

**Planning Committee 2 February 2021
Report of the Planning Manager**

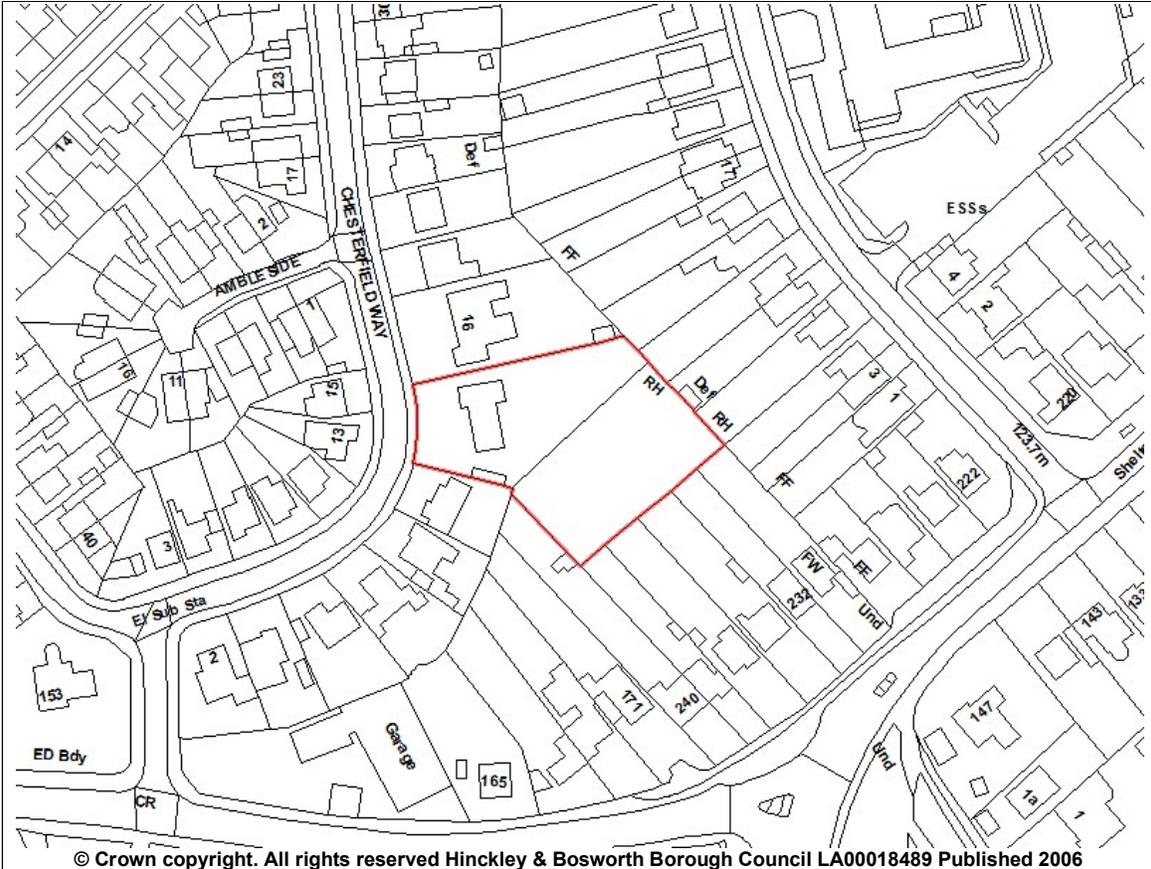
**Planning Ref: 20/00919/OUT
Applicant: Mrs Ladkin
Ward: Barwell**



**Hinckley & Bosworth
Borough Council**

Site: 14 Chesterfield Way Barwell

Proposal: Residential development for five dwellings (Outline- access and scale)



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1 Officer Update

- 1.1 This application was taken to a previous Planning Committee on the 8 December 2020. The previous report and accompanying late items are attached to this report as Appendix A and B.
- 1.2 At the committee the item was deferred to discuss reducing the number of proposed dwellings on the site with the applicant. Amended plans have been received for consideration, reducing the number of dwellings from five to four, therefore reducing the density of the development.
- 1.3 There are however concerns over the layout of the revised scheme, with the garden area to plot 3 being to the side and the position of plot 4 (previously plot 5) being closer to the boundary with the rear garden of number 240 Hinckley Road and the rear of the neighbouring property at number 12

Chesterfield Way. The repositioning of the plots leads to a poorer relationship with the surrounding neighbouring properties and with one another and would be considered contrary to Policy DM10.

