

**Planning Committee 28 July 2020
Report of the Planning Manager**

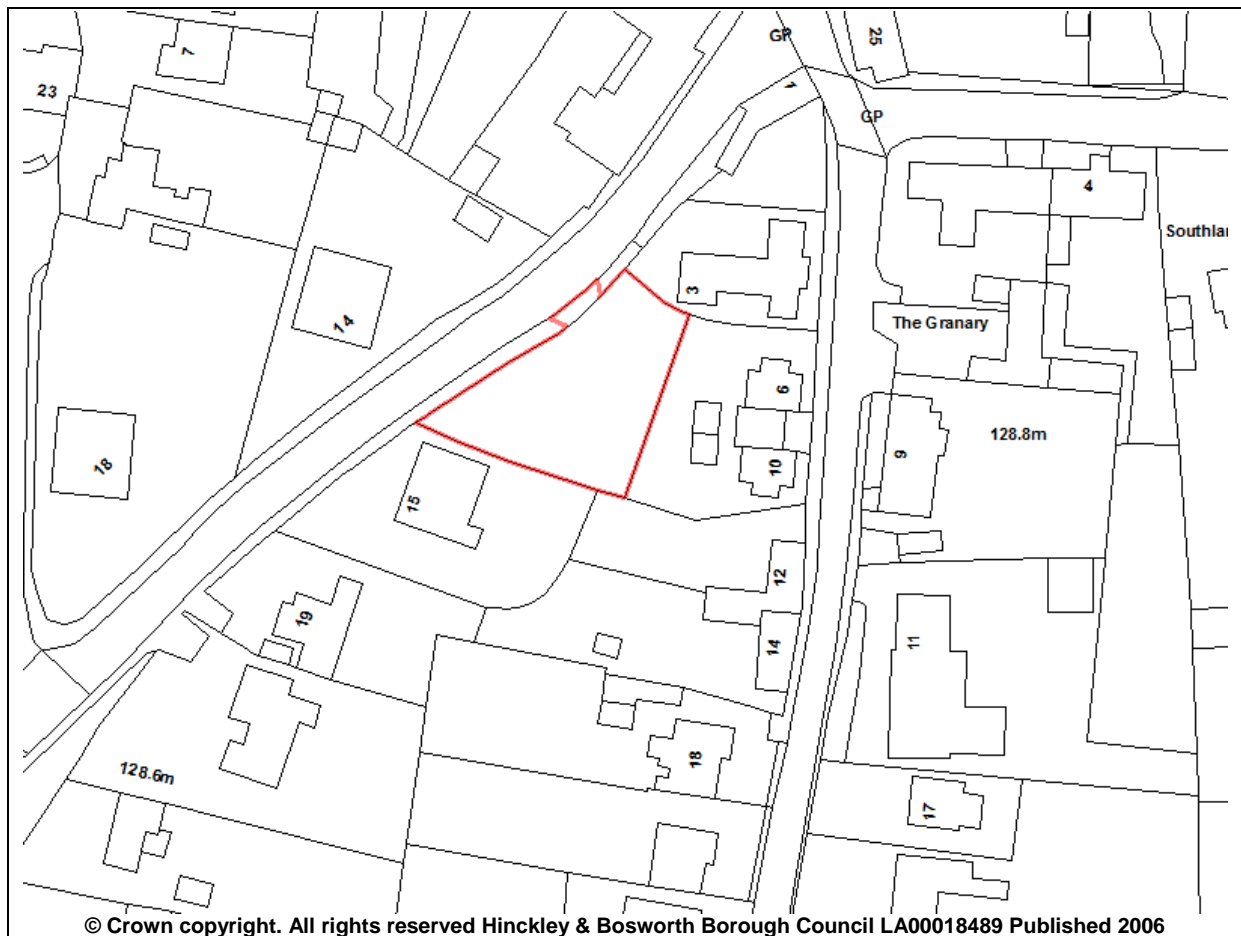


Hinckley & Bosworth
Borough Council

Planning Ref: 19/01440/FUL
Applicant: Mr & Mrs Cooper
Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: 5 Shenton Lane Market Bosworth

Proposal: Erection of one dwelling and garage with associated access (revised scheme)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

2.1. This application seeks full planning permission for the erection of a two storey three bedroom detached dwelling and attached garage together with the formation of a new access drive, parking and turning space. The proposal is a resubmission of an extant scheme for one dwelling previously approved on appeal. The main changes include amendments to the design and appearance of the dwelling, the addition of a

garage to the north east side elevation of the dwelling and amendments to the access position, parking and turning within the north eastern part of the site.

