) received on 27 March 2017; LCC have confirmed that the revised layout would be acceptable and suitable for adoption, subject to the completion of a Section S38 technical appraisal.

8.21. Therefore, it is considered that the proposal is in accordance with Policies DM17 and DM18 of the SADMP.

#### Previously imposed planning conditions

8.22. It is necessary to consider whether or not it is appropriate to re-impose the original conditions attached to the permission. The original consent was subject to one condition.

8.23. Condition 1, concerns the plans for the development, which is proposed to be varied within this application. The variation would be for the replacement of the previously approved Site Layout Plan (Drg. No. E169/P/PL01/Rev P – Site Layout Plan). Therefore, the condition would be re-worded in accordance with the proposed Site Layout plan (Drg No. E169/P/PL01 Rev X) received 27 March 2017, and would be re-imposed.

#### Developer contributions

8.24. Policy 15 of the Core Strategy sets out the provision of affordable housing for new development. The Affordable Housing SPD provided further information on this.

8.25. Policy 19 of the Core Strategy and Policy DM3 of the SADMP require developers to contribute towards infrastructure, amenities and facilities where the need is created through new development.

8.26. The original outline application for the residential scheme (ref: 14/00262/OUT) was granted subject to the completion of a Unilateral Undertaking that sought developer contributions through appropriate funding for improvements to Education, Public Transport, Play and Open Space and Affordable Housing.

8.27. Given the number of variations to the original planning application, it is considered necessary for a new Section 106 agreement to be entered into to tie all previous planning permissions together. The new S106 would bring forward the terms in the original agreement.

#### Other matters

8.28. In regard to the comments concerning the noise, dust and disturbance caused through the construction of the development, all construction carried out is to be in accordance with the submitted and approved Construction Management Plan attached to condition 17, and in accordance with the hours specified in condition 4 of the original outline permission for the site (ref: 14/00262/OUT).

8.29. In regard to the comments stating that Stoke Golding does not require any more houses and that the development would result in an increase to the number of dwellings on site, this is dealt with within a separate application for planning permission (ref: 17/00130/FUL).

8.30. In regard to the comments concerning the views of the development from neighbouring properties, this is not a planning consideration and cannot be taken afforded any weight.

8.31. In regard to the comments regarding the lack of justification for the proposed amendments to the previously approved scheme, the applicant has the right to propose to vary any permission granted.

8.32. In regard to the comments concerning the developer's intention to expand the residential site to the north, any application received would be considered by the Local Planning Authority. Any permission granted would be subject to all planning matters being suitably addressed.

## **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 variation of condition 1 of planning permission 16/00212/CONDIT would be considered acceptable. The application is considered to be in accordance with Policies DM1, DM3, DM4, DM7, DM10, DM17 and DM18 of the SADMP, and the overarching principles of the NPPF, and is therefore recommended for approval, subject to conditions.

## **11. Recommendation**

11.1. **Grant planning permission** subject to:

- The prior completion of new Section 106 agreement to link the proposed development with the planning permissions listed below and carry forward the requirements of the current legal document completed under the original outline planning permission for the scheme (ref: 14/00262/OUT).

- 14/00262/OUT
- 15/00073/REM
- 16/00342/CONDIT
- 16/00472/CONDIT
- 16/00212/CONDIT
- 16/01058/CONDIT
- 17/00130/FUL

- 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. That the Head of Planning and Development 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 approved shall be carried out in accordance with the submitted details as follows:-

Dwg No. E169/P/PL01 Rev X- Site Layout Plan (received 27 March 2017)  
Dwg No. HRSG-OS Rev A - Site Location Plan  
Dwg No. E169/P/MP01 Rev D - Materials Plan  
Dwg No. E3373/501 Rev C - Drainage Strategy Plan  
Dwg No. MM2633.01\_B - Proposed Landscaping Plan  
Dwg No. E169/P/BS01 Rev B - Bedroom Size Plan  
Dwg No. E169/A/AH01 - Affordable Housing Plan  
Dwg No. Q3492\_D - Proposed LEAP Plan  
Dwg No. E169/P/TP01 Rev B - Tracking Plan  
Dwg No. 2631.TPP Rev B - Proposed Tree Protection Plan  
Dwg No. E169/P/GAR\_01 - Garage Plans and Elevations  
Dwg No. E149/P/CARP\_01 - Carport Plans and Elevations  
Dwg No. E169/P/BIN\_01 - Binstore Plans and Elevations  
Dwg No. E169/P/HTAPP/01 - Appleton 2 House Type Elevations  
Dwg No. E169/P/HTAPP/02 - Appleton 2 House Type Floor Plans  
Dwg No. E169/P/HTDA/01 - Dalton House Type Elevations  
Dwg No. E169/P/HTDA/02 - Dalton House Type Floor Plans  
Dwg No. E169/P/HTDUN/01 - Dunham 2 House Type Elevations  
Dwg No. E169/P/HTDUN/02 - Dunham 2 House Type Floor Plans  
Dwg No. E169/P/HTRUF/01 - Rufford 2 Plus House Type Elevations  
Dwg No. E169/P/HTRUF/02 - Rufford 2 House Type Floor Plans  
Dwg No. E169/P/HTCAP/01 Rev A - Capesthorpe House Type Elevations  
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Dwg No. E169/P/HTR1/02 - R1 1 Bed House Type Floor Plans