- 1.4 Given the concerns with the revised layout, the amended plans do not result in a scheme that Officers consider would be acceptable and therefore the previous plans still remain the plans for consideration by Committee.

2 Recommendation

- 2.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

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

2.3 Conditions and Reasons

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) Appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) Landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges
 - c) Layout of the site including the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to lower density to edges of site and higher density along main routes

have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site location plan received 7 September 2020

Proposed access plan ref no 16/97 05 received 24 November 2020

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

4. Details of the existing and proposed ground levels of the site shall be submitted with the reserved matters application. The development shall then be implemented in accordance with these details.

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

5. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 4.8 metres for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 7.3 metre dropped crossing (8 dropped kerbs). The access once provided shall be so maintained at all times.

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).

6. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be 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).

7. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The submission of the first Reserved Matters shall be accompanied by details of the provision of bat and bird boxes within the application site in accordance with the Ecological Appraisal received 7th September 2020.

Reason: In order to provide a net gain in biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No dwelling hereby granted permission shall exceed 6.5 metres in height to the ridge.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the

adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at no time on Sundays and Public Holidays unless otherwise agreed in writing.

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

2.4 **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. 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.
3. Vegetation clearance works must either take place outside the bird-nesting season (March to July inclusive), or within 24 hours of the 'all-clear' from an appropriately qualified ecologist following a negative bird-nesting survey. Netting to prevent bird nesting may only be done with prior approval of the LPA.
4. Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the LPA and approved by the Building Control Surveyor before development is commenced. If the ground strata proves unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.

APPENDIX A

Planning Committee 8 December 2020
Report of the Planning Manager

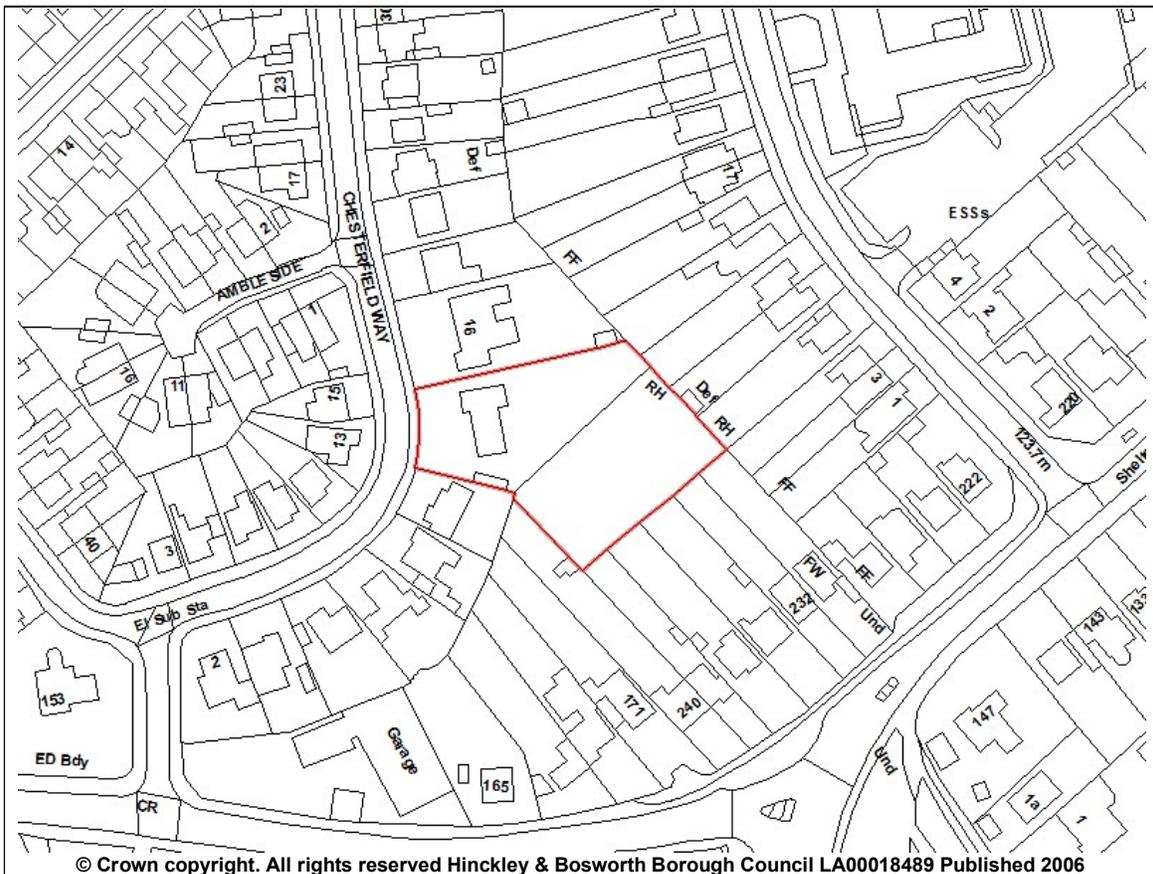
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Applicant: Mrs Ladkin
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Site: 14 Chesterfield Way Barwell