- 2.2. The proposed dwelling and attached garage would have a maximum footprint width of 20.7 metres and a maximum footprint depth of 10.9 metres. The dwelling would have a main ridge height of 7.7 metres (an increase of 0.6 metres on the approved extant scheme) and a main eaves height of 3.8 metres. The attached garage would have a lower ridge height of 5.7 metres and eaves height of 2.3 metres. The design has horizontal emphasis and includes a feature chimney, feature open pitched roof front porch, dormer windows, brick plinth, exposed rafters to eaves, scalloped tile detailing to roof and brick roof verge, headers and cills. Proposed external materials include red rustic facing bricks with blue contrasting blue brick detailing, clay roof tiles and timber windows and doors. The extant approved scheme included timber framing and rendered panels at first floor which are no longer being proposed.
- 2.3. The proposed access would be approximately 5 metres in width and is proposed to be hard surfaced with granite setts for the first 5 metres behind the highway boundary. Two off-street car parking spaces and turning space are proposed within the site. A new post and rail fence would be erected across the site frontage behind the visibility splay. An enclosed garden would be provided to the rear.
- 2.4. The previous scheme was refused on the grounds of adverse impacts on highway safety as a result of the proposed access, however, the appeal inspector found no significant harm. The access now proposed would be located slightly further to the north east but would have similar visibility splays, and would still enable vehicles to enter and leave in a forward direction as with the previously approved appeal scheme.
- 2.5. A Design and Access Statement has been submitted to support the application.
- 2.6. Amended plans have been submitted during the course of the application and re-consultation has been undertaken.

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 520 square metres and is located close to the centre of Market Bosworth on the south east side of Shenton Lane and within the designated Market Bosworth Conservation Area. It comprises a vacant plot formerly part of a garden to an adjacent dwelling and used as an allotment. The site is enclosed by 1.8 metre high close boarded and solid shiplap panel timber fencing to three sides and the remnants of a boundary hedge to the highway boundary. The ground level of the site is approximately 1 metre higher than the highway on Shenton Lane and higher than the dwellings fronting Sutton Lane to the rear.
- 3.2. To the north east of the site is a large detached bungalow constructed from red brick and dark tile and immediately to the south west is a large detached two storey bay fronted dwelling which is part brick and render and has been extended with a two-storey side extension. To the east on a lower ground level there are three dwellings in a two storey terrace and with small rear gardens.

4. Relevant Planning History

03/00573/FUL	Erection of one detached and one pair of semi detached dwellings and detached garage	Withdrawn	20.10.2003
05/01013/OUT	Erection of dwelling	Refused	23.11.2005
06/01167/OUT	Erection of two dwellings and detached garage with associated parking and access	Withdrawn	08.01.2007
11/00228/FUL	Erection of one dwelling, detached garage and formation of access	Refused Appeal Dismissed	25.05.2011 15.11.2011
12/00167/FUL	Erection of dwelling with detached garage and formation of associated vehicular access	Refused Appeal Dismissed	11.05.2012 30.05.2013
18/00378/FUL	Erection of one dwelling and associated access (Re-submitted scheme)	Refused Appeal Allowed	22.06.2018 05.06.2019

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. Responses have been received from 3 separate addresses raising objections to the scheme on the following grounds:-
- 1) Siting, layout, orientation and proximity to neighbouring properties/street scene
 - 2) Overdevelopment of site
 - 3) Loss of light to neighbouring properties due to siting, height and proximity to boundaries

6. Consultation

- 6.1. No objection has been received from:-
Environmental Health (Pollution)
Environmental Health (Drainage)
Cadent Gas
- 6.2. No objection subject to conditions has been received from:-
Leicestershire County Council (Highways)
Streetscene Services (Waste)
- 6.3. Market Bosworth Parish Council objects to the proposal on the following grounds:-
- 1) Previous extensive site history of refused applications and dismissed appeals
 - 2) Proposal is larger and more imposing than previously approved scheme resulting in overbearing impacts to both Shenton Lane and properties to the rear on Sutton Lane
 - 3) Overdevelopment/urbanisation of the site
 - 4) Proposal is contrary to Policies DM10 and DM11 of the adopted SADMP and Policy CE1 of the adopted Market Bosworth Neighbourhood Plan

- 5) Adverse impact on highway safety from congestion and volume of traffic
- 6.4. Market Bosworth Society objects to the proposal on the following grounds:-
- 1) Overdevelopment of the site, insufficient personal space
 - 2) Adverse impact on immediate area and neighbours due to relationship
 - 3) Insufficient parking and turning to serve the dwelling and adverse impacts on highway safety.
- 6.5. No response has been received from Market Bosworth Neighbourhood Forum.

