

Planning Committee 10 May 2022
Report of the Planning Manager (Development Management)

Planning Ref: 21/00439/FUL

Applicant: Mr Cox

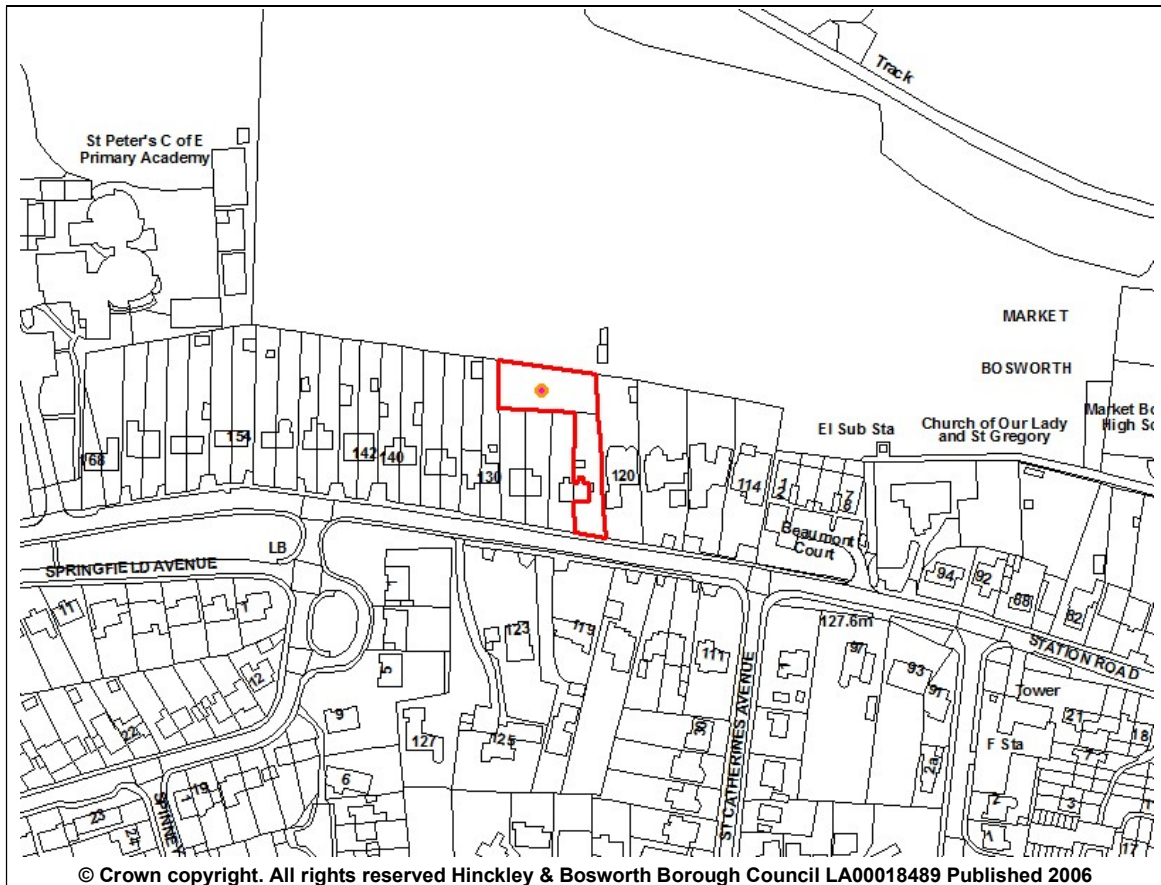
Ward: Cadeby Carlton M Bosworth & Shackerstone