Proposal: Residential development for 5 dwellings (Outline- access and scale)



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. The application as amended seeks outline planning permission for 5 dwellings (3 x 3 bed and 2 x 2 bed) with access and scale matters for consideration. The proposed dwellings would be situated to the rear of the existing bungalow at number 14 Chesterfield Way. The scheme has been amended from five two storey

dwellings and a bungalow to three dormer bungalows and two bungalows with a maximum ridge height of 6.57 metres. An indicative layout has also been provided to indicate separation distances between the dwellings.

- 2.2. Access to the site is off Chesterfield Way to the side of number 14 and would involve the removal of the existing garage serving this property. The access width is 5 metres at the junction with Chesterfield Way, reducing to 4 metres further into the site. A bin collection point has been provided at the front of the site. Two off street parking spaces are proposed for each dwelling with the indicative plans indicating that 3 plots would have a garage as a parking space.
- 2.3. The application is accompanied by a Preliminary Ecological Appraisal.

3. Description of the site and surrounding area

- 3.1. The application site relates to an area of land to the rear of the garden of number 14 Chesterfield Way, a dormer bungalow. The site comprises mainly bramble scrub with a few trees. The site borders the rear gardens of neighbouring residential properties on Chesterfield Way, Hinckley Road and Belle Vue Road, separated from these properties by boundary trees and fencing. The site is within the settlement boundary for Barwell. There is a mix of single storey and two storey properties in the area.

4. Relevant planning history

None

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. As a result of the public consultation there have been eight separate addresses raising objections to the proposal on the following grounds:

- 1) Overlooking and loss of privacy
- 2) Disturbance to local wildlife
- 3) Loss of light and overshadowing
- 4) Over development of the site
- 5) Increase in traffic
- 6) Dangerous location for the access on a tight bend
- 7) Increased demand for parking in the area
- 8) No attempt has been made to keep the design and density of the properties in keeping with the area
- 9) No loss of trees should be permitted
- 10) Houses should be bungalows or dormer bungalows not two storey
- 11) Access not wide enough for emergency vehicles
- 12) Noise pollution
- 13) Impact on surface water drainage
- 14) Air pollution causing dust and dirt particles over neighbouring properties
- 15) Damage to boundary fences
- 16) Current site provides a measure of security to the garden

- 5.2. After receiving the amended plans the application was re-publicised with a further two objection letters being received making the following points:

- 1) Still overdevelopment of the site
- 2) Impact on wildlife
- 3) Overlooking
- 4) Loss of light and outlook

- 5.3. Councillor Roberts objects to the application on the following grounds:
- 1) A single driveway width is not an acceptable entrance to a 6 house site
 - 2) It will leave the bungalow short of parking
 - 3) Too tight for dustbin lorries and definitely a fire engine to get on site because of the turning radius
 - 4) The road is narrow and on a bend even and there are a few cars parked in the road at normal times which will make entry and egress difficult