7. Policy

- 7.1. Market Bosworth Neighbourhood Plan (MBNP) 2014-2026
- Policy CE1: Character and Environment
- 7.2. Core Strategy (2009)
- Policy 11: Key Rural Centres Stand Alone
 - Policy 19: Green Space and Play Provision
- 7.3. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
 - Planning (Listed Buildings and Conservation Areas) Act 1990
- 7.5. Other relevant guidance
- Market Bosworth Conservation Area Appraisal and Management Plan (2014)
 - The Good Design Guide (2020)
 - National Design Guide (2019)
 - Manual for Streets
 - Manual for Streets 2

8. Appraisal

- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the Market Bosworth Conservation Area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Infrastructure contributions
 - Other issues

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications.

Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise.
- 8.4. The development plan in this instance consists of the adopted Market Bosworth Neighbourhood Plan (MBNP) (2014-2026), the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.5. Policy 11 of the adopted Core Strategy (2009) identifies Market Bosworth as a 'Key Rural Centre' in the hierarchy of settlements within the borough. The application site lies within the settlement boundary of Market Bosworth, close to the retail centre of the village where there is good access to a range of services and facilities by sustainable transport modes and where infill residential development would generally be considered to be sustainable and therefore acceptable in terms of the strategic planning policies of the adopted Development Plan subject to all other planning matters being satisfactorily addressed.
- 8.6. Notwithstanding the above, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure. Therefore, the application should be determined in accordance with Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.7. The consideration under Paragraph 11 (d) is weighed in the balance of the merits of any application and considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework.

Design and impact upon the Market Bosworth Conservation Area

- 8.8. The application site is located close to the centre of Market Bosworth and is within the designated Market Bosworth Conservation Area. It comprises a vacant plot formerly part of a garden to an adjacent dwelling and used as an allotment. Consequently, the site is not identified as having any specific importance within the adopted Market Bosworth Conservation Area Appraisal or Management Plan (2014).
- 8.9. Objections to the scheme have been received on the grounds that by virtue of the siting, layout, orientation and proximity to neighbouring properties and the proposal being larger and more imposing than the previously approved appeal scheme, it would result in overdevelopment of the site and adverse overbearing impacts to the street scene on Shenton Lane to the detriment of Market Bosworth Conservation Area. It is also suggested that there would be insufficient personal space for the future occupiers.
- 8.10. Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 places a duty on the local planning authority in respect of conservation areas in the exercise of planning functions to require special attention to be paid to the desirability of preserving or enhancing the special character or appearance of conservation areas.