**Hinckley & Bosworth
Borough Council**

**Site: Land to the Rear of 122 Station Road, Market Bosworth,
Nuneaton, Leicestershire, CV13 0NP**

**Proposal: Single dwelling with associated landscaping and alterations to existing
access**



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 was originally for a two-storey dwelling with a detached garage on land at the rear of 122 Station Road, after consultation this has since been amended. The current iteration of plans seeking permission is for a single-storey bungalow with three bedrooms and the originally-included garage has been omitted from the proposal.
- 2.2. The proposed bungalow is to be a slight L-shape with a dining area protruding from the main rectangular body of the dwelling. This bungalow will be 13.3m in length, 10.8m in width at its widest point, and 7.7m at its narrowest. The bungalow is to be around 3m in height, with the pitched roof to be another 3m roughly. Access is proposed via the east of 122 Station Road on what is currently the driveway of said property on Station Road, a porch at the side of the current property is to be removed to accommodate this new access which will be 3.75m in width.
- 2.3. The materials for the proposed development include, rendered walls with red brick quoins. The roof will consist of clay tiles, with white UPVC windows along with timber doors, a number of these windows will have brick voussoirs above with all windows and doors having brick quoins to one or both sides. The screening at the north of the site will be retained with additional landscaping being proposed to bolster the northern boundary of the site.
- 2.4. The dwelling will see a large open plan kitchen dining area with a utility room to the rear, there will also be a sitting room to the front of the house along with 3 bedrooms situated to the north of the dwelling. There will be one bathroom and one ensuite.
- 2.5. The parking arrangements will see two parking spaces in a row provided at the front of 122 Station Road to serve said dwelling, these will provide two parking slots at 5.0m x 2.5m each. The parking provision for the proposed dwelling will be provided within a turning area at the top of the proposed access road, this will see two parking spaces provided with space for additional cars if needed.

3. Description of the site and surrounding area

- 3.1. This application relates to an L-shaped site extending behind 122 Station Road, within the settlement boundary of Market Bosworth. The site at the rear extends behind 124, 126 & 128 Station Road. The properties in the immediate vicinity include semi-detached and detached two-storey dwellings. Fronting 122 Station Road is a semi-detached two-storey dwelling, the land to the rear at the north of the property is currently used to accommodate a shed and a greenhouse.

4. Relevant planning history

- None

5. Publicity

- A site notice for the property was posted 20/05/2021

6. Consultation

6.1. Objection:

Market Bosworth Parish Council – 18th May 2021

- 1.) Objected to the development, citing the plan as being contrary to the Market Bosworth Neighbourhood Plan in terms of location and design.
- 2.) Additionally, the access of the original plan was considered too narrow, this has since been amended to be 3.75m.

6.2. No objection with comments:

- 1.) LCC Highways – 25th May 2021 – referred to current standing advice provided by the Local Highway Authority dated September 2011
- 2.) HBBC Drainage – 26th May 2021 – no objection citing the need for permeable surfaces to all access roads and parking areas

6.3. No objection:

HBBC Waste – no objection

HBBC ES Pollution – no objection

LCC Ecology Unit – no objection

Severn Trent Water – no response

Bosworth Vision Planning Group – no response

6.4. Representations:

There was a total of 12 contributors to this application, 11 objections from 9 addresses and one contribution in support.

6.5. The objections are summarised below:

- 1.) Impact on privacy of private garden space of properties to the east given the proposed dwellings garden will extend along the site boundaries of neighbours
- 2.) Impact of privacy of future residents of 122 Station Road given new access via the side elevation of 122 Station Road
- 3.) Out of scale
- 4.) Access not sufficient for emergency services (since amended)
- 5.) Behind the established building line

7. Constraints

- None

8. Policy

8.1. Local Development Framework Core Strategy (2009)

- Spatial Objective 1: Strong and Diverse Economy
- Spatial Objective 11: Built Environment & Townscape Character
- Policy 7: Key Rural Centres

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

- Policy DM10: Development & Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

8.3. National Planning Policy Framework (NPPF) (2021)

8.4. Market Bosworth Neighbourhood Plan (2015)

- Policy CE1: Character and Environment

8.5. Other Relevant guidance

- Good design guide (2020)
- Leicestershire Highways Design Guide (LHDG)

9. Appraisal

9.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety and parking
- Planning balance

Assessment against strategic planning policies

- 9.2. Paragraph 2 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications.

- 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. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. The Core Strategy states that the focus of most new development will be in and around the Hinckley sub regional centre as this is where there is a concentration of services, where accessibility can be maximised and modal choice made available together with growth at number of identified sustainable settlements, including Market Bosworth.
- 9.5. The Council acknowledges that it cannot currently demonstrate a 5-year housing land supply. On 25th March 2021, ONS published the latest median housing price to median gross annual workplace based earnings ratio used in step 2 of the standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG. The application of the new ratio means that the local housing need for the Borough is now 466 dwellings per annum (using the standard method and affordability ratio and with an additional 5% buffer). The Council can demonstrate a 4.45 year supply of housing land at the current time.
- 9.6. Footnote 8 to paragraph 11 of the 2021 NPPF states that the housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five year supply of deliverable housing sites and therefore paragraph 11(d) of the NPPF is triggered. The NPPF is a material consideration. Paragraph 11(d) states:
- “Plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means:
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 9.7. The application site is located in a sustainable urban location within the settlement boundary of Market Bosworth as defined in the adopted SADMP and with reasonable access to a full range of services and facilities. The principle of residential redevelopment of the site would therefore be generally in accordance with the adopted strategic planning policies of the development plan.