6. Consultation

- 6.1. No objection has been received from:
- LCC Highways
 - LCC Ecology
 - HBBC Environmental Services (Drainage)
 - HBBC Environmental Services (Pollution)
 - HBBC Waste (Streetscene Services)
 - HBBC S106 Monitoring Officer
- 6.2. Barwell Parish Council objects to the application on the following grounds:
- 1) Overdevelopment of the site
 - 2) Entry and exit onto narrow road which already has a problem with parked cars and inadequate parking spaces
 - 3) Difficult for refuse collectors to collect bins due to width of road
 - 4) If bins are left on the road elderly and disabled residents will not be able to pass
 - 5) Traffic problems for emergency vehicles

Barwell Parish Council raised an objection to the amended plans following the re-consultation process on the grounds of inadequate space for recycling bins, lack of parking and consideration should be given to emergency vehicles especially as the exit onto Chesterfield Way is narrow.

7. Policy

- 7.1. Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014)
- Policy 22: Development and Design
- 7.2. Core Strategy (2009)
- Policy 3: Development in Barwell
 - 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 DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)

- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highways Design Guide

8. **Appraisal**

- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety and parking
 - Drainage
 - Ecology
 - Infrastructure contributions
 - Planning balance

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. The development plan in this instance consists of the Core Strategy (2009), the Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014) and the Site Allocations & Development Management Policies (SADMP) Development Plan Document (DPD) (2016).
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Policy 3 of the Core Strategy supports residential development within the settlement boundary for Barwell.
- 8.5. However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement (450dpa) than required by the up-to-date figure using the standard methodology of 452 dwellings per annum. Notwithstanding the very limited change in housing requirements per year, the application should be determined against 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.
- 8.6. Nevertheless, using the Standard Methodology set by MHCLG, as of the 1st April 2020 the Council is able to demonstrate 5.15 years of deliverable housing supply. Therefore, this is an up to date position demonstrating that the Council is planning for its most recently calculated housing need.
- 8.7. The site is within the settlement boundary for Barwell and has good access to public transport and local services. Barwell is considered to be a key urban area for growth as set out in the Core Strategy. The principle of the development is therefore acceptable subject to other material considerations being satisfactorily addressed.

Design and impact upon the character of the area

- 8.8. Policy DM10 of the 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 the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally.
- 8.9. Policy 22 of the ESBAAP outlines that development will be permitted amongst other factors if there is no detriment to the character or appearance of the host building or the surrounding area, the siting and density respects the character and layout of the area. The design needs to respect the scale, proportions and height of the neighbouring structures and overall street scene.
- 8.10. The Good Design Guide SPD outlines that building plots should be a similar size, footprint and position to the wider context and the layout should not adversely impact upon the prevailing grain of development. Built form should be of a similar scale, mass and roof form. The proposal will be required to demonstrate that it would not result in the over intensification of the site, leading to a loss of character.
- 8.11. The site is currently scrubland and is surrounded on all sides by residential properties and bound from these properties by trees and fencing. The proposed development will therefore introduce built form into an otherwise undeveloped area of land, albeit within an urban setting. Whilst there are not any other examples of development at depth in the immediate area, the site is surrounded on all sides by existing residential development, therefore it is not considered residential development of the site would be detrimental to the character of the area on that basis.
- 8.12. This side of Chesterfield Way is mainly characterised by bungalows or dormer bungalows. The original plans proposed large two storey properties measuring up to 8 metres in height. This would have been out of character with the scale and mass of existing properties on Chesterfield Way. Dwellings of this scale would have been excessive in the context of the existing single storey dwellings in the area, including the host dwelling, and would have been clearly visible from Chesterfield Way. The revised plans show a reduction in scale of the proposed dwellings with a maximum ridge height of 6.5 metres. This is an improvement, allowing the properties to be less prominent in the street and more in keeping with the existing character of the area, when viewed from Chesterfield Way.
- 8.13. Although appearance is not a matter for consideration the design of the dwellings shown on the indicative plans are traditional in style and in keeping with the surrounding properties. Further details on the materials and the finish of the dwellings are for consideration at the reserved matters stage.
- 8.14. The properties on Chesterfield Way are mainly characterised as bungalows or dormer bungalows with relatively small rear garden areas. The character changes to the rear of the site with larger two storey properties on Hinckley Road and Belle Vue Road set in larger plots. The original indicative layout was overly dense. The six dwellings did not provide the minimum recommended rear garden space of 80m² as set out in the Good Design Guide and represented overdevelopment of the site. The revised plans show the number of dwellings reduced by one, subsequently larger gardens to the properties are achievable and the overall density of the site reduced, whilst also providing spacing between buildings more reflective of the area.
- 8.15. The indicative layout plans show how the properties could be accommodated on the site and shows the proposal set out in a formal layout with two of the properties in a line facing the other three properties also set out in a formal line. The formal layout