- 8.11. Policies DM11 and DM12 of the adopted SADMP seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure that the significance of a conservation area is preserved and enhanced. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.12. Policy CE1 of the adopted MBNP requires that all new development in Market Bosworth should be in keeping with its character area with regards to scale, layout and materials to retain local distinctiveness. In Character Area E (Market Bosworth Conservation Area) the roof line of any new development must respect adjoining areas and neighbouring buildings and not harm important views.
- 8.13. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 193 of the NPPF states that 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.
- 8.14. In assessing the previous appeal scheme the Inspector considered that: *'by virtue of its proposed layout, scale and design, the proposed development would preserve the local character and distinctiveness of the area and would not harm important views.'*
- 8.15. The dwelling now proposed would be set back between approximately 3 and 4 metres from Shenton Lane and would respect the building line of adjacent properties along Shenton Lane with a similar layout to that of the appeal scheme. The scale and massing of the proposed dwelling, albeit wider by virtue of the garage addition and with a 0.6 metre increase in ridge height, would infill the existing gap with built form and continue to provide a stepped roofline within the street scene between the two storey dwelling to the south west (No. 15) and the bungalow to the north east (No. 3). Notwithstanding the objections received, it is considered that by virtue of the set back and proposed ridge height the dwelling would not be over-dominant within the Shenton Lane street scene and would respect the roof lines of neighbouring buildings as evidenced by the submitted street scene drawing and in accordance with Policy CE1 of the MBNP.
- 8.16. The design of the proposed dwelling has a cottage appearance with a well balanced front elevation with small dormer windows set either side of a focal pitched roof oak framed porch. The scalloped tile detailing and exposed rafters to the roof, feature brick chimney stack, brick plinth detail, segmental arches and canted bricks cills to the windows all provide visual interest to the design of the dwelling and reflects the detailing to a number of dwellings located within the Market Bosworth Conservation Area. This detailing is continued in part along the side and rear elevations along with brick roof verge detailing and results in a good quality heritage design appropriate to its siting within the conservation area. No specific external materials have been submitted therefore a condition to require their submission for prior approval would be reasonable and necessary to ensure a satisfactory appearance. In addition, three conservation style roof lights are proposed, sited on the front and rear elevations. To ensure that there is no adverse visual impact to the conservation area caused by their installation they should be fitted flush to the roof plane with this finish secured by a condition. The garage door has been amended to a sympathetic heritage style, higher quality design that is more in keeping with the site context.

- 8.17. The site layout would provide approximately 90 square metres of private rear garden space to serve the three bedroom dwelling along with additional open areas within the site. This provision would exceed the amenity space standards within the adopted Good Design Guide. The site plan indicates a post and rail boundary treatment to the front elevation with open access for vehicles. Further details of the proposed boundary treatment to the site frontage to Shenton Lane and soft and hard landscaping can be secured by condition to ensure that the scheme would be sympathetic to the character of the area.
- 8.18. By virtue of the proposed layout, scale, design and subject to the use of sympathetic external materials, roof lights, boundary treatments and hard and soft landscaping to ensure a satisfactory appearance, the proposal would preserve the character and appearance and thus significance of the Market Bosworth Conservation Area. The proposal would therefore be in accordance with Policy CE1 of the adopted MBNP, Policies DM10, DM11 and DM12 of the adopted SADMP, Section 16 of the NPPF (2019) and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.19. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the future occupiers of proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.20. Objections have been received on the grounds that by virtue of the site layout and the size, height and proximity of the proposed dwelling and garage it would result in adverse overbearing impacts and loss of light to neighbouring properties.
- 8.21. Nos. 6, 8 and 10 Sutton Lane are a two storey terrace of dwellings located to the east of the application site. They have small rear gardens that back onto the application site and the dwellings themselves occupy a lower ground level than their rear gardens and the site. Nos. 8 and 10 have outbuildings within the rear gardens. Objections have been received in respect of the height and siting of the proposed garage and potential overbearing impacts and loss of light to these properties. Amended plans have been submitted to relocate and turn the garage such that the rear and side elevations of the garage would be at an angle to, and 1 metre from, the rear boundary. The nearest corner of the garage would be approximately 11 metres from the rear elevations of the neighbouring dwellings with an eaves height of 2.2 metres and the pitched garage roof ridge being a further 2.5 metres away at a height of 5.7 metres. The existing 1.8 metre high solid timber boundary fencing would obscure a majority of the garage walls to eaves level whilst the steep pitched roof would be visible from the neighbouring properties. However, by virtue of the single storey scale, garage orientation and separation distance, and notwithstanding the relative ground levels, it is considered that the relationship of the garage to the neighbouring properties would not result in any significant adverse overbearing impacts or loss of light to the neighbouring properties on Sutton Lane.
- 8.22. The nearest part of the proposed main dwelling would be approximately 18 metres from the rear elevation of the Sutton Lane properties. Notwithstanding that this would be less than the 21 metre separation distance between habitable room windows within the recently adopted Good Design Guide, similar to the appeal scheme the proposed dwelling would be constructed at an angle to, and therefore not face directly towards, the rear elevations of 6, 8 and 10 Sutton Lane. By virtue of the separation distances and orientation, the proposal would not result in any significant adverse overlooking between habitable room windows of the existing and proposed dwellings. There would be a minimum of 7 metres between the first floor

windows and the rear boundary between the proposed and existing dwellings on Sutton Lane which together with the existing 1.8 metre high screen fence which is to be retained would not result in any significant loss of privacy from overlooking to the garden areas of the existing dwellings.