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

#### 11.5. **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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. This permission is subject to a Section 106 agreement.

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

Planning Ref: 17/00130/FUL  
Applicant: Morris Homes Ltd  
Ward: Ambien

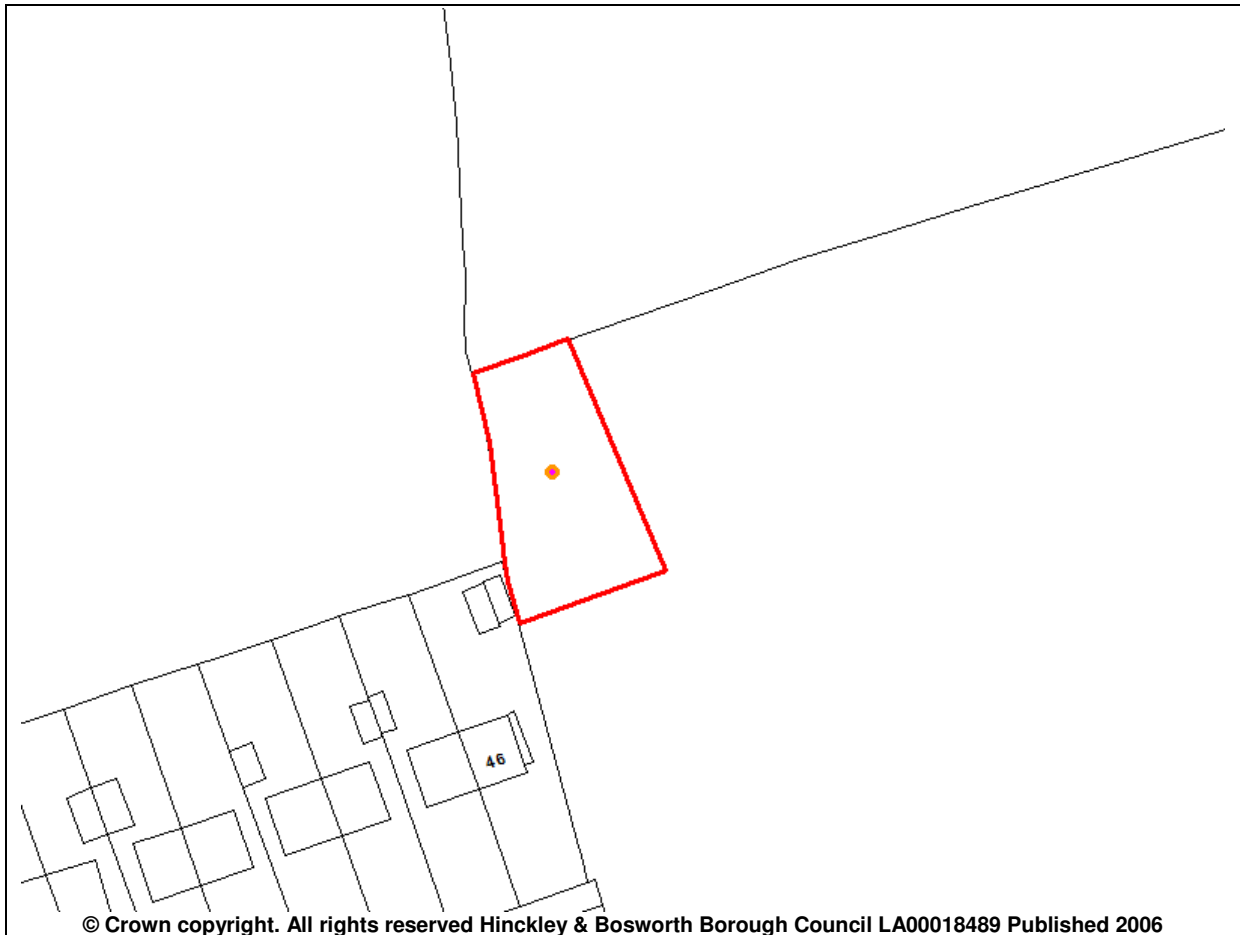


Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

Site: Land Off Hinckley Road Stoke Golding

Proposal: Erection of one new dwelling and detached double garage



## 1. Recommendations

### 1.1. Grant planning permission subject to:-

- The prior completion of new Section 106 agreement to link the proposed development with the planning permissions listed below, and carry forward the requirements of the current legal document completed under the original outline planning permission for the scheme (ref: 14/00262/OUT).
  - 14/00262/OUT
  - 15/00073/REM
  - 16/00342/CONDIT
  - 16/00472/CONDIT
  - 16/00212/CONDIT
  - 16/01058/CONDIT
  - 17/00130/FUL
- 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.
- 1.3. That the Head of Planning and Development 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 full planning permission for the erection of one new dwelling with associated landscaping. The scheme would comprise a two and a half storey, detached house with a detached double garage to serve this dwelling.
- 2.2. The site forms part of a larger residential site, that was granted outline planning permission (ref: 14/00262/OUT) on 27 January 2015 and subsequent approval of reserved matters (ref:15/00073/REM) on 23 December 2015.

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

- 3.1. The application site comprises a plot of land situated in the North West corner of a residential site that is currently under construction. The site is bounded by open fields to the north and west.
- 3.2. The site is situated within the settlement boundary of Stoke Golding.
- 3.3. The site would be accessible from an access proposed under a separate application 16/01058/CONDIT, which leads from the access previously approved under 14/00262/OUT, off Hinckley Road.

**4. Relevant Planning History**

10/00408/OUT	Residential development (outline - access only)	Refused Appeal Dismissed	20.08.2010 10.05.2010
14/00262/OUT	Residential development (outline - access only)	Permitted	27.01.2015
15/00073/REM	Application for approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 14/00262/OUT for residential development of 80 dwellings	Approval of Reserved Matters	23.12.2015
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16/00472/CONDIT	Variation of condition 1 of planning permission 15/00073/REM to amend plots 42-44 from 3 dwellings to 5 dwellings	Permitted	06.09.2016