allows the properties to have a connection with each other and provides a layout that is similar to the properties along Chesterfield Way that are set along a formal building line. Therefore, the indicative plan demonstrates that the site can accommodate the quantum of development without disrupting the prevailing pattern of development.

- 8.16. The use of the existing access accords with the Good Design Guide, which seeks to avoid puncturing the character of the streetscene to provide an access. The use of this access maintains the existing streetscene from Chesterfield Way albeit there would be the demolition of an existing garage. However, this appears as a later addition to the host dwelling, its demolition would not alter the spacing between dwellings that characterises the area.
- 8.17. Subject to satisfactory details being received at the reserved matters stage the proposal is likely to have a minimal visual impact on the character of the area in compliance with policy DM10 of the SADMP, policy 22 of the ESBAAP and the Good Design Guide SPD.
- Impact upon residential amenity
- 8.18. Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.19. Policy 22 of the ESBAAP outlines that development will be permitted amongst other factors providing the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.20. The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise. It recommends a minimum garden length of 7 metres.
- 8.21. The initial indicative layout raised concerns over the scale and proximity of the dwellings to the rear boundary, having an over dominant impact on the rear gardens of the properties to the rear. Although positions of windows to all elevations is not for consideration there was also concern regarding overlooking due to the lack of separation distances to the rear boundaries. The revised scale, combined with the reduction in quantum of development reduces the overbearing impact and potential for overlooking and loss of privacy.
- 8.22. The indicative plans demonstrate that all the properties can provide the minimum garden length of 7 metres to their rear boundaries to ensure a minimum impact on overlooking to neighbouring properties from upper floor windows. In addition the neighbouring properties to the rear on Hinckley Road and Belle Vue Road have long rear gardens so any impact on these properties from the proposal would be minimal. The neighbouring property at number 12 Chesterfield Way has a smaller garden so is located closer to the proposal, however the reduced scale for consideration would allow for an appropriate layout to be considered at Reserved Matters that could protect residential amenity to this property.
- 8.23. The amended indicative layout demonstrates that the minimum recommended garden sizes can be achieved. However, given the likely depth of the proposed gardens (which meet minimum standards set out in the GDG (2019)) and the density of the proposal, it is recommended that permitted development rights are removed by way of a condition attached to any consent given. Whilst the proposal would result in the loss of a small amount of amenity space to the host property at number 14 Chesterfield Way this property has a reasonably sized garden and will

retain in excess of 100sq metres of amenity space in accordance with the Residential Design Guide.

- 8.24. On the original plans there was concern over the lack of separation between the dwellings demonstrated on the indicative layout, which was less than the minimum recommended 12 metres separation distances as set out in the Good Design Guide SPD. The revised indicative layout overcomes this issue demonstrating how the proposal could be accommodated whilst protecting residential amenity for potential future occupiers.
- 8.25. On the original plans there was concern over the lack of separation between the dwellings. The separation distance between the front of plot 4 and the blank two storey side elevation of plot 3 was only 7.8 metres. This is less than the minimum recommended 12 metres separation distances as set out in the Good Design Guide SPD, therefore it represented poor outlook to the front of that plot. The revised indicative layout demonstrates how the proposal of 5 dwellings can be accommodated whilst preventing any possible loss of privacy for future occupiers.
- 8.26. The proposal is not considered to adversely affect the amenities of surrounding residents and provides acceptable residential amenity for future occupiers subject to acceptable details at the reserved matters stage. The proposal would therefore be in accordance with Policy DM10 of the SADMP, policy 22 of the ESBAAP and the Good Design Guide SPD.