- 8.23. 15 Shenton Lane is a two storey dwelling located to the south west of the site. It has been extended at two storey height and now extends to within a metre of the site boundary. It has two windows at ground floor facing the site serving a garage and utility room. There are no principal or habitable room windows facing the site and there are no windows in the south west side elevation of the proposed dwelling facing 15 Shenton Lane. The nearest proposed first floor rear elevation window (serving the master bedroom) would be only 2 metres from the side boundary but, similar to the appeal scheme, would face in a south easterly direction towards the rear most part of the garden to No. 15 and the neighbouring garden is screened by existing holly trees located just inside the neighbouring garden. The proposed dwelling would project approximately 4 metres beyond the rear elevation of No. 15 at a separation distance from the site boundary of 1 metre at its closest point, however, the proposal would be located to the north and by virtue of its position in relation to No. 15 would not result in any significant overbearing or overshadowing impacts on any principal or habitable room windows or the rear garden of No. 15.
- 8.24. The proposed two storey dwelling is set off the north east side boundary of the site with 3 Shenton Lane, a bungalow, by approximately 10 metres (single storey garage) and 15 metres (two storey main dwelling) and as a result would not have any significant overbearing or overshadowing impacts on the amenities of the occupiers of No. 3. There are no windows proposed in the side elevation facing No. 3 and therefore together with the retention of the existing 1.8 metre high solid timber screen fence, the proposal would not result in any loss of privacy from overlooking to the occupiers.
- 8.25. Notwithstanding that there have been previous schemes on the site that have been subject to refusal and appeal decisions. The reasons for refusal did not include grounds of adverse impacts on residential amenity. The main difference between the appeal scheme and the current scheme is the addition of a pitched roof garage which extends closer to the boundary with neighbouring properties on Sutton Lane.
- 8.26. Notwithstanding the garage addition, it is considered that by virtue of the layout, scale, design, separation distances and boundary treatments, the proposal would not result in any significant adverse overbearing, overshadowing or overlooking impacts on the privacy or amenity of the occupiers of any neighbouring properties or the future occupiers of the site. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.27. Policy DM17 of the adopted SADMP supports development proposals where they demonstrate that there is not a significant adverse impact on highway safety. All proposals for new development should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority. Policy DM18 requires new development to provide an appropriate level of parking provision. Paragraph 108 of the NPPF (2019) requires that safe and suitable access to the site can be achieved for all users. Paragraph 109 states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

- 8.28. Objections to the scheme have been received on the grounds of adverse impacts on highway safety due to congestion and volume of traffic on Shenton Lane and inadequate parking and turning provision to serve the dwelling.
- 8.29. The scheme proposes a 5 metre wide, hard-bound surfaced access with visibility splays of 2.4 metres x 39 metres to the north east and 2.4 metres x 36 metres to the south west. The scheme proposes two-off street vehicle parking spaces within the site to serve the proposed three bedroom dwelling along with turning space to allow vehicles to enter and leave the site in a forward direction. The suitability of the turning area has been evidenced by the submission of vehicle tracking details. The existing hedge is proposed to be removed and replaced with a new post and rail timber fence set back behind the proposed visibility splays. The access width, visibility splays and parking and turning provision are in accordance with the current highways design guidance to serve the proposed dwelling.
- 8.30. Objectors raise concerns on highway safety grounds in respect of traffic congestion and parking on Shenton Lane where vehicles are able to park within the proposed visibility splays. However, in allowing a recent appeal (ref: APP/K2420/W/18/3218996) the Inspector considered that
- “Whilst parking in the visibility splays would significantly reduce visibility for vehicles exiting the appeal site, the same situation would occur at other properties along Shenton Lane. Manual for Streets 2 advises that parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice.” and:*
- “other accesses along Shenton Lane which are subject to the same issues regarding parking are operating without harm to highway or pedestrian safety.”*
- “The number of vehicle movements which would be generated by the proposed development would be modest and the risk to highway and pedestrian safety low. Whilst visibility splays would be reduced by the presence of parked cars, such an occurrence is common in urban areas, including elsewhere in Market Bosworth. I therefore conclude that the proposed access would not have a significant adverse impact upon on the safety of pedestrians, cyclists and drivers using Shenton Lane, nor would the residual cumulative impacts on the traffic network be severe.”*
- 8.31. The proposed access is similar to the appeal scheme, though relocated slightly further to the north east. The current scheme has been assessed by Leicestershire County Council (Highways) who, given the Inspector’s decision on the most recent appeal, would not seek to resist the application on highway safety grounds. The Local Highway Authority is satisfied that the proposed access arrangements are adequate and the internal layout of the site would allow adequate parking and turning provision for vehicles to enter and leave the site in a forward direction to serve the proposed three bedroom dwelling. A number of conditions are recommended to secure the proposed access arrangements, visibility splays and parking and turning facilities to ensure satisfactory development in highway safety terms.
- 8.32. The proposal would not result in any significant adverse impacts on highway safety and would provide satisfactory off-street parking and turning to serve the dwelling in accordance with Policies DM17 and DM18 of the adopted SADMP and the overarching principles of the NPPF (2019).