## 6. Publicity

- 6.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 6.2. No representations have been received from members of the public for this application.

## 7. Consultation

- 7.1. Stoke Golding Parish Council has objected to the application, raising the following concerns:-
- 1) There is no requirement for more housing in Stoke Golding
  - 2) Existing village facilities and services are unable to sustain new homes
  - 3) Would result in an increase to the number of dwellings on site
- 7.2. The Affordable Housing Officer has submitted comments, stating that an additional affordable housing contribution is required, as the site relates to the wider residential scheme approved under 14/00262/OUT.
- 7.3. No objections have been received from:-
- Environmental Health (Pollution)
  - Leicestershire County Council (Drainage)
  - Leicestershire County Council (Highways)
  - Leicestershire County Council (Ecology)
  - Leicestershire County Council (Archaeology)
  - Stoke Golding Heritage Group
  - Street Scene Services (Waste)

## 8. Policy

- 8.1. Core Strategy (2009)
- Policy 7: Key Rural Centres
  - Policy 15: Affordable Housing
  - Policy 19: Green Space and Play Provision

8.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

8.3. National Planning Policies and Guidance

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

8.4. Supplementary Planning Guidance/ Documents

- Affordable Housing (SPD)

**9. Appraisal**

9.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Developer contributions

Assessment against strategic planning policies

9.2. Paragraphs 11 - 13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision taking and that the NPPF is a material consideration in determining applications. Policy DM1 of the SADMP and Paragraph 14 of the NPPF set out a presumption in favour of sustainable development, and states that development proposals that accord with the development plan should be approved. As of 1 September 2014, the minimum housing requirement for Stoke Golding has been met. Therefore, the development proposed within the current application would exceed the minimum housing requirement in Stoke Golding. Comments have been received stating that the development would be unnecessary given that there is no requirement for additional housing in Stoke Golding, and objecting to the provision of another dwelling in the area. However, the figure is a minimum figure and does not prevent the granting of permission for additional residential development within the settlement limits which are in accordance with the Development Plan.

9.3. The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

9.4. Stoke Golding is defined as a Key Rural Centre within Policy 7 of the Core Strategy, which seeks to support housing development within settlement boundaries.