Impact upon highway safety and parking

- 8.27. 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.
- 8.28. Paragraph 109 of the NPPF (2019) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.29. The site would be accessed via an existing access off Chesterfield Way which is an adopted road subject to a 30mph speed limit. The proposed internal layout will not be offered for adoption and a bin collection point is proposed at the front of the site. The access width will be widened to 5 metres to accommodate the amount of development, with the Local Highway Authority (LHA) satisfied the width is suitable to accommodate the number of dwellings proposed. Whilst the access is on a bend it is not a tight bend and vehicular speeds on this road are low. The LHA do not have any concerns that the required visibility splays as set out in table DG4 of the Leicestershire Highways Design Guide cannot be achieved. The LHA checked the personal injury collisions database in the area and there have been no recorded injury collisions in the vicinity of the site within the last five years.
- 8.30. Insufficient off street parking for the dwellings was originally proposed with the length of the parking spaces shown on the indicative layout being an inadequate size. The garage sizes to the plots were also of an inadequate size to park a vehicle within. The revised layout shows 2 and 3 bedroom dwellings with increased garage sizes, demonstrating how adequate parking could be provided at the site. This is an improvement and an acceptable amount of parking for the size of the dwellings, whilst also providing suitable turning space within the site.
- 8.31. A small part of the host dwellings driveway will be lost to the development in addition to the garage. However the garage is not large enough to fit modern standards to park a car inside of it and the host dwelling has a large front driveway

that would still be able to retain three off street parking spaces to the front, which is acceptable.

- 8.32. The access width onto Chesterfield Way is 5 metres; however this narrows to 4 metres further into the site. Concerns have been raised that this is not wide enough for emergency vehicles to access the site. This is not the case as 4 metres is a suitable width for wider vehicles to enter the site with sufficient turning space for wider vehicles also provided within the site.
- 8.33. Overall the revised proposal would have a minimal impact on parking and highway safety in compliance with policies DM17 and DM18 of the SADMP.

Drainage

- 8.34. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.35. The site is located within flood zone 1 indicating a low risk of surface water flooding. The Borough Councils Drainage Officer has no objection to the proposal subject to a condition for surface water drainage details incorporating sustainable drainage principles (SUDS) shall be submitted to and approved by the local planning authority prior to commencement. It is considered this condition is reasonable to reduce flood risk and drainage issues on the site in compliance with policy DM7 of the SADMP.

Ecology

- 8.36. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation.
- 8.37. The application is accompanied by an ecology survey. Leicestershire County Council Ecology section has been consulted on the application. They are satisfied with the results of the survey which found no evidence of bats or protected species on the site. They were in agreement that the demolition of the garage has negligible or low bat potential. No further survey work or ecological mitigation is required.
- 8.38. Notwithstanding the above, LCC Ecology recommends that the proposal should provide a net gain in biodiversity. There would be some loss of habitat through tree and scrub removal however this habitat is locally common and of low ecological value. Its removal is acceptable subject to compensation through appropriate replacement planting. Replacement planting should be required as a condition as part of an ecological management plan. As landscaping is a matter reserved for consideration it is considered reasonable this should be a matter dealt with at the reserved matters stage. However the extra enhancement measures suggested in the ecology report including bat and bird boxes that would provide a net gain in biodiversity can be added as a condition to any consent granted.
- 8.39. Subject to the above recommended measures the proposal would have a minimal impact on ecology in compliance with policy DM6 of the SADMP.

Infrastructure Contributions

- 8.40. 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.
- 8.41. However, in this case the proposal is for only five additional dwellings, of a modest size which would not have any significant impact on the quality of the existing play

and open space facilities. 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 matters

- 8.42. Collection points for domestic refuse, recycling and garden waste is from the adopted highway boundary. Provision needs to be made to provide a suitable and adequate collection point at the highway boundary. It will be the responsibility of the occupiers to bring the containers to the collection point.