Infrastructure contributions

- 8.33. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.34. However, following amendments to national planning guidance, in this case the proposal is for only one additional dwelling which would not have any significant impact on the quality of the existing play and open space facilities within the surrounding area. The development is considered to be acceptable in planning terms without any contribution and therefore any contribution request would not be CIL compliant. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued in this case.

Other issues

- 8.35. There is adequate space at the highway boundary to provide a collection point for refuse and recycling bins for the proposed dwelling therefore a condition to require the submission of details for approval is neither reasonable or necessary in this case.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 10.2. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.3. The application site lies within the settlement boundary of Market Bosworth close to the centre of the village with easy access to a range of services and facilities by sustainable transport means and the site also benefits from an extant permission for one dwelling. By virtue of the proposed layout, scale, design and subject to the use of sympathetic external materials to ensure a satisfactory appearance, the proposal would preserve the character and appearance and thus significance of the Market Bosworth Conservation Area and would not result in any significant adverse impacts on the residential amenities of the occupiers of any neighbouring properties or highway safety. The proposed scheme would be in accordance with Policy CE1 of the Market Bosworth Neighbourhood Plan, Policy 11 of the adopted Core Strategy and Policies DM1, DM10, DM11, DM12, DM17 and DM18 of the adopted SADMP, the overarching principles of the NPPF (2019) and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.4. Paragraph 11 of the NPPF states that that any harm identified should be significant and demonstrably out weigh the benefits of the scheme. The provision of one new dwelling would provide modest social and economic benefits, however, given that no significant harm has been identified the proposal is found to be sustainable development and is therefore recommended for full planning permission 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 Planning Manager be given powers to determine the final detail of planning conditions.

11.3. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan and Block Plan Drawing No. 05A received by the local planning authority on 10 March 2020 and Proposed Site Plan, Floor Plans and Elevations Drawing No. 03M received by the local planning authority on 7 July 2020.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwelling hereby permitted have been deposited

with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policies DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Notwithstanding the approved Proposed Elevations on Drawing No. 03M received by the local planning authority on 7 July 2020, all the proposed roof lights shall be conservation style fitted so as to be flush with the roof plane within which they are situated.

Reason: To ensure the development will have a satisfactory appearance that preserves the significance of the Market Bosworth Conservation Area in accordance with Policies DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the submitted details, no development above foundation level shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on the approved Site Layout Plan on Drawing No. 03M received by the local planning authority on 7 July 2020 have been implemented in full. The visibility splays, once provided, shall thereafter be permanently so maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be permanently so maintained at all times thereafter.

Reason: In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

8. The development hereby permitted shall not be occupied until such time as off street car parking provision with turning facilities have been provided and hard surfaced in accordance with the approved Proposed Site Layout Plan on Drawing No. 03M received by the local planning authority on 7 July 2020. Thereafter the onsite parking provision shall be permanently so maintained at all times thereafter.

Reason: To ensure that adequate off-street parking and turning provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

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

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

10. Prior to the first occupation of the dwelling hereby permitted, a drainage system shall be installed to ensure that surface water drainage from the site does not drain into the public highway and once provided shall thereafter be permanently so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraph 108 and 110 of the National Planning Policy Framework (2019).

11.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk
3. The applicant/developer's attention is drawn to the consultation response from Cadent Gas indicating the proximity and location of gas pipe apparatus to the application site and the applicant/developer's obligations and responsibilities.
4. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

5. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 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.
6. 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.