9.5. The site is located within a sustainable location within the settlement boundary of Stoke Golding. The site would be bounded by residential properties to the east, south and south-west, and is within the immediate vicinity of existing bus routes, schools, local shops and other services. The proposal would contribute to the social role of sustainable development by providing 1 new dwelling towards the housing supply within the Borough. The construction of the development and its future ongoing occupation would contribute to the economic role of sustainable development by supporting the local economy both during construction and by the use of local facilities by future residents. Further, given that the siting of the plot on

an existing residential site, the proposal would not result in any additional impacts on the natural or built environment than that has been previously approved.

- 9.6. The principle of residential development of the site is considered to be sustainable and therefore acceptable in terms of strategic planning policies subject to all other planning matters being satisfactorily addressed.

Impact upon the character of the area

- 9.7. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 9.8. The proposed design of the dwelling would be Stratford A House Type, which is a large, detached, two and a half storey dwelling. There are other dwellings approved within the wider residential scheme that also incorporate the Stratford A House Type design, and therefore the proposed dwelling would relate well with the existing site in this respect.
- 9.9. The style of dwelling would be in keeping with the other large, detached dwellings along the northern boundary of the wider residential site, providing an attractive outlook from any views from the north. The siting of these other dwellings is subject to the separate application 16/01058/CONDIT.
- 9.10. Further, the proposed detached garage would be in keeping with other detached garages within the wider residential site.
- 9.11. It is therefore considered that the proposal would be in keeping with the character and appearance of the wider residential site, and would be in accordance with Policy DM10 of the SADMP in this respect.

Impact upon neighbouring residential amenity

- 9.12. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 9.13. The existing residential property along the south-east boundary of the site is No. 46 Sherwood Road. The layout of the proposal is such that the proposed dwellinghouse would be sited approximately 11 metres from this shared boundary, and the proposed garage sited within 1 metre of the shared boundary. Notwithstanding these distances, the majority of the development would be sited to rear of the rear boundary of No.46. Notwithstanding the close proximity of the proposed garage with the shared boundary, the garage would be single storey in nature and would incorporate a hipped roof. Therefore, given the proposed siting, design and scale of development, it is not considered that the proposed dwelling and garage would result in any adverse overshadowing, overbearing or overlooking impacts to this neighbouring property.
- 9.14. The neighbouring properties to the east and south of the site are subject to the separate application 16/01058/CONDIT. By virtue of the proposed siting of the dwelling and garage, it is not considered to result in any adverse overshadowing or overbearing impacts to any future neighbouring properties in this respect.
- 9.15. The proposed design of the dwelling would result in three bedroom windows facing the rear elevations of the residential properties to the south of the site. However, given the proposed separation distance of approximately 19.5 metres between the dwellings, it is not considered that any overlooking impacts to these properties would be adverse.
- 9.16. The development would therefore accord with Policy DM10 of the SADMP in this respect.

#### Impact upon highway safety

- 9.17. Policy DM17 of the SADMP states that all new development should in be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 9.18. Leicestershire County Council (Highways) has raised no objections to the application. The proposed access to the dwelling is subject to the approval of a separate application (ref: 16/01058/CONDIT). It is not considered that an erection of an additional dwelling on the site would result in any adverse impacts to highway or pedestrian safety.
- 9.19. The proposed layout demonstrates that there would be a minimum provision of three off-street car parking spaces to serve the proposed dwelling.
- 9.20. Therefore, it is considered that the development would be in accordance with Policies DM17 and DM18 of the SADMP.

#### Developer contributions

- 9.21. Policy 15 of the Core Strategy sets out the provision of affordable housing for new development. The Affordable Housing SPD provided further information on this.
- 9.22. Policy 19 of the Core Strategy and Policy DM3 of the SADMP require new residential development to contribute towards Green Space and Play Provision.
- 9.23. The original outline application for the residential scheme (ref: 14/00262/OUT) was granted subject to the completion of a Unilateral Undertaking that sought developer contributions through appropriate funding for improvements to Education, Public Transport, Play and Open Space, and an Affordable Housing contribution.
- 9.24. Comments have been received stating that the current village facilities and services cannot sustain additional housing. The proposal would increase the amount of market housing on the wider site to which the proposed new dwelling relates. Therefore, additional developer contributions are sought to provide towards Affordable Housing, Play and Open Space. A new Section 106 agreement would therefore need to be undertaken to incorporate these additional contributions and tie all previous planning permission together.

### **10. Equality Implications**

- 10.1. 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.
- 10.2. 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.
- 10.3. There are no known equality implications arising directly from this development.

## 11. Conclusion

- 11.1. The application site is in a sustainable location within a reasonable distance of services and facilities located within Stoke Golding. The proposed dwelling and garage would be in keeping with the character of the wider residential area and would not result in any significant adverse impacts on the privacy or amenity of neighbouring properties. The proposed development would therefore be in accordance with Policies 7 and 19 of the adopted Core Strategy, Policies DM1, DM3, DM10, DM17 and DM18 of the adopted SADMP and the overarching principles of the NPPF and is therefore recommended for approval subject to conditions.