Design and impact upon the character of the area

- 9.8. Policy DM10 of the adopted Site Allocations & Development Management Policies requires that the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally.
- 9.9. Spatial Objective 11 of the Local Development Framework Core Strategy seeks to safeguard the borough's distinctive built environment.

- 9.10. Policy 7: Key Rural Centres, of the Core Strategy, supports housing development within settlement boundaries that provides a mix of housing types and tenures.
- 9.11. The Market Bosworth Neighbourhood Plan: Policy CE1A: Character and Environment, states that 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.
- 9.12. The HBBC Good Design Guide states that where an existing plot is proposed to be subdivided to create additional development in 'backland' locations, this will require a clear and convincing justification in relation to its context. Some sites may be able to accommodate this type of development, whereas others will not. At a minimum, it will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise. It will also be required to demonstrate that the density is also in keeping with the prevailing character of the surrounding area.
- 9.13. The site in question is within the settlement boundary for Market Bosworth and in this respect is considered to be sustainable development. Furthermore, the development will retain the line set by the adjacent property lines of the houses along Station Road to the west and east of the applicant site. The northern boundary of the red line area is to see scattered tree planting to soften the appearance of the new dwelling towards what is currently playing fields.
- 9.14. Given its location to the rear of an existing dwelling, the proposed dwelling avoids the key characteristics of a main dwelling house and adopts a subservient appearance akin to an annex. This has come about through amendments to the original plan that was to be two stories and include a detached garage. The current iteration being considered is for a single storey dwelling with the garage omitted from the proposal.
- 9.15. The amendments made to the plan make for a more inconspicuous development. The material palette which consists of rendering with brick quoins along with a clay tiled roof would not be considered as being out of character with the existing dwellings in the surrounding area. 122 Station Road along with the majority of properties to the west of said property have a brick ground floor with a rendered first floor finished with brick quoins.
- 9.16. The material palette and style of house is considered to be acceptable and not out of character with the surrounding area and for this reason is considered to be compliant with Policy DM10 of the SADMP and Policy CE1A of the Market Bosworth Neighbourhood Plan. The considerable concerns raised around this proposal primarily centre on the location of the dwelling to the rear of an established housing group.
- 9.17. This site to the rear of 122 Station Road is now vacant, and while there is a national push for a sustainable supply of housing the 'need' for this house has been

questioned in a number of the submitted objections. The proposal has the potential to contribute to the efficient use of land. Setting such reasons aside, the need to address the minimum requirements of not detrimentally impacting neighbouring residential amenity will be considered in the relevant section below.

Impact upon neighbouring residential amenity

- 9.18. Policy DM10 of the adopted Site Allocations & Development Management Policies requires that developments do not have a significant adverse effect on the privacy and amenity of nearby residents.
- 9.19. The rear elevations of the houses along Station Road would be over 25m from the nearest elevation of the proposed dwelling which is to be the south, side elevation. This elevation is to be left blank after a number of amendments to the original proposal which was to include a small window. Furthermore, the current iteration under consideration is now to be a single-storey compared to the original plans for a two-storey dwelling with dormer windows. It is considered that such amendments go some way to addressing concerns surrounding neighbouring residential amenity and reduce any potential for overbearing development.
- 9.20. There are valid concerns of overlooking and privacy concerns surrounding what will become the private outdoor amenity space of the proposed dwelling, given this extends along the north of a number of properties rear gardens along Station Road. There is hedging along said boundary, but this is around waist height in many places, while this is a cause for concern it should be noted that previously this plot of land was used as an allotment. While a private garden may see more use than an allotment in the warmer months it is considered that the portion of land in question has been used for recreational purposes previously.
- 9.21. Additionally, the potential for overlooking or privacy concerns for any potential future occupier of 122 Station Road due to the new access road running directly adjacent to said property was raised as a potential concern during the consultation phase. However, it is considered that this aspect of privacy concerns is minimal given the access road is to serve a single dwelling and would be a consideration for said future occupier of 122 Station Road.
- 9.22. Overall, it is considered that the proposal would not have a significant adverse impact upon the residential amenity of the occupiers of the neighbouring dwellings in terms of loss of light, overlooking or overbearing nature, in accordance with Policy DM10 of the SADMP.