Planning balance

- 8.43. 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.
- 8.44. 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. 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. Paragraph 11d of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. However given that no harm has been identified, the proposal is found to be sustainable development.

9. Equality implications

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

10. Conclusion

- 10.1. The site lies within the settlement boundary for Barwell, a sustainable location which supports new residential development within the settlement boundary. The principle of the development is therefore acceptable in compliance with Core Strategy policy 3.
- 10.2. The development is of a scale and density that is appropriate for the area. The proposal would therefore maintain the character of the area. The indicative layout demonstrates that development could be accommodated without having an adverse impact on the residential amenity of neighbouring properties whilst providing a suitable living environment for future residents. A suitable access from the highway on Chesterfield Way is provided which has satisfactory visibility. Suitable parking and turning facilities are provided within the site. The proposal would have a minimal impact on drainage and ecology subject to suitable conditions. The proposal is therefore considered to comply with Site Allocations Management and Development DPD policies DM6, DM7, DM10, DM17 and DM18.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
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 - c) Layout of the site including the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to lower density to edges of site and higher density along main routes

have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site location plan received 7 September 2020

Proposed access plan ref no 16/97 05 received 24 November 2020

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

4. Details of the existing and proposed ground levels of the site shall be submitted with the reserved matters application. The development shall then be implemented in accordance with these details.

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

5. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 4.8 metres for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 7.3 metre dropped crossing (8 dropped kerbs). The access once provided shall be so maintained at all times.

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).

6. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be 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).

7. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The submission of the first Reserved Matters shall be accompanied by details of the provision of bat and bird boxes within the application site in accordance with the Ecological Appraisal received 7th September 2020.

Reason: In order to provide a net gain in biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No dwelling hereby granted permission shall exceed 6.5 metres in height to the ridge.

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

10. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at no time on Sundays and Public Holidays unless otherwise agreed in writing.

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

11.3 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. 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.
3. Vegetation clearance works must either take place outside the bird-nesting season (March to July inclusive), or within 24 hours of the 'all-clear' from an appropriately qualified ecologist following a negative bird-nesting survey. Netting to prevent bird nesting may only be done with prior approval of the LPA.
4. Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the LPA and approved by the Building Control Surveyor before development is commenced. If the ground strata proves unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.

APPENDIX B

ITEM 09

20/00919/OUT

Mrs Ladkin

Site:- 14 Chesterfield Way, Barwell

Proposal:- Residential development for 5 dwellings (Outline- access and scale)

Consultations:-

The Council is in receipt of two further letters of objection following the publication of the Committee agenda making the following points:

- 1) The density of the proposed dwellings on the site are not in keeping with the surrounding properties
- 2) If the proposal was reduced to two or three dwellings it would reduce the number of cars therefore reducing noise and pollution
- 3) The proposed dwellings are too close to the boundary resulting in noise pollution and a lack of privacy
- 4) Overdevelopment will lead to an increase in cars which could also result in inappropriate parking on pavements and grass verges
- 5) The proposed development land is higher than surrounding properties and the lack of garden space will increase flood risk in the area
- 6) None of the affected parties bothered to engage with neighbours at the time of the sale of the affected property and subsequent consolidation of number 14
- 7) The garage to plot 2 should be moved back, it is immediately adjacent to the structure at number 9 Belle Vue Road which will be a security risk
- 8) The view of the houses into our back garden will affect our value and quality of life
- 9) No provision has been made for suitable fire tender access and egress
- 10) No provision for vehicles to pass each other and no provision for visitor parking on the site
- 11) Impact on nature conservation will be huge. The ecology survey stating there is no evidence of bats is incorrect
- 12) The road, parking and services shall remain part of the property site and not adopted by the council

Comments have been received after re-publicising the application from LCC Ecology and HBBC Environmental Services (Drainage) who do not object to the revised proposal.

Appraisal:-

No additional comments are considered to be necessary from those set out in the original report.

Recommendation:-

The recommendation remains unchanged from that set out on the agenda.