## 12. Recommendation

### 12.1. Grant planning permission subject to:

- The prior completion of new Section 106 agreement to link the proposed development with the planning permissions listed below, and carry forward the requirements of the current legal document completed under the original outline planning permission for the scheme (ref: 14/00262/OUT).
  - 14/00262/OUT
  - 15/00073/REM
  - 16/00342/CONDIT
  - 16/00472/CONDIT
  - 16/00212/CONDIT
  - 16/01058/CONDIT
  - 17/00130/FUL
- Planning conditions outlined at the end of this report.

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

- 12.3. That the Head of Planning and Development be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

### 12.4. 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: Drg No. E169/P/GAR\_01 (Garage Plans and Elevations), E196/P/HTSTRA/01 (Stratford A House Type Elevations), E169/P/HTSTRA/02 (Stratford A House Type Floor Plans), and LOC 02 (Location Plan) received on 10 February 2017, as well as Drg No. E169/P/PL02 Rev A (Planning Layout) received on 27 March 2017.

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

3. Notwithstanding the submitted plans no development shall commence until full details of both hard and soft landscape works have first been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- Means of enclosure and boundary treatments
- Hard surfacing materials
- Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate
- Implementation programme

**Reason:** To enhance the appearance of the development and to protect the amenity of neighbouring properties, to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

4. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details under Condition 3 shall be carried out during the first available planting and seeding seasons (October - March inclusive) following the approval of the landscaping scheme. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

**Reason:** In the interests of visual amenity, and to ensure that the work is carried out within a reasonable period and thereafter maintained, to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

5. Prior to the commencement of development, details of the types and colours of materials to be used on the external elevations of the proposed dwelling and garages shall be submitted to 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 Policy DM10 of the Site Allocations and Development Management Policies DPD.

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 in writing 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 in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

7. Before first occupation of the dwelling hereby approved, its access drive and any turning space shall be surfaced with tarmac, concrete or similar hard bound permeable material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

**Reason:** To ensure that the development has adequate parking and turning space, and to reduce the occurrence of on-street parking, in line with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD.

## 12.5. 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area,



subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.

3. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
4. This permission is subject to a Section 106 agreement.

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

Planning Ref: 17/00053/HOU  
Applicant: Mr Ryan Farmer  
Ward: Burbage Sketchley & Stretton