Impact upon highway safety and parking

- 9.23. The development proposes a number of changes to the parking arrangements for the dwelling, the existing driveway which was capable of accommodating 2 cars will now move to the west to accommodate the new access. To the front of 122 Station Road there are to be two proposed parking spaces in a vertical position like that of

the current driveway, this will serve the existing house. They are to be 5.0m x 2.5m each. There will be two further parking spaces provided for the proposed dwelling at the end of the access road at the north of the site, this will be part of a wider square paved area that measures around 12.0m x 11.0m for the purposes of a turning circle.

- 9.24. The new access road is to be 3.75m wide to accommodate the potential ingress and egress of emergency vehicles. This road will extend around 45.0m from Station Road to the back portion of the L-shaped site.
- 9.25. The visibility splays are to be 2.4 x 43.0m to the west and 2.4m x 33m to the east, LCC Highways did not object to the proposal but referred to their standing advice which seeks visibility splays of 43.0m in both directions. The visibility splay to the east falls short of this standard by 10.0m, whilst this would ideally be compliant with the guidelines set by the local highway authority, it is considered that the access that is currently sufficient for one dwelling would not see significantly more traffic movements with the addition of one dwelling to the rear of the property. Furthermore the applicant has submitted the results of a speed survey to justify the reduced requirement for a 43m visibility splay to the east.
- 9.26. The pedestrian visibility splays are to be 2.0 x 2.0m. It is considered that the development would not produce a notable increase in traffic movements on Station Road after the addition of what is to be a three bedroom bungalow.
- 9.27. The bin area is to be accommodated a maximum of 25m from the highway edge.

Planning Balance

- 9.28. The Market Bosworth Neighbourhood Plan: Policy CE1A: Character and Environment, states that 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.
- 9.29. There have been a considerable number of objections to this proposal with a total of 11 submitted. Many of the concerns raised present material planning considerations such as the impact on privacy of private garden space and concerns surrounding the proposal being out of scale and behind the established building line.
- 9.30. The proposed new access visibility splay to the east is considered to be substandard with only a 33.0m length compared to the required 43.0m. There were a number of mitigating factors such as the presence of on-street parking having the potential to slow oncoming traffic as well as the existing access being sufficient for one dwelling with the proposal unlikely to generate a notable increase in traffic movements through the access.

- 9.31. Weighed against the potential conflict with the Development Plan with regards to backland development and access requirements is the government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of one self-build dwelling which weighs in favour of the application providing a small contribution to the Borough's overall housing supply. The proposal would result in economic benefits through the construction of the scheme, creation of jobs and constructions spend, albeit for a temporary period. Additionally, the residents of the proposed development would provide ongoing support to local services. However, given the scale of the proposal this benefit is small. There are no known environmental benefits from the proposed development.
- 9.32. It is considered that the addition of one dwelling within the settlement boundary of Market Bosworth coupled with considerable amendments that address many of the concerns of the impact upon residential amenity, on balance, make for an acceptable scheme that does not contravene Policy DM10 of the SADMP nor Policy CE1A of the Market Bosworth Neighbourhood Plan.

10. Equality implications

- 10.8. 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.
- 10.9. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 10.10. There are no known equality implications arising directly from this development.
- 10.11. 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).

11. Conclusion

- 11.8. This development is utilising what is now a vacant plot within an adopted settlement boundary with the proposal not expanding upon the established residential curtilage line along Station Road.

- 11.9. While backland development such as the proposal being considered can be contentious and incongruous with the character of an area, it is considered that the amended proposal makes for a dwelling that is of an acceptable scale that is clearly subservient to the existing dwellings along Station Road. It is for this reason that the proposal is considered to be in compliance with Policy DM10 of the SADMP and Policy CE1A of the Market Bosworth Neighbourhood Plan.

12. Recommendation

- 12.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

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

12.3. **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:

Amended Elevations received by the Local Planning Authority on the 21st April 2022.

Amended Block / Site Plan received by the Local Planning Authority on the 21st April 2022.

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. 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 dwellings 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 Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A and E of Part 1 Schedule 2 of the Order shall be carried out.

Reason: To ensure continued control over the extent of further building on the site and to ensure there is no further urbanisation of character of the application site.

5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with submitted plan: Amended Site / Block Plan. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking 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 (2021).

6. No development above foundation level shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall then be implemented in the first sowing/seeding season following occupation of the dwelling.

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

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. 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 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).
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 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).