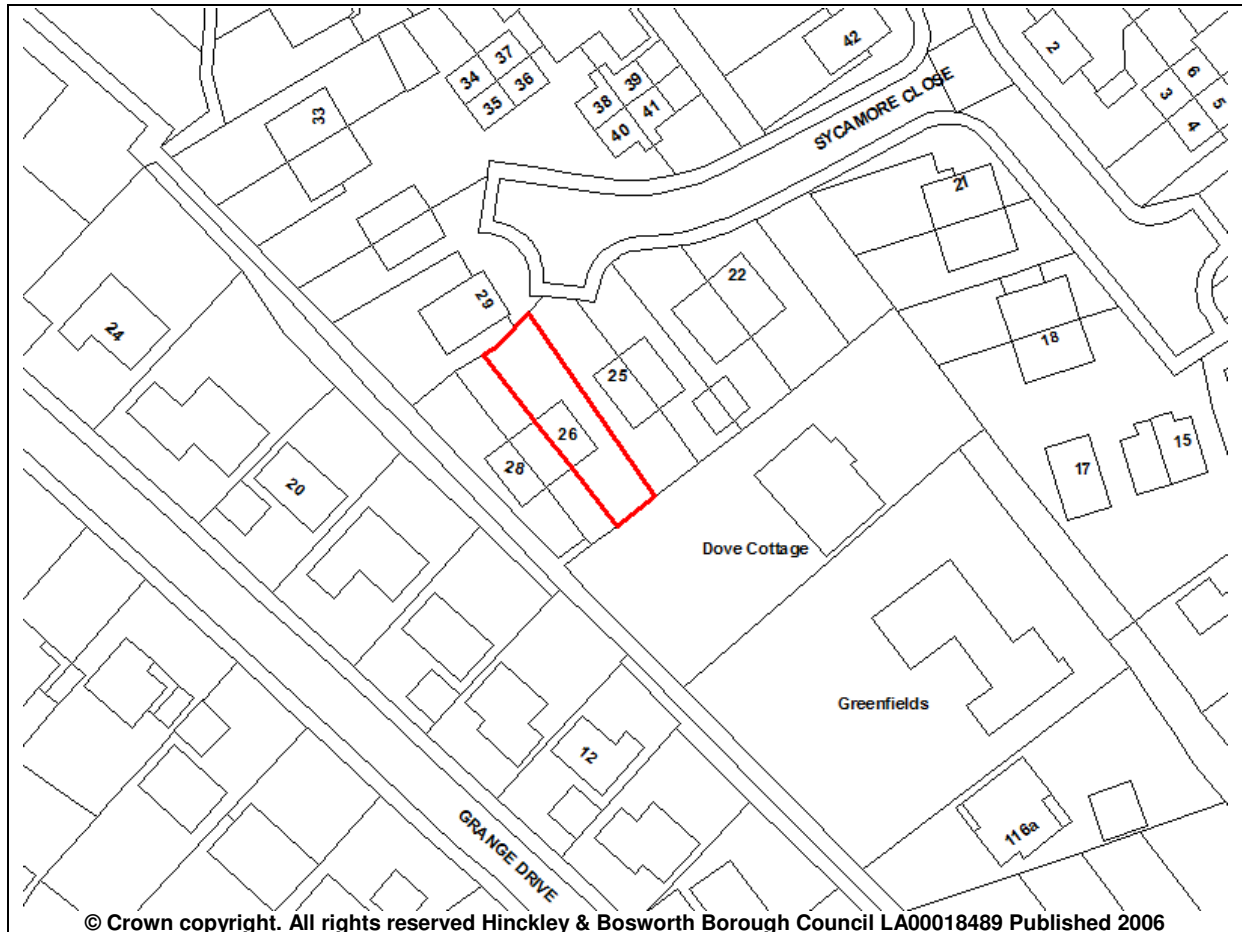
Site: 26 Sycamore Close Burbage

Proposal: Single storey rear extension (retrospective)



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*



## 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.

### 1.3. The application was deferred from the Committee of the 28 March as Members were 'minded to refuse' the application due to concerns that the development would be overbearing on the neighbouring property, no. 27 Sycamore Close.

## **2. Planning Application Description**

- 2.1. This is a retrospective application for the erection of a single storey rear extension which projects out approximately 5.5m from the rear of the original dwelling. It measures approximately 2.2m to eaves height and it has a dual pitched roof which measures approximately 3.3m to ridge height. The walls are constructed from concrete blocks and are to be rendered white. There are uPVC French doors to the rear (south east) elevation. The rainwater goods are connected into the existing mains drainage and the applicant has applied for Building Regulations approval.

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

- 3.1. The subject property is a two storey end terrace dwelling located within the settlement boundary of Burbage. The property is situated at the end of a cul-de-sac and the surrounding properties are all residential, with a mix of semi-detached and detached two storey dwellings.

## **4. Relevant Planning History**

- 4.1. None relevant.

## **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. Five letters of objection have been received with the following issues raised:

- 1) Overbearing and shadowing effect on rear of no. 27 Sycamore Close
- 2) Materials for the walls not matching those on the original property
- 3) Loss of garden area at application property
- 4) Scale of extension in relation to the original property
- 5) Rainwater goods overhanging property boundary with no. 27 Sycamore Close
- 6) Maintenance of render on elevation facing no. 27 Sycamore Close and maintenance of boundary fence
- 7) Impact on property value of no. 27 Sycamore Close
- 8) Setting a precedent for rear extensions in Sycamore Close
- 9) The application is retrospective

## **6. Consultation**

- 6.1. Burbage Parish Council has no objection to the extension itself but is unhappy that the application is retrospective.

## **7. Policy**

- 7.1. Core Strategy

- Policy 4 – Development in Burbage

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

- 7.3. National Planning Policies and Guidance

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

## **8. Appraisal**

- 8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area

- Impact upon neighbouring residential amenity
- 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 the determination of planning applications. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) DPD (2016).
- 8.3. Policy DM1 of the SADMP provides a presumption in favour of sustainable development. The policy sets out that those development proposals which accord with the development plan should be approved without delay unless material considerations indicate otherwise.
- 8.4. The application site is located within the settlement boundary for Burbage, which is a local centre and so the principle of a house extension is considered acceptable subject to all other material planning considerations being acceptable.

#### Impact upon the character of the area

- 8.5. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.6. The extension is to the rear of the property but it also extends to the side (north east) by approximately one metre. It is therefore marginally visible from the public highway but it is screened by a timber gate and fence. As it is single storey it appears subordinate to the original property. The grey concrete roof tiles match the original property but the walls are constructed of concrete blocks which are to be rendered white. Whilst render would not match the original property there are other examples of extensions incorporating white rendered walls elsewhere in the street at nos. 24 and 29.
- 8.7. The extension replaces a conservatory which was the same height but had a steeper pitch and which had a solid wall set the same distance off the boundary from no. 27 Sycamore Close; the neighbouring property to the west. The extension projects out approximately 5.5 metres from the rear wall of the original property, which is approximately 2.4 metres further than the previous conservatory.
- 8.8. The extension has no adverse impact on the character of the area as viewed from the public highway. Whilst the extension projects out further to the rear it still leaves an amenity area of approximately 29m<sup>2</sup> which is considered acceptable. In addition, the extension still appears subordinate to the original property and the materials are in keeping with the existing properties in the street. The extension is therefore considered to be in accordance with Policy DM10 in relation to its impact on the existing property and character of the surrounding area.

#### Impact upon neighbouring residential amenity

- 8.9. In terms of impact on neighbouring amenity, Policy DM10 of the SADMP states that proposals should not adversely affect the occupants of the neighbouring properties.
- 8.10. The extension is single storey and has no windows overlooking either no. 27 or no. 25 Sycamore Close. Objections received in connection with to the application consider the extension to be overbearing on no. 27 Sycamore Close, resulting in an overshadowing effect and loss of daylight to the only ground floor window on the rear elevation, which serves an open plan living/kitchen/dining area. The window is approximately 0.6 metres from the boundary fence and 0.8 m from the side elevation of the extension. The height of the boundary fence is approximately 1.8

metres and the eaves of the extension are therefore only slightly higher, which was also the case for the solid wall of the conservatory which this extension replaces. Furthermore, the pitch of the roof on the extension is shallower than the pitch of the roof of the previous conservatory; therefore slightly reduces the impact in terms of overshadowing effect and loss of light to the neighbouring property.

- 8.11. Given the above, it is considered that any loss of light to the rear of no. 27 is comparable to that resulting from the existing boundary fence and the previous conservatory wall. With regard to shadowing effect, the gardens of no. 26 and no. 27 face south east and so there is little sunlight lost to the rear of no. 27 throughout the day. It is considered that there would be no adverse impact on no. 25 as the extension is approximately 1 metre from the boundary with no.25 and approximately 3.5 metres from the gable wall of no. 25. Furthermore, there is a 1.8 metre boundary fence between the two properties.
- 8.12. The shadowing effect and loss of daylight to no. 27 Sycamore Close is not considered to be significantly adverse. However, following concerns raised by the Planning Committee additional mitigation measures are proposed in the form of an increase in the height of the boundary fence in order to screen the extension when viewed from the garden of no. 27 Sycamore Close. As the overbearing effect can be mitigated by condition, the extension is considered to be in accordance with Policy DM10 of the SADMP in relation to the impact on the amenity of neighbouring properties.

#### Other issues

- 8.13. Concerns have been raised that the rainwater goods overhang the property boundary and in relation to the future maintenance of the render on the extension, but these are not material planning considerations and therefore cannot be considered in the determination of the planning application. It has been confirmed following a site visit that the rainwater goods do not overhang the property boundary and so a trellis could be erected as is proposed to screen the extension from no. 27.
- 8.14. Concerns have also been raised in relation to the impact of the extension on the market value of no. 27 Sycamore Close but again this is not a material planning consideration.
- 8.15. Objectors have also raised concerns that granting planning permission for this extension will set a precedent in Sycamore Close for similar extensions. Each planning application is determined on its own merits and granting permission for this extension to no. 26 does not guarantee approval for similar extensions to other properties in the street.
- 8.16. The concerns raised in relation to the application being retrospective are also not a material planning consideration. Retrospective applications are a permitted means of regularising unauthorised development and they must be determined on their own merits as if the development had not yet occurred.

## **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.

10. There are no known equality implications arising directly from this development.

### **Conclusion**

10.1. The extension does not have an adverse impact on the character of the streetscape. The extension by virtue of the fact that it replaces an existing extension and has a low eaves line, with a roof that pitches away from the neighbouring properties is also not considered to result in an adverse affect on the amenity of the adjoining properties.

10.2. The application has previously been considered by the Planning Committee on 28 March. Changes were sought to mitigate any overbearing impact on the neighbouring property, no. 27 Sycamore Close, and it is considered that the erection of a trellis on the boundary fence would mitigate the overbearing effect. Related to this, clarification was sought as to whether the rainwater goods overhung the property boundary and it is confirmed by Officers that there is no overhang. The application is therefore considered to be in accordance with Policy DM10 of the SADMP and it 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 delegated powers to determine the final detail of planning conditions.

#### **11.3. Conditions and Reasons**

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Application Form, Site Location Plan #00183168-E1FFF0 (scale 1:1250), Block Plan #00183166-4475DD (scale 1:200), Proposed Elevations (scale 1:100) and Existing and Proposed Floorplan received by the Local Planning Authority on 16 January 2017.

**Reason:** To ensure a satisfactory impact of the development to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

2. Within three months of the date of this permission details of an enlarged boundary treatment along the boundary with no.27 Sycamore Close shall be submitted to and approved in writing by the local planning authority. Once approved the work shall be carried out within three months of the date of this permission and retained as such in perpetuity.

**Reason:** To ensure that the amenity of surrounding residents is not adversely affected in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

#### **11.4. Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.

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## PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 07.04.17

**WR - WRITTEN REPRESENTATIONS**

**IH - INFORMAL HEARING**

**PI - PUBLIC INQUIRY**

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
	SF	16/01003/OUT (PINS Ref 3173191)	WR	Mr & Mrs Raynor Hill Rise Station Road Desford	Land Adj Hill Rise Station Road Desford (Two new dwellings (outline - access and layout))	Awaiting Start Date	
	CA	16/00973/HOU (PINS Ref 3171542)	WR	Mr P Lee Hideaway Witherley Atherstone	Hideaway 4B Hunt Lane Witherley (Erection of a single storey link between the garage and the dwelling)	Awaiting Start Date	
		16/01033/HOU (PINS Ref 3171481)	WR	Mr Manjit Singh 8 Drovers Way Desford	8 Drovers Way Desford (Single storey rear extension)	Awaiting Start Date	
	CA	16/00592/OUT (PINS Ref 3169951)	WR	Mr William Richardson 295 Main Street Stanton Under Bardon LE67 9TQ	Land Adjacent To 5 Thornton Lane Stanton Under Bardon (Erection of up to 2 dwellings (outline - access only))	Awaiting Start Date	
17/00003/PP	RWR	16/00883/COU (PINS Ref 3167902)	WR	Mr Daemon Johnson 14 Landseer Drive Hinckley	23C Wood Street Hinckley (Change of use to dog day care and dog grooming centre (retrospective))	Start Date Letter <b>Final Comments</b>	15.02.17 <b>10.04.17</b>
17/00004/PP	JB	16/00674/OUT (PINS Ref 3167591)	WR	Mr & Mrs Payne Robert and Linda Oak Farm Lycheigate Lane Aston Flamville Hinckley	Oak Farm Lychgate Lane Burbage (Erection of one dwelling (outline - access, layout and scale))	Start Date Letter Statement of Case Final Comments	30.03.17 04.05.17 18.05.17

16/00037/PP	RWR	16/00113/COU (PINS Ref 3157918)	IH	Mr Fred Price c/o Agent	Land Adj. Hissar House Farm Leicester Road Hinckley LE9 8BB  (Change of use of land for gypsy/traveller site for the provision of two static caravans, one touring caravan, erection of two amenity buildings and associated infrastructure)	Start Date Awaiting Decision	21.12.16
16/00034/PP	CA	15/01243/COU (PINS Ref 3154702)	IH	Mr P Reilly and Others Good Friday Caravan Site Bagworth Road Barlestone CV13 0QJ	Good Friday Caravan Site Bagworth Road Barlestone  (Retention of five traveller pitches)	Start Date Awaiting Decision	16.11.16
16/00003/CLD	CA	15/00933/CLUE (PINS Ref 3143504)	PI	Mr Arthur McDonagh	Land To The North Of Newton Linford Lane Newtown Linford Lane Groby  (Application for a Certificate of Lawful Existing Use for a dwelling)	Start Date Awaiting Decision	12.02.16

**Decisions Received**

16/00006/ENF	CA	10/00234/UNAUTH (PINS Ref 3143502)	PI	Mr Arthur McDonagh	Land To The North Of Newton Linford Lane Newtown Linford Lane Groby  (Caravans present on land in contravention to the court order and enforcement action)	<b>WITHDRAWN</b>	<b>30.03.17</b>
17/00002/PP	RWR	16/00618/FUL (PINS Ref 3164579)	WR	Mr Daniel Luczywo 27 Church Road Nailstone Nuneaton CV13 0QH	27 Church Road Nailstone Nuneaton  (Erection of one dwelling with associated access)	<b>ALLOWED</b>	<b>05.04.17</b>

**Rolling 1 April 2017 - 7 April 2017****Planning Appeal Decisions**

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis

1	1	0	0	0	1	0	0	0	0	0	0	0	0
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**Enforcement Appeal Decisions**

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
0	0	0	0	